

CITY OF COACHELLA

Personnel Rules & Regulations



Adopted: January 13, 2016

Resolution No. 2016-02

These Personnel Rules & Regulations supersede all prior rules and regulations and are intended to be read in conformity with all applicable laws.

TABLE OF CONTENTS

	Page
1. INTRODUCTION	1
1.1 Public Relations	1
1.2 Equal Opportunity Employer	1
1.3 Accommodation of Disabilities	2
2. GENERAL	2
2.1 Adoption of Rules and Regulations	2
2.2 Powers of the City Manager	2
2.3 Purpose and Policy.....	2
2.4 Personnel Policy.....	3
2.5 Application of Rules and Regulations	3
2.6 Personnel Officer	3
2.7 Personnel Files and Reports.....	4
2.8 Volunteer Records	4
2.9 Violation of Personnel Rules and Regulations	4
2.10 Right to Contract for Services.....	4
2.11 Severability	5
2.12 Responsibility	5
3. DEFINITIONS	5
4. CLASSIFICATION PLAN	8
4.1 Definition and Adoption	8
4.2 Class Titles.....	8
4.3 Job Descriptions.....	8
4.4 Classification of Positions.....	9
4.5 Preparation and Maintenance.....	9
4.6 Request for and Establishment of New Positions	9
4.7 Request for Reclassification	10
5. COMPENSATION AND HOURS	10
5.1 Compensation Plan Preparation.....	10
5.2 Adoption of Compensation Plan.....	10
5.3 Administration of Compensation Plan.....	10

TABLE OF CONTENTS

(continued)

	Page
5.4 Salary At Appointment	11
5.5 Merit System.....	11
5.6 Performance Evaluation Process.....	11
5.7 Salary Following Promotion.....	12
5.8 Performance Review Date Following Promotion.....	13
5.9 Salary Following Transfer (Lateral)	13
5.10 Work Week/Work Hours	13
5.11 Recording Hours	13
5.12 Attendance	13
5.13 Job Abandonment/Automatic Resignation	14
5.14 Benefits	14
5.15 Fitness for Duty.....	14
5.16 Pay Periods.....	14
5.17 Deductions	14
5.18 Overtime Compensation and Computation.....	15
5.19 Holidays	15
5.20 Eligibility for Holiday Pay.....	16
6. EMPLOYMENT	16
6.1 Citizenship	16
6.2 Job Announcement/Application.....	16
6.3 Selection Process	17
6.4 Ineligibility or Disqualification.....	17
6.5 Examinations.....	18
6.6 Rating Initial Examinations and Qualifying Scores.....	19
6.7 Method of Filling Vacancies.....	19
6.8 Classes of Appointments.....	20
6.9 Temporary Appointment.....	20
6.10 Employment of Immediate Family	20
6.11 Continued Employment	21
6.12 Layoffs	21

TABLE OF CONTENTS

(continued)

	Page
6.13	Order of Layoffs 21
6.14	Notification of Layoffs 21
6.15	Reinstatement List 22
6.16	Transfer 22
6.17	Promotion..... 22
6.18	Pre-Employment Examinations 22
6.19	Background Investigation 22
7.	SEPARATION FROM EMPLOYMENT..... 23
7.1	Resignation or Job Abandonment..... 23
7.2	Involuntary Separation..... 23
7.3	Return of City Property..... 23
7.4	Exit Interview..... 23
8.	PROBATIONARY STATUS 23
8.1	Objective of Probationary Period..... 23
8.2	Probationary Period 24
8.3	Regular Appointment..... 24
8.4	Employee Performance Reports 24
8.5	Suspension/Demotion/Dismissal of a Probationary Employee 24
9.	SICK LEAVE 24
9.1	Sick Leave..... 24
9.2	Mandatory Sick Leave 26
9.3	Abuse of Sick Leave 26
9.4	Holidays During Sick Leave 26
9.5	Depletion of Sick Leave..... 26
9.6	Leave Chargeable to Sick Leave..... 26
9.7	On the Job Injury/Illness 27
9.8	Workers' Compensation/Disability Payments 27
9.9	Short Term/Long Term Disability 28
9.10	Off-the-Job Injury 28
10.	VACATION..... 28

TABLE OF CONTENTS

(continued)

	Page
10.1 Eligibility	28
10.2 Vacation Accrual	28
10.3 Use of Vacation.....	29
10.4 Maximum Accumulation/Cap.....	29
10.5 Cash Out of Vacation.....	29
10.6 Holidays Falling During Vacation	30
10.7 Vacation Accrual During Leave of Absence	30
11. LEAVES OF ABSENCE	30
11.1 Discretionary Leave of Absence.....	30
11.2 Family and Medical Leave.....	31
11.3 Servicemember Leave.....	36
11.4 Pregnancy Disability Leave	37
11.5 Death in Immediate Family	37
11.6 Military Leave of Absence.....	38
11.7 Military Reserve Training.....	38
11.8 Jury Duty.....	38
11.9 Voting Leave.....	38
11.10 Leave to Perform Volunteer Firefighter or Emergency Duties	39
12. EMPLOYEE BENEFITS.....	39
12.1 Retirement Plan.....	39
12.2 Disability Insurance	39
12.3 Insurance Programs.....	39
12.4 COBRA – Continuation of Health Coverage.....	39
12.5 Life Insurance	39
12.6 Deferred Compensation	40
12.7 Mileage Reimbursement/Allowance.....	40
12.8 City Employee Uniform Provision	40
13. GRIEVANCE PROCEDURE.....	40
14. PROHIBITION AGAINST DISCRIMINATION & HARASSMENT	41
15. DISCIPLINARY AND NON-DISCIPLINARY PROCEEDINGS.....	43

TABLE OF CONTENTS

(continued)

	Page
15.1	Statement of City Policy 43
15.2	Items Not Considered Disciplinary Action..... 43
15.3	Disciplinary Action..... 43
16.	EMPLOYEE RESPONSIBILITIES 50
16.1	Incompatible Activity of City Employees/Outside Employment 50
16.2	Gifts and Gratuities 51
16.3	Employee Safety 51
16.4	Insubordination 51
16.5	Political Activities of Public Employees 51
16.6	Administrative Regulations 52
16.7	Dress Standards..... 52
16.8	Conduct Standards 52
16.9	Violence & Weapons 53
16.10	Smoking Prohibitions..... 54
16.11	Drugs & Alcohol..... 54
16.12	Vehicle & Equipment Use 58
16.13	Confidential & Personal Information..... 62
16.14	Computer System Usage..... 63
17.	FILES, REPORTS AND NOTICES 68
17.1	Personnel Files and Reports..... 68
17.2	Notice of Appointments, Change of Status, Etc 68
17.3	Employee Duty to Update Personnel Information..... 68
18.	EMPLOYEE TRAINING AND EDUCATION PROGRAMS 68
19.	AMENDMENTS AND REVISIONS TO THE PERSONNEL RULES 68
19.1	Amending the Personnel Rules and Regulations 68
19.2	Notification of Amendments..... 69

1. INTRODUCTION

At no point will the provisions of these Rules and Regulations supersede the provisions of a Memorandum of Understanding between parties.

Any proposed changes to Policies affecting represented employees will be subject to meet and confer requirements.

These Personnel Rules and Regulations have been prepared to provide all employees of the City of Coachella (the “City”) with the policies and rules governing employment, employee benefits, and personnel conduct. These Rules and Regulations also help to provide for efficient and effective service to the public. The City may modify or revise these Rules and Regulations from time to time at its sole discretion. Revisions may be proposed by any employee of the City, Department Head, Human Resources, or the City Manager. The City, acting by and through the City Council, reserves the right at any time to amend, modify, alter, or terminate any of these policies, as well as any employee benefits. Human Resources will communicate any changes to the Rules and Regulations prior to implementation.

These Rules and Regulations take effect immediately and supersede all other policies and manuals previously distributed as well as any verbal representation that may have previously been made. It is not possible to anticipate every situation that may arise in the work place or to provide rules for every situation. In addition, circumstances will undoubtedly require that policies, practices and benefits described in this manual change from time to time. Nothing in these Rules and Regulations is intended to guarantee continuation of a benefit provided for in these rules, and employees should not consider any benefit to be vested. Accordingly, the City reserves the right to modify, supplement, rescind or revise any provisions of the manual from time to time as it deems necessary or appropriate in its discretion, subject to any requirements to meet and confer. Employees will be advised in writing of any changes that occur.

All City employees are expected to read, familiarize themselves with, and adhere to these Rules and Regulations. Each employee is to complete and sign an acknowledgement form after receipt. The completed form is to be returned to Human Resources for inclusion in the employee’s personnel file. Questions regarding these Rules and Regulations are encouraged and should be directed to either an employee’s supervisor or Human Resources.

1.1 Public Relations

The City’s employees are expected to carry out their job functions in a professional manner at all times, being ever mindful that as a public entity our customers are of paramount importance. To ensure employee understanding of our basic philosophy and expectations all new employees will attend a new employee orientation program.

1.2 Equal Opportunity Employer

The City is an equal opportunity employer and has zero tolerance for discrimination with regard to race, culture, color, religion, age (over 40), national origin, sex, gender identity, gender expression, sexual orientation, veteran status, mental or physical disability, socioeconomic

status, or cultural background, or any other category protected by law. This policy applies to all areas of recruitment, placement, transfer, promotion, training, compensation, and hiring practices. Any applicant who believes that the City has not complied with this policy should report concerns in writing to Human Resources for investigation and resolution.

1.3 Accommodation of Disabilities

To comply with the laws ensuring equal employment opportunities to qualified individuals with a disability, the City will make reasonable accommodations for the known physical or mental limitations of applicants who are otherwise qualified to safely perform **all of the essential functions of their position unless undue hardship** would result. Any applicant who requires an accommodation in order to perform the essential functions of the job should contact Human Resources and request such accommodation.

2. GENERAL

2.1 Adoption of Rules and Regulations

The following Rules and Regulations have been approved by the City Council by Resolution No. 2016-02.

2.2 Powers of the City Manager

In accordance with the personnel system established by ordinance, the City Manager has general control over and is responsible for the supervision of the affairs of the City. The authority delegated to the City Manager includes the following: establishing additional policies and procedures as deemed necessary; exercising control and supervision over the affairs of the City; appointing all officers, heads of departments and the employees of all City departments and removing the same. The aforementioned authority is subject to these Rules and Regulations and to those powers reserved to the City Council by City ordinance.

The City Manager may delegate the authority to appoint persons to the municipal service. Unless otherwise stated, the Human Resources Manager shall be the presumptive Personnel Officer. The Personnel Officer shall have authority to administer the classification plan and the compensation plan, as well as the authority to implement the examining program and such other aspects of the overall personnel program as necessary.

2.3 Purpose and Policy

These Rules and Regulations are adopted to promote effective and economical services to the City of Coachella and to provide a fair and equitable system of personnel management for City employees. These Rules and Regulations set forth in detail the policies and procedures which ensure equal treatment for employees, and define the obligations, rights, privileges, benefits and prohibitions placed upon or granted to all City employees.

2.4 Personnel Policy

- a. The City maintains a merit system governing personnel actions. The City is an Equal Opportunity Employer. Employment and promotion are based on merit and performance, free of personal and political considerations, and not influenced by race, color, religion, sex, gender identity, gender expression, national origin, religious creed, ancestry, age (over 40), sexual orientation, marital status, medical condition, disability, political opinion, political affiliation, veteran status, citizenship status, or any other category protected by law.
- b. Continued employment shall be subject to the employee's ability to perform the essential functions of the job with reasonable accommodation, if necessary; good behavior; the availability of funds; and/or satisfactory work performance.
- c. Department Heads may create policies and procedures more specific to each department's operations. The department policies and procedures shall not conflict with or supersede the Rules and Regulations. All department policies and procedures established by a Department Head shall be approved by the City Manager, and a copy shall be maintained by Human Resources. Similarly, the City Manager may create and adopt administrative policies and procedures, and may, from time to time, propose changes or modifications to these Rules and Regulations as necessary.
- d. As a condition of employment at the City, each employee will agree to comply with these Rules and Regulations, administrative rules and procedures established by the City Manager, and any additional rules, regulations, or directives of the department in which employed.

2.5 Application of Rules and Regulations

The presumption is that these Rules and Regulations apply to all individuals who perform work at the City. These Rules and Regulations apply to all officers and employees in competitive service at the City and other positions as designated by the City Manager.

2.6 Personnel Officer

The Human Resources Manager shall be the presumptive Personnel Officer of the City unless the City Manager designates another party. The Personnel Officer may delegate any of the powers and duties conferred upon him/her under this section to any other officer or employee of the City, or may recommend that such duties be performed under contract. The Personnel Officer shall:

- a. Administer all the provisions of the Administration and Personnel section of the Municipal Code and of the Personnel Rules and Regulations not specifically reserved to the City Council.
- b. Recommend the adoption, amendment, revision, modification or rescission of any Personnel Rules or Regulations to the City Council.

- c. Prepare or cause to be prepared a Position Classification Plan, including class specifications and prepare or cause to be prepared any revisions of the Plan; and
- d. Create appropriate policies and procedures to implement these Rules and Regulations, including, but not limited to, recruitment and selection procedures for the filling of positions in the competitive service, consistent with merit and fair employment practices.

2.7 Personnel Files and Reports

a. Personnel Files

Human Resources shall maintain a personnel file for each City employee showing the name, title of the position held, the department to which the employee is assigned, salary, changes in employment status, employee performance reviews, disciplinary actions, commendations, and such other information as may be considered pertinent. Information in the employee's personnel file is confidential and will not be revealed to outside sources except as required by law or with the consent of the employee. Upon request, an employee may inspect his or her personnel file during normal working hours. The file may not be removed. Upon written request, employees may obtain copies of materials maintained in their personnel files.

b. Change of Status Report

Every appointment, transfer, promotion, demotion, change of salary rate, and any other temporary or permanent change in the status of employees shall be reported to Human Resources in such a manner as Human Resources prescribes. Record of the status change shall be maintained in the employee's personnel file.

2.8 Volunteer Records

Each Department Head allowing volunteers in City service activities shall maintain records of such service including the name of the employee or official authorizing the service, the name of the volunteer, the nature of the service, and the time the service was performed. Information concerning each volunteer shall be provided to Human Resources in a manner and form prescribed by Human Resources.

2.9 Violation of Personnel Rules and Regulations

Each employee must comply with these Rules and Regulations and any amendments hereto. Violation of the provisions of these Rules and Regulations shall be grounds for disciplinary action, up to and including dismissal.

2.10 Right to Contract for Services

The City Manager shall consider and make recommendations to the City Council regarding the extent to which the City should contract for the performance of services. The City Council may contract with any qualified person or public or private agency for the performance of all or any City service.

2.11 Severability

If any section, subsection, sentence, clause, phrase, or portion of these Rules and Regulations is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions.

2.12 Responsibility

Each employee will be given a copy of these Rules and Regulations and is responsible for reading and complying with these Rules and Regulations.

3. DEFINITIONS

The following terms, whenever used in these Rules and Regulations, shall be defined as follows, unless otherwise indicated or unless the context otherwise requires:

ANNIVERSARY DATE shall mean for the purpose of salary consideration, the date on which an employee is eligible for a performance review. This date may change as set forth in these Rules and Regulations.

AT WILL shall mean the employee in question serves at the will and pleasure of the City Manager and may be terminated at any time with or without cause and without hearing or right of appeal. Employees designated as such will be given notice of such designation at the time of hire.

CITY shall refer to the City of Coachella, a municipal corporation, and where appropriate, refers to any duly authorized City of Coachella representative.

CITY SERVICE shall mean all positions and employment in the service of the City.

CLASS (CLASSIFICATION) shall mean a group of positions sufficiently similar in duties and responsibilities that the same title, qualifications, test of fitness and salary range can be applied. A classification can be comprised of one position.

CLASSIFICATION PLAN shall refer to the organizational mechanism used to create classes of positions in the classified service defined by class specifications, including the title, description of duties and responsibilities and qualifications.

COMPETITIVE RECRUITMENT shall mean recruitment in which one or more candidates are in competition. The competition will be against other candidates, including external candidates, or against a standard as established by the Personnel Officer.

COMPETITIVE SERVICE shall mean all regular and probationary full-time employees and positions, which are included or may be included under the personnel system by ordinance or resolution.

ELIGIBILITY LIST shall mean a current record of the names of persons who have been found qualified through suitable examination for employment in a specific class.

EMPLOYEE shall mean a person legally occupying a position in the City service. Employment status includes but is not limited to any of the following:

- a. *Regular Employee.* An employee of the City in a full-time position who has successfully completed the requisite probationary period. Regular employees shall not include part-time employees, temporary employees, seasonal employees, student interns, contract employees, or hired annuitants.
- b. *Probationary Period.* A working test period during which an employee is required to demonstrate his or her ability to perform the duties of his or her position and is subject to termination with or without cause, notice, due process, or any right to appeal. All employees are required to successfully complete a probationary period before becoming a regular employee.
- c. *Probationary Employee.* An employee of the City in a full-time position who has not successfully completed the requisite probationary period.
- d. *Full-Time Position.* A position regularly scheduling the employee to work an average of forty (40) hours or more per week.
- e. *Part-Time Position.* A position that does not regularly schedule the employee to work an average of more than thirty (30) hours per week. Part-time positions are expressly “at-will” employees, not subject to notice procedures or due process prior to discipline or termination.
- f. *Part-Time Employee.* An employee of the City in a part-time position. Part-time employees are expressly “at-will” employees, not subject to notice procedures or due process prior to discipline or termination.
- g. *Temporary Employee.* An individual hired to meet a temporary, short-term, or transitional need. Temporary employees shall not be retained for more than twelve (12) months without written approval from the City Manager or other designated representative. Unless otherwise required by policy or law, temporary employees are not entitled to City benefits. Temporary employees are expressly “at-will” employees, not subject to notice procedures or due process prior to discipline or termination.
- h. *Paid Student Intern.* An employee hired on a limited-term basis while attending college or other higher education institutions and enrolled in an approved internship program. Student Interns may work no more than part-time hours while school is in session. Student Interns may not work in excess of 1,000 hours per fiscal year. A person may not be employed as a Student Intern for more than twelve (12) months. Paid Student Interns are expressly “at-will” employees, not subject to notice procedures or due process prior to discipline or termination.
- i. *At-Will Employee.* At-will employees serve at the will of the City and have no right to notice, due process or so-called Skelly procedures, or appeal rights. At-will employees may be disciplined or terminated without notice, due process, or appeal rights.

- j. *Director-level Employee.* Director-level employees are “at will” and serve at the will and pleasure of the City pursuant to the terms of their offer letter or employment contract. City policies apply where such terms are not otherwise addressed by their contract or offer letter.

LAYOFF (REINSTATEMENT) LIST shall mean an eligible list of names of persons arranged in an order provided by these Rules, who have had regular employment status, who have been separated from the City service and are entitled to have their names preserved for future appointment.

MAJOR DISCIPLINARY ACTIONS shall include the following: a five (5) day or longer suspension, a reduction of pay of five (5) day’s salary or more, demotion, or discharge. See Section 15.3, Disciplinary Action.

MERIT SYSTEM shall mean the process whereby employment and promotion are based on performance, free from personal and political considerations, nor influenced by race, color, religion, sex, national origin, religious creed, ancestry, age, sexual orientation, gender identity, gender expression, marital status, medical condition, disability, political opinion, political affiliation, veteran status, citizenship status, or any other protected status of an individual.

ORAL BOARD shall mean an interviewing board composed of a person or persons experienced in the field of work being examined and in selection techniques.

PAY STATUS shall refer to the employee’s standing during the period in which the employee is at work, on vacation, on sick leave, on compensation leave as the result of an industrial accident, on leave with full pay in lieu of temporary disability benefits, on paid temporary military leave of absence, or on an approved leave of absence with full pay.

PERSONNEL OFFICER shall mean the Human Resources Manager or the person to whom the City Manager has delegated the authority to administer the Classification Plan and the Compensation Plan and implement the examining program and such other aspects of the overall program as are necessary.

PROBATIONARY PERIOD shall mean a working test period during which an employee is required to demonstrate his or her fitness and capability to perform the duties of the position to which appointed, by actual performance of those duties. During this period, employees serve at the will and pleasure of the City Manager and may be relieved of duty for any reason without disciplinary procedure or so-called *Skelly* rights. The probationary period for regular full-time employees is six (6) months of actual service. The probationary period for employees promoted to a new position shall be six (6) months of service. The City may, at its discretion, extend the probationary period an additional 6 (six) months.

PROMOTIONAL LIST shall mean a list of names of employees who have been found qualified for promotion to a higher position or positions.

PROMOTIONAL RECRUITMENT shall mean a recruitment open only to regular full-time and part-time employees of the City.

REAPPOINTMENT shall refer to when a former employee who had resigned, or had otherwise been separated in good standing, is reinstated. Said employee shall be eligible for reappointment by the City Manager if a position in the class previously held by such employee becomes vacant within (2) two years of his or her resignation or good standing termination. Upon reinstatement, the employee, for all purposes, shall be considered a new employee.

RECLASSIFICATION OR REALLOCATION shall mean the reassignment or change in allocation of an individual position by raising it to a higher, reducing it to a lower, or moving it to another class of the same level on the basis of significant changes identified in the kind and type of duties and responsibilities of such position.

RE-DESIGNATION shall mean a title change without significant change to compensation class or duties.

SERVICE CREDIT shall mean any benefit (e.g. retirement benefit, vacation time) received through the City based on the longevity of the employee's career with the City.

VOLUNTEER shall mean an individual who has agreed to provide a service to the City with full knowledge that monetary compensation or benefits will not be provided. Such individuals must be approved for appointment and registered by Human Resources.

VOLUNTEER RECORDS shall refer to a record kept of a volunteer's service including the name of the employee or official authorizing the service, the name of the volunteer, the nature of the service, and the time the service was performed. Related records are to be forwarded to the Human Resources Department.

Y-RATE shall mean the status of "freezing" the salary of an employee when such salary exceeds the maximum rate authorized in the Compensation Plan for the classification of a said employee.

4. CLASSIFICATION PLAN

4.1 Definition and Adoption

The Classification Plan shall consist of the class titles and class specifications for all positions in the City service as approved and listed by the City Council.

4.2 Class Titles

The class title shall be the official designation of an individual position or group of positions sufficiently similar to be grouped together as a class. Class titles shall be utilized in all official records when necessary to identify the position an employee occupies.

4.3 Job Descriptions

A job description shall provide the title and duties of each position, including a listing of illustrative examples of the duties to be performed and the qualifications necessary for consideration for appointments. A job description may include other pertinent information as deemed necessary by Human Resources. Qualifications may be stated as minimum or as

desirable and shall be revised as the need arises. Personnel qualifications, which may be unique to a position or which may be standard for appointment to any position in the City service, shall be established as required by Human Resources, or as provided for in these Rules and Regulations.

4.4 Classification of Positions

All positions in the City service shall be assigned to a class. A class may include a single position or a grouping of positions which are sufficiently similar in their duties, functions and responsibilities so that they may be identified by the same class title, use the same class specification and are equitably assigned to the same salary range.

4.5 Preparation and Maintenance

Job descriptions shall be prepared and classification of positions shall be performed by or under the direction of Human Resources or designee. The preparation and maintenance of the City's Classification Plan is the responsibility of Human Resources and the Department Head, or his or her designee, who is authorized to examine records, consult with employees regarding duties, job qualifications and responsibilities of a position, and conduct studies and collect such information as may be required to ensure that the classification is proper. It shall be the responsibility of Human Resources to recommend the establishment of new classes, or the combination, alteration or abolishment of existing classes to ensure the efficient and equitable operation of the Classification Plan.

4.6 Request for and Establishment of New Positions

When recommending the creation of a new position or class of positions, a Department Head shall propose it to Human Resources for review and comment. All proposed new positions or classes must be submitted to the City Manager for approval. Human Resources is responsible for coordinating City Manager and, ultimately, City Council approval of any proposed new position or class. No position allocated to a new class shall be filled until such new class and a corresponding assigned salary range have been approved by the City Council. Upon approval, Human Resources shall allocate such positions as are required to the new class. To initiate the process, a Department Head forwards the written request to Human Resources, which shall include:

- a. The proposed position(s), including a thorough job description(s).
- b. The perceived justification for the position(s).
- c. The proposed salary range for the position(s) with associated justification.

The Department Head shall discuss the proposed position or class with Human Resources prior to submitting the department's formal request.

4.7 Request for Reclassification

When a Department Head believes a position is not properly classified or when a significant change has been made in the duties, functions or responsibilities of a position, the Department Head may request that a classification study be performed on the positions involved. When an employee believes that his or her position is not properly classified, a request may be made in writing to the Department Head that a classification study be performed on the position. The Department Head shall forward such requests to Human Resources. All new classifications and reclassifications will be tied to the mid-year and/or annual budget adoption process.

5. COMPENSATION AND HOURS

5.1 Compensation Plan Preparation

Human Resources shall prepare a proposed Compensation Plan, showing minimum and maximum salary and wage rates for each class of positions. In arriving at proposed rates, the following shall be taken into consideration: the prevailing rates of pay and working conditions for comparable work in other public and private business, including cost of living, recommendations of Department Heads and the City's financial condition and policies. The Compensation Plan shall be subject to the approval of the City Council and can be viewed in the City's Table of Organization.

5.2 Adoption of Compensation Plan

Human Resources may conduct a salary survey at his or her discretion in order to determine prevailing wage scales in the identified labor market. The City Council shall consider the Compensation Plan and Resolution presented by Human Resources and shall make such modifications as it deems necessary. Upon adoption by the City Council, the new Compensation Plan will become effective on the date set by Council. Any other amendments made from time to time will become effective on the date set by the City Council.

5.3 Administration of Compensation Plan

The City Council shall set the Compensation Plan for the City employees. Human Resources shall administer the Compensation Plan for all other employees.

- a. Anniversary dates for the purposes of performance review and merit adjustment will fall on the hire date or the completion of probation, if applicable, with the exception of employees promoted to a higher classification. The promoted employee's annual performance evaluation date shall coincide with the date of promotion to the new position. The anniversary date of the employee shall remain unchanged for purposes of benefit accrual.
- b. New employees who successfully pass probation and promoted employees who pass their probationary period are eligible for a discretionary merit adjustment in accordance with the rating received on the performance evaluation. A performance evaluation shall be completed prior to the completion of six (6) months of the employee's probationary period (regardless of whether extended). If the employee receives a rating of

“Satisfactory” or higher, the employee is eligible to receive a merit advancement up to a single step within the salary range of the relevant position.

5.4 Salary At Appointment

All new employees shall be appointed at the minimum step of the salary range to which their class is assigned.

When the proposed employee’s education, training and experience are deemed superior and justify a salary above the minimum step, the Department Director may submit an exception request to the City Manager for his/her approval.

5.5 Merit System

The City has developed a performance evaluation tool that defines the performance standards that are expected of all City employees. This helps to assure that appointments and promotions of employees to the competitive service will be based on merit and fitness, and provides a reasonable degree of security for qualified employees. The method of applying salary adjustments is based on the City’s Administrative policy on Employee Evaluation Procedures.

5.6 Performance Evaluation Process

a. Regular Employee’s Annual Performance Review & Update

1. Annually, during the performance review period, an employee shall meet with his or her supervisor to evaluate past performance and objectives, and to set new goals and objectives in accordance with the written evaluation document established for that position. Performance reviews are not disciplinary and are generally not subject to grievance or disciplinary review. This performance review shall be considered for the purpose of a merit salary adjustment. Merit salary adjustments are not automatically based on service. Rather, salary adjustments are based on employee performance and the availability of funds.
2. A mid-year review to update goals and objectives and to provide a progress report of performance is encouraged, but not required. This mid-year review shall not be for the purpose of a merit salary adjustment.

b. City Manager Approval

All requests for salary adjustments will be forwarded to Human Resources. Human Resources will submit requests to the City Manager or his or her designee for consideration and approval of salary adjustment recommendations.

c. Performance Evaluation after Transfer

An employee transferred or subject to a supervisory change six (6) months or more into his or her performance evaluation period shall be evaluated as follows:

1. Former supervisor completes evaluation for employee based on performance prior to transfer, and submits to Department Head.
 2. New supervisor completes evaluation for employee performance during the time period employee was under his or her supervision and submits to Department Head.
 3. Department Head(s) provides input and submits both completed performance evaluations with comments to Human Resources. Input of Department Head shall include recommendations concerning employee's overall rating.
 4. Employees transferred less than six (6) months into the performance evaluation period shall be evaluated by their new supervisor.
- d. An employee who receives a performance evaluation rating of "Below Standard" at their annual review must be placed on a work improvement program by their immediate supervisor. It is the City's intent to improve the performance of a City employee who is not meeting standards. The work improvement program shall be for a minimum three (3) month period and shall include attainable and measurable goals and objectives in each of the areas expected to be improved. In the event improvement is not made, employee will be subjected to a second improvement plan that shall be for an additional minimum three (3) month period. If the employee does not improve during this extended review period, then the employee will be disciplined and, ultimately, discharged from the City service with the consent of Human Resources. This policy is not intended to prevent or preclude the City from issuing a special performance review at any time for any reason to address performance issues.
- An employee who receives a "Below Standard" performance evaluation immediately following a transfer has the right to request a return to his/her former classification.
- e. A regular employee who is absent from work as the result of a work-incurred injury or illness shall retain his or her anniversary date. However, performance evaluation due dates for employees off work as a result of an on the job injury for longer than ninety (90) days, shall be extended by a comparable amount of time. An employee who has not completed the probationary period is ineligible for regular status during the leave for a work related injury or illness and the date for completion of the probationary period will be extended to reflect the amount of time absent on such leave

5.7 Salary Following Promotion

When an employee in the City Service is promoted to a position allocated to a class with a higher salary range, such employee shall be entitled to the lowest salary (step 1) in the higher salary range. When an employee in the City Service is promoted to a higher level position in his or her same class, the employee shall be entitled to the salary of that position. The new salary shall be at least five percent (5%) higher than the salary received by such employee immediately prior to the promotion. In the event that the new salary is lower, the employee will instead receive a five percent (5%) raise. Upon the recommendation of the Department Head, the Personnel Manager

may approve assignment to any other salary within the higher salary range. Assignment shall not be made outside the salary range.

5.8 Performance Review Date Following Promotion

At completion of six (6) months in the promoted position, a probationary evaluation will be conducted. A rating of “Satisfactory” or higher allows the employee’s status to change from probationary to regular status. The promoted employee’s annual performance evaluation date shall coincide with the date of promotion to the new position. The anniversary date of employee shall remain unchanged for purposes of benefit accrual. If the promoted employee does not receive an “Above Standard” or higher rating during the probationary evaluation period, the employee’s services may be returned to the previous position.

5.9 Salary Following Transfer (Lateral)

In the case of the transfer (lateral) of an employee from one position to another in the same or to a different class with the same salary range, the employee shall remain at the same pay level and shall retain the same anniversary schedule. There is no additional probationary period.

5.10 Work Week/Work Hours

Work hours will be determined on the basis of operational efficiency. Work schedules are subject to the approval of the Department Head and Human Resources. Generally, the City’s work week begins at 12:01 a.m. on Saturday and ends at midnight on Friday, unless an alternate schedule is expressly approved. The City’s general hours of operation are determined as necessary by the City Manager.

5.11 Recording Hours

The City reserves the right to determine the method in which hours will be recorded. Each non-exempt employee is responsible for the daily recording of all time worked. Employees are responsible for reviewing their time records and confirming that their paychecks accurately reflect the actual hours worked and that overtime has been properly paid, when applicable. Supervisors are also responsible for reviewing all time records submitted by subordinates. An employee must report time sheet or paycheck errors immediately in writing to the Payroll Department. Any pay correction will be included in the pay period for the time period in which the correction occurred, unless otherwise stated at the time of the correction. At the City’s discretion, exempt employees may also be required to record their hours.

5.12 Attendance

Employment at the City requires punctuality and regular attendance. Employees shall be in attendance at their assigned work location at the regularly scheduled start time. This policy applies to both exempt and non-exempt employees.

5.13 Job Abandonment/Automatic Resignation

When an employee fails to report or notify the City of his or her absence for three (3) consecutive shifts, it shall be considered job abandonment and a voluntary resignation. The City shall consider any unforeseen and good cause for the employee's failure to notify the City of an absence, if applicable. Additionally, barring exceptional circumstances, failure to return to duty within seventy two (72) hours, or three (3) working days, after the City issues a notice requiring the employee to return to work may be considered a voluntary resignation. The depositing of a postage paid, first class letter in the United States mail addressed to the employee's last known place of residence shall be reasonable notice to the employee requiring the employee to return to work.

5.14 Benefits

Full-time probationary and regular employees and their dependents will be eligible to participate in the City's benefit programs. The level of contribution by the City will be determined by the City Council.

5.15 Fitness for Duty

Human Resources, at the expense of the City, may require an employee to submit to a physical or mental examination, or both, at any time if it has reason to believe the employee's physical or mental condition, or both, affects his or her ability to:

- a. Perform essential job duties at a level of efficiency required by the City, or
- b. Perform such duties without constituting a risk to the health or safety of the employee or to other employees, staff, public or City property. Such physical or mental examination may be imposed as a condition of continued employment and will be performed by a doctor chosen by the City.

5.16 Pay Periods

Paydays shall be every other Thursday (bi-weekly) for the two (2) week period ending one (1) Thursday prior to the payday.

5.17 Deductions

Deductions from employees' wages are made in accordance with prevailing laws, contracts, rules and regulations:

- a. Deductions required by law: For example, State and Federal employment taxes or lawful garnishments.
- b. Deductions elected by each employee with their written authorization: For example, deferred compensation or Health Care Flexible Spending Account.

5.18 Overtime Compensation and Computation

The City pays overtime in conformity with the federal Fair Labor Standards Act (FLSA), and pays overtime as defined by the FLSA when worked, regardless of whether it has been properly approved. However, the City's policy is that non-exempt employees may only work overtime when expressly authorized by the Department Head. The use of City email by non-exempt employees during non-working hours is generally prohibited and not authorized. Failure to obtain proper authorization for overtime is grounds for discipline at the City.

Non-exempt employees working in excess of forty (40) hours in their designated work week, shall be paid at an hourly rate of one and one half (1.5) times the regular hourly rate. Regular non-exempt and probationary non-exempt employees may choose to be compensated for overtime work through compensatory time off (at the rate of one and one half (1.5) hours compensatory time off per overtime hour worked instead of receiving cash payment). Overtime is calculated pursuant to federal law. Only hours actually worked will be counted when calculating overtime pay. This excludes unworked vacation days, holiday hours, or sick time.

The decision to receive overtime pay or Compensatory time credit shall be made by the end of the pay period in which the overtime is worked. Compensatory time off may be accrued up to a maximum of eighty (80) hours. If an employee has any unused compensatory time off accrued at termination, the employee shall be paid for such unused compensatory time at the current rate of pay. If an employee's FLSA status changed from non-exempt to exempt during their tenure with the City, payout of compensatory time shall be provided to employee prior to the change in status.

Overtime compensation provisions shall not apply to employees classified as non-covered or exempt according to the provisions of the FLSA. This includes Council appointed officers, Department Heads, Managers, and such other classifications as designated in the Executive Leave Plan. In the event City or departmental operations require extraordinary work assignments (for certain exempt designated employees), executive leave (time off with pay) may be authorized by the Department Heads. Executive Leave for Department Heads may be authorized by the City Manager.

5.19 Holidays

a. Regular Holidays for Pay Purposes

Holidays are recognized as municipal holidays for pay purposes for regular and probationary employees. The following days shall be considered holidays with pay:

1. New Year's Eve, ½ day
2. New Year's Day
3. Martin Luther King's Birthday
4. President's Day
5. Cesar Chavez' Birthday
6. Memorial Day
7. Independence Day
8. Labor Day

9. Veteran's Day
10. Thanksgiving Day
11. Christmas Eve, ½ day
12. Christmas Day

If a holiday falls on a Saturday it will be observed on the preceding Thursday. If a holiday falls on a Sunday it will be observed on the following Monday.

b. Floating Holiday

In lieu of three former holidays (Lincoln's Birthday, Admission Day, and the day after Thanksgiving), three floating holidays will accrue to employees on July 1 each year for permanent, full-time employees. The same procedures for receiving approval for vacation time shall apply to the Floating Holiday, including concurrence of the employee and approval of Human Resources. Floating holidays earned in a fiscal year and unused as of June 30, shall either be cashed out or converted to vacation and carried over to the next fiscal year at the employee's option.

Shift employees shall receive the same form of compensation for the Floating Holiday as for regular holidays.

5.20 Eligibility for Holiday Pay

All regular and probationary full-time employees must work both the regularly scheduled work day immediately prior to a holiday and the regularly scheduled work day immediately following a holiday. Employees who miss either of the aforementioned work days will not be entitled to receive pay for the holiday unless the employee was unable to perform his or her normal duties for reasons of illness and produces a doctor's note to that effect, or has authorized paid leave to be absent or for another reason determined by the City Manager or his or her designee to be sufficient.

6. EMPLOYMENT

6.1 Citizenship

Employment is open to qualified persons who are citizens of the United States and to qualified persons who are not citizens of the United States, but who have complied with the laws of the State of California defining eligibility of non-citizens for employment in State and local government. The candidate must produce written documentation of legal residence or citizenship in the United States and eligibility to work, as set forth in the Immigration Reform and Control Act of 1986.

6.2 Job Announcement/Application

All announcements for positions in the competitive service shall be posted internally at the City for seven (7) days ending at a date at least three (3) days before that position is announced publicly. Positions shall thereafter be announced publicly by posting announcements in the City

Hall and in such other places as Human Resources designates, including at least one (1) advertisement of general circulation in the City. The announcement shall specify the title and pay range of the position for which the recruitment is announced, the nature of the work to be performed, requisite prior work or education experience, the dates, time, place and manner of applying, and other pertinent information. Dates specified in any job announcement may be extended, postponed, or canceled by Human Resources if such action is necessary or expedient to the needs of the City. Following completion of the announcement period, the City shall select the candidate it deems most well qualified, in its discretion, for the position. All candidates for employment shall file an application with Human Resources.

6.3 Selection Process

The selection process may consist of such recognized techniques as achievement tests, aptitude tests, evaluation of personality and background through personal interviews, performance tests, evaluation of work performance, work samples, physical agility test, other written tests, review and investigation of personal background and references, medical examinations, or any combination thereof, and in no way shall be affected or influenced by race, color, religion, sex, national origin, religious creed, ancestry, gender identity, gender expression, age, sexual orientation, marital status, medical condition, disability, political opinion, political affiliation, veteran status, citizenship status, or any other protected status of an individual. Selection techniques shall be impartial and shall relate to those areas which, in the opinion of the City, adequately and fairly evaluate the skills and abilities of candidates to execute the duties and responsibilities of the position to which they seek to be appointed. Upon completion of the selection process, Human Resources may make appointments from those candidates who, on the basis of their performance in the selection process, appear most qualified in the City's discretion for the position under consideration. Prior to or immediately following the appointment of any person employed in a regular position with the City and such other persons appointed to any other type of position with the City as deemed necessary, a police record check shall be conducted on said person or persons. Presuming the candidate's acceptance, the appointment shall become effective upon the mutually agreed upon start date.

6.4 Ineligibility or Disqualification

The City Manager or Human Resources may withdraw anyone from consideration whose appointment will be deemed contrary to the best interests of the City. Reasons for disqualification may include but shall not be limited to the following deficiencies:

- a. Failure to meet the minimum qualifications or lack of any of the requirements or skills established for the recruitment of position for which applied.
- b. Conviction of a felony or conviction of a misdemeanor involving moral turpitude.
- c. Deception, fraud, or omission of pertinent information in making the application, regardless of the time elapsed before discovery.
- d. Request by applicant that his or her name be withdrawn from consideration.

- e. Failure to reply within a reasonable time, as specified by Human Resources, to communications concerning availability for employment, or failure to comply with any application requirements or deadlines.
- f. Disqualification or unsuitability for employment as specified in any City or pertinent department regulation.
- g. Information from reference checks which indicates probable unfitness.
- h. Inability to produce proof of eligibility to work in the United States.
- i. Physical or mental inability to perform the essential functions of the job, with or without reasonable accommodation.
- j. Dismissal from any position for cause, or resignation from any position to avoid dismissal for cause.
- k. Any material which, in the judgment of Human Resources and consistent with the law, renders the applicant unfit for the particular position for which the application is filed.

6.5 Examinations

a. Promotional Recruitments

Promotional recruitments shall be those competitive recruitments in which only regular full-time employees of the City who meet the requirements set forth in the job announcement shall be allowed to compete.

b. Open Competitive Recruitments

Open recruitments shall be those competitive recruitments in which any persons who meet the requirements as set forth in the job announcement shall be allowed to compete. Open recruitments shall be to ensure a competitive recruitment process and the selection of the most qualified person available. Open recruitments for entry level classes may be competitive among candidates or the candidate or candidates may be measured against standards established by Human Resources.

c. Conduct of Examination

Human Resources shall be responsible for the conduct of examinations for City positions. Human Resources may delegate any qualified person(s) or agency to conduct and score the examination.

d. Type of Test or Examination

The type of test or examination shall be decided by Human Resources after receiving a recommendation from the relevant Department Head. The examination may be conducted in a variety of ways: written, oral, or by demonstration. An evaluation of education,

experience, skills, or any test of manual skills or physical fitness which fairly evaluates the relative capacities of the candidates may also be employed. Physical examinations may be required and, when required, shall be performed by a duly licensed physician at the City's expense.

e. Oral Board Examination

The oral board examination may be given for the purpose of judging and rating each candidate to ascertain whether or not and to what degree his or her qualifications and personal performance meet those required by the position for which he/she is being considered. Each candidate must have met the minimum requirements as set forth in the job announcement with regard to training and experience, and if necessary, have passed a written examination designed to test the knowledge and aptitudes required for the job. (Previous test scores shall not be available to the interviewers.) The oral board shall include persons who are experienced or possess knowledge in the field of work being considered or in the selection process. Each interviewer is to make an independent rating of the oral interview. Questions are developed within prearranged guidelines to explore a candidate's potential for a position and are not used to gain information not relevant to employment.

6.6 Rating Initial Examinations and Qualifying Scores

The minimum rating for which eligibility may be achieved on an initial examination will be established by Human Resources. A candidate's final rating in a given examination shall be the score or combination of his or her scores attained on each competitive part of the examination, as prescribed in the job announcement. Failure in one part of the examination may be grounds for declaring an applicant's failure to qualify or disqualification from competing in subsequent parts of the examination. Human Resources may specify which parts of the examination tests are solely for qualifying purposes only. Each candidate in an examination shall be notified of his or her success or disqualification. In the event written examinations are given, a candidate shall have the right to inspect his or her own examination paper.

6.7 Method of Filling Vacancies

All classified vacancies shall first be filled by reappointment, transfer, demotion, promotion, or appointment from eligibility lists established and certified by Human Resources. In the absence of persons eligible in such manner, temporary appointments may be made under the provisions of these Rules and Regulations.

- a. Typically, the top three (3) highest scoring individuals on the eligibility list will be interviewed. If the City is unsatisfied with any of the three (3) applicants, he/she may elect to interview other people on the eligibility list.
- b. The City may appoint any eligible applicant on the list. To ensure that the recruitment process continues in a timely fashion, decisions regarding appointments should be made within two (2) months of the scheduled interviews when possible.

- c. If five (5) or fewer eligible applicants remain on the eligibility list, the City may request that the eligibility list be canceled by Human Resources and a new eligibility list be established.

6.8 Classes of Appointments

Employment in the City service is divided into the following classes:

- a. Probationary

While “probationary” is technically not a class of employee, it is important to note that this title applies to employees of the City in a full-time position who have not successfully completed the requisite probationary period. During the probationary period the employee serves at the will and pleasure of the City Manager and may be released for any reason without disciplinary procedure or so-called *Skelly* rights.

- b. Regular Full-Time

Appointment of a person who has successfully completed probation and is assigned to a position that has been established on a regular, year-round basis and is typically scheduled to work approximately forty (40) hours per week.

- c. Part-Time

Appointment in a regularly budgeted class of position whose normal work schedule is less than thirty (30) hours of work per week.

- d. Temporary

Appointment to a temporary position of a pre-set duration with the City, not exceeding one thousand (1,000) hours per fiscal year.

6.9 Temporary Appointment

Whenever a department requires assistance because of a special project, sick leave, vacation relief, temporary increase in workload, or a regular employee is on leave of absence, temporary appointments may be made from an appropriate eligibility list, pursuant to the terms of a relevant labor agreement, or a recommendation by Department Head for the duration of such work. The acceptance or rejection of appointment shall not affect the employee or candidate’s status on the eligibility list nor shall the period of this service be counted as part of the probationary period in the case of subsequent regular appointment to another position. All temporary appointments shall be assigned to an approved City Classification and pay range and shall receive pay according to the City’s adopted salary scale.

6.10 Employment of Immediate Family

The following policy addresses employment of immediate family members at the City. For the purposes of this section, immediate family member is defined as spouse, domestic partner,

parent, parent-in-law, step-parent, legal guardian, sibling, step-sibling, sibling-in-law, child, step-child, child-in-law, legal ward, grandchild, or grandparent.

Employment of an immediate family member shall be subject to the following considerations in addition to the standard requirements of the position for which the applicant is being considered.

- a. The City shall not place one (1) member of an immediate family under the direct supervision or authority of another member of the same immediate family.
- b. The City may refuse to place two (2) members of an immediate family in the same department, division or facility if the work involves potential conflicts of interest greater for members of immediate family than for other persons.
- c. If two (2) regular employees become married while both are employed in the same department or division of the City, their positions shall be evaluated in terms of the stated policy. If there is found to be a conflict, either employee may be transferred to a different department in the City which would eliminate the conflict. The employee with the least seniority shall be subject to the transfer if neither party volunteers.

6.11 Continued Employment

Continued employment of employees with the City shall be subject to meeting performance standards necessary for the work performed and to the availability of funds. Each regular employee shall have his or her performance evaluated annually by the department or at more frequent intervals as deemed necessary by the Department Head.

6.12 Layoffs

Whenever, in the judgment of the City Manager, it becomes necessary, either in the interest of economy, or because the necessity for a position no longer exists, any position may be eliminated. Layoffs or reductions in force are not disciplinary in nature, and the employee holding such position may be laid off without disciplinary action being taken.

6.13 Order of Layoffs

The order of layoff of employees shall be established by the City Manager. The City Manager will consider the recommendation of the Department Heads, the adopted policies relating to service levels by the City Council, the overall City needs, and the workload of each Department. The Department Head, in making recommendations, shall take into consideration the job performance, length of service of employees, and other relevant factors in preparing a recommended layoff list.

6.14 Notification of Layoffs

At least ten (10) working days before the effective date of the layoff, the appointing power shall notify Human Resources of the intended action and reasons therefor. A copy of such notice shall be given to the employee affected. The employees will be directed to leave their position when

such notice is given. If the notice is presented before the end of the work shift, the employee shall be compensated at his or her regular rate for the balance of the shift.

6.15 Reinstatement List

The names of regular employees laid off or demoted in lieu of layoff shall be placed upon re-employment lists for one (1) year, for those classes requiring basically the same qualifications, duties and responsibilities of the class from which layoff or demotion in lieu of layoff was made.

6.16 Transfer

Human Resources may approve transfers to fill vacant positions. Regular employees shall not be transferred to a position for which he or she does not possess the minimum qualifications. An employee may be transferred by the City at any time from one position to another in a comparable class. For transfer purposes, a comparable class is one with the same salary range, involving the performance of similar duties and requiring substantially the same basic qualifications. The transfer of a regular employee from one department to another may be made. Transfer shall not be used to effectuate a promotion, demotion, advancement, or reduction, each of which may be accomplished only as provided in these Personnel Rules and Regulations.

6.17 Promotion

It is the policy of the City to encourage the advancement of personnel. Promotional selection for vacancies shall be conducted as the needs of the City require and in accordance with City Rules and Regulations.

6.18 Pre-Employment Examinations

A candidate shall not be granted a new appointment in any employment category until he or she has been subject to a physical examination, if requested by the City, at a place provided by and paid for by the City, and has been released for work by the City's physician.

6.19 Background Investigation

Human Resources, with the assistance from the Police Department, shall perform a background investigation to the extent necessary of any person being considered for appointment, using information provided by the applicant in his or her employment application. The background investigation, at a minimum, shall include local Department of Motor Vehicle (DMV) records, fingerprinting, and criminal-history records checks. An authorization for this investigation shall be obtained from the applicant. Employees should note that positions with driving duties will have their DMV records checked from time to time as deemed necessary. In conformity with the law, criminal history reports shall be conducted only at the final stage of the intake process, after the determination of whether the applicant is otherwise qualified.

7. SEPARATION FROM EMPLOYMENT

7.1 Resignation or Job Abandonment

Any employee, in order to be considered as having resigned in good standing, shall be required to submit a written notice of resignation to his or her supervisor at least two (2) weeks prior to the effective date of said resignation. Such written notice shall indicate the effective date of the resignation. A resignation may not be withdrawn by the employee after it is presented in writing by a Department Head, unless permission is otherwise given by Human Resources. It is considered to be a job abandonment and a voluntary resignation if an employee is absent from the workplace for three (3) or more days without notification to the employee's direct supervisor or Department Head. The City shall consider any good cause for the employee's failure to notify the City of an absence, if applicable.

7.2 Involuntary Separation

Employment at the City may be terminated for misconduct or performance deficiencies pursuant to the terms of these Rules and Regulations. Employment at the City may also be terminated because of non-disciplinary reasons, including but not limited to reductions in force or the employee's inability to perform the essential functions of the job.

If the City determines that an employee is unable to perform the essential functions of his or her job, it shall first engage the employee in an interactive process in which it can determine whether reasonable accommodations are available. Any termination of employment for inability to perform essential functions shall only follow after the City has determined that no such reasonable accommodations exist and that continued employment or leave would constitute an undue hardship. Prior to termination for these reasons the City Manager must provide notice and the right to respond.

7.3 Return of City Property

Upon notice of the departure of an employee, Human Resources will provide the employee with a copy of the Personnel Action and Exit Checklist form. The employee shall return all City-issued property in good working order to the appropriate department as designated on the form. Such property may include, but is not limited to: keys, identification cards, equipment, credit cards, uniforms, and cell phones.

7.4 Exit Interview

An exit interview may be conducted by Human Resources prior to the termination of employment for all employment categories.

8. PROBATIONARY STATUS

8.1 Objective of Probationary Period

The probationary period shall be regarded as part of the testing process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new

employee to his or her position assignment, and for the evaluation of continued employment of the probationary employee. Probationary employees remain “at will” and may be terminated without cause, right of appeal, or other so-called Skelly rights until the successful completion of the probationary period.

8.2 Probationary Period

Appointments, including promotional appointments, shall be tentative and subject to a probationary period beginning with the employee’s appointment to a regular position. The probationary period shall be for a six (6) month period of actual service. The City may, at its discretion, extend the probationary period an additional six (6) months. Probationary employees who missed regularly assigned work may have the probationary period extended by the equivalent amount of time of the employee’s absence.

8.3 Regular Appointment

If the service of the probationary employee has been deemed satisfactory, the Department Head shall complete a performance evaluation no more than thirty (30) days prior to the expiration of an employee’s probationary period recommending regular status. All actions changing an employee’s status from probationary to regular shall not be made nor become effective until approved by Human Resources.

8.4 Employee Performance Reports

Each probationary employee shall have his or her performance evaluated prior to the end of the probationary period of service or at more frequent intervals when deemed necessary by the City. Such evaluations shall be reported in writing and in a form approved by Human Resources. Upon successful completion of the probationary period the employee may pass by receiving a satisfactory rating or higher. Failure to obtain a satisfactory rating typically results in dismissal of the employee; however, the City may extend probation at its discretion. Dismissal as to a promoted position means dismissed only from the promoted position; following said dismissal, the employee shall be reassigned back to the position assigned prior to promotion.

8.5 Suspension/Demotion/Dismissal of a Probationary Employee

During the probationary period, an employee may be suspended, demoted, or dismissed at any time and for any reason by the City. Notification of suspension, demotion, or dismissal in writing shall be served on the probationary employee and a copy filed with Human Resources.

9. SICK LEAVE

9.1 Sick Leave

Paid sick leave is time off granted to an employee in cases of personal illness or accident, diagnosis, care, or treatment of an existing health condition of, or preventive care for, the employee or the employee’s family member. An employee who is a victim of domestic violence, sexual assault, or stalking, may also use this leave to: (1) attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief, to

help ensure the health, safety, or welfare of the victim or his or her child; (2) seek medical attention for injuries caused by domestic violence, sexual assault, or stalking; (3) obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking; (4) obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking; or (5) participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation. The employee requesting sick leave shall notify his or her supervisor or Department Head prior to or within one (1) hour after the scheduled report and as often thereafter as directed by his or her supervisor.

- a. Eligibility. Regular full-time and probationary employees shall be eligible to accrue general sick leave. Other employees may be eligible for Mandatory Sick Leave as defined in Section 9.2. Sick leave provisions will not apply to employees injured in outside employment.
- b. Accrual. Sick leave shall be accrued at the rate of 10 hours per month that a regular full-time employee has worked. Employees become eligible to take accrued sick leave upon completion of a full pay period reflecting newly accrued and available sick leave hours.

Employees that are off work due to non-work-related illness or injury shall not accrue sick leave after accumulated leave hours have been exhausted. Employees who have exhausted accumulated leave hours and are returning from a leave without pay on a reduced hour schedule shall accrue sick leave and annual leave on a pro-rata basis.

- c. Usage. Employees may not use sick leave unless such leave is accrued and available. Sick leave may be requested and used as approved by the Department Head or City Manager only in cases of sickness or disability, medical or dental treatment, or as otherwise authorized by the law. If the employee is on sick leave for more than three (3) consecutive work days the Department Head may require a written certification from the attending physician that the employee is or was incapacitated and unable to perform his or her duties or that the immediate family member for which the sick leave time was granted required care. The Department Head may also require a physician's fitness for duty certification. Abuse of sick leave will result in disciplinary action, up to and including termination.
- d. Payout. Employees shall receive fifty percent (50%) of the cash value of their accrued sick leave upon retirement or layoff only. Employees have the option of accruing all of their yearly sick leave or being paid for it in accordance with the following provisions:
 1. Provisions for the payment of unused sick leave shall be based on a fiscal year basis (July 1 to June 30).
 2. Employees may elect payout of one half (1/2) of their annual unused sick leave hours at the end of the following fiscal year.
 3. The payout of sick leave shall be based on an employee's rate of pay as of June 30.

9.2 Mandatory Sick Leave

Starting on July 1, 2015, employees will be entitled to Mandatory Sick Leave as required by the *Healthy Workplaces, Healthy Families Act of 2014*. This policy, therefore, goes into effect as of the first pay period following July 1, 2015. As of that date, any non-exempt employee not otherwise provided paid sick leave pursuant to City policy or practice shall be entitled to paid sick leave pursuant to this Mandatory Sick Leave policy.

An employee shall be eligible to accrue sick leave pursuant to this policy once he or she has worked at least 30 days. An employee shall be entitled to use any accrued and available paid sick leave as of the 90th day of employment. Eligible employees shall accrue paid sick leave at the rate of one (1) hour for every thirty (30) hours worked, not to exceed six (6) days (forty eight [48] hours). Once the employee accrues six (6) days of sick leave, accrual will cease until the employee uses leave and brings his or her accrual balance below six (6) days. Accrued but unused sick leave shall carry over year to year. Employees are not entitled to any pay out of sick leave accrual upon separation from employment under this policy; although if an employee is rehired within a year, the previously accrued but unused sick leave will be reinstated.

Leave may be used for any purpose sick leave is otherwise typically used at the City and is subject to the same notice and certification requirements.

9.3 Abuse of Sick Leave

Sick leave is a privilege not an entitlement. An employee shall be subject to disciplinary action for abuse of sick leave where the employee claims entitlement to sick leave, but does not meet the requirements of sick leave as set forth herein. Abuse of sick leave will be evaluated on a case by case basis.

9.4 Holidays During Sick Leave

City observed paid holidays occurring during sick leave shall not be counted as a day of sick leave, but shall be regarded as taking a holiday.

9.5 Depletion of Sick Leave

In the event of an employee's or an employee's immediate family member's continued illness after depletion of employee's sick leave, the employee, with the approval of the Department Head, may charge additional continued absences to any other time accrued (e.g. compensatory time). If necessary, the employee may submit a written request for additional medical leave subject to the approval of the Department Head and the City Manager.

9.6 Leave Chargeable to Sick Leave

An employee may use sick leave for the following:

- a. The employee's own illness or injury.

- b. Absence due to the illness or injury of a member of the employee's immediate family necessitating the care of that family member.
- c. Absence beyond the three (3) days of available bereavement due to the death of a member of the employee's immediate family.
- d. Birth of a child to employee or employee's spouse.
- e. Where otherwise available pursuant to law, including but not limited to those reasons set forth in the *Healthy Workplaces, Healthy Families Act of 2014*.

9.7 On the Job Injury/Illness

Safety is of the utmost importance at the City. All employees are required to immediately report any safety hazard. An employee who is injured in the course of employment must likewise immediately report the injury and the circumstances leading to the injury to their supervisor and Human Resources. Any employee who must leave work due to an illness must also report the same to their supervisor and Human Resources. An employee who fails to promptly report a work-incurred injury or illness may be subject to discipline, up to and including termination.

During the time that a regular full-time employee is off work as the result of a valid on-the-job injury, the employee shall retain his or her normal anniversary date for purposes of accruals and CalPERS service credit. However, the due date of the employee's performance evaluation will be modified to reflect the particular circumstances of the time period out of work.

9.8 Workers' Compensation/Disability Payments

All City employees are covered by Workers' Compensation Insurance. An employee eligible for temporary disability payments under the Workers' Compensation law will receive the amount as provided by law. The employee and supervisor are responsible for complying with all reporting requirements as specified by the Industrial Injuries/Workers' Compensation Policy. While waiting for determination of Workers' Compensation eligibility, employees must use accrued leave balances to participate in the salary continuation program. Payments for permanent disability are to be retained by the employee, as ruled by the State Compensation Insurance Fund, because such awards by the Commission are to recompense the employee for the permanent disability he or she suffered. Part-time employees are covered by and shall receive the benefits provided by the Workers' Compensation Insurance Plan but shall not be eligible for any other benefits as may be provided by these Rules.

When an employee is off work as the result of a valid on the job injury or illness sustained in the service of the City which results in a Workers' Compensation claim, a ruling must be received from the City's Workers' Compensation Third Party Administrator on the validity of the claim. In the event an employee is unable to perform their job following a work related injury or illness an employee may be eligible for temporary disability benefits under the law. The City's Workers' Compensation Third Party Administrator will notify the City regarding the employee's percentage of disability resulting in temporary disability payments. If an employee's injury/illness is covered under Workers' Compensation, the employee may use sick leave accrual balances in the amount necessary to make up the difference between the employee's monthly

salary and the amount payable to the employee under temporary disability payments from the Workers' Compensation Insurance Plan. Under such circumstances, the employee shall be paid the difference between his or her full salary and the disability payments received not to exceed one hundred percent (100%) of the employee's normal salary. Accumulated sick leave shall be charged in proportion to the amount of his or her salary paid by the City during such period of disability. Use of any other accrued leave balances will only be considered after sick leave has been exhausted and at the discretion of the Department Head. The City's policy is to return injured/temporarily disabled employees back to the work place as soon as is medically appropriate with reasonable accommodations, if necessary. Each employee out on a Workers' Compensation claim will be evaluated to determine if sufficient productive work is available within the employee's physical restrictions. The Department Head shall determine availability of light duty work assignments and shall inform Human Resources who will then notify the injured employee. Should an injured employee out on Workers' Compensation refuse an assignment, the temporary disability payment shall cease.

9.9 Short Term/Long Term Disability

Human Resources shall provide the injured employee with Short Term (STD)/Long Term Disability (LTD) paperwork. It is the employee's responsibility to contact the carrier directly to file a claim. The carrier shall determine if the employee is eligible to receive payments.

9.10 Off-the-Job Injury

Any injury occurring other than in the service of the City may be compensated for through the provisions of the STD or LTD insurance plan provided by the City. Eligibility and compensation are determined pursuant to those plans. Employees should contact Human Resources if they have questions about coverage. Prior to returning to full duty work status, the City may require a fitness for duty exam be conducted by a City-selected physician.

10. VACATION

10.1 Eligibility

Regular full-time employees are eligible to accrue vacation hours. Eligible employees having completed twelve (12) months of continuous service may schedule and use vacation upon the approval of the Department Head. A Department Head may, in his or her discretion, allow an employee with less than twelve (12) months of service paid vacation, but the vacation shall not exceed the amount of vacation time the employee has actually accrued.

10.2 Vacation Accrual

Each regular full-time employee shall accrue vacation at the following rate for continuous service performed as follows:

Years of Full-Time Employment	Annual Vacation Days Earned
1-3	11
4-10	16
11-15	20
16-20	25
Over 20 years	30

Regular part-time employees, temporary employees, and other classes of employees are not eligible to accrue vacation leave. Only regular full-time employees accrue vacation. Vacation accrual shall begin with the date of employment and shall accrue per pay period on a pro-rated basis apportioned by actual hours worked in relation to scheduled annual hours. The City Manager may authorize vacation accrual rates different than stated above.

10.3 Use of Vacation

Vacation shall be scheduled as far in advance as possible with the employee's supervisor or Department Head, taking into consideration the request of the employee and the work demands of the department. When possible, employees shall request the scheduling of vacation at least two (2) weeks prior to the desired vacation dates. Insufficient notice is grounds for denying a proposed vacation date. Approval by the Department Head prior to taking vacation time off is required. Proposed vacation schedules are approved at the City's discretion. Vacation leave shall not be used beyond the time accrued.

Vacation may only be taken in increments of full days or shifts unless specific approval is given for smaller increments of not less than four (4) hours.

10.4 Maximum Accumulation/Cap

Vacation may be accrued up to the amount earned over the preceding twenty four (24) months (two [2] years) provided. Thus, once the two-year maximum amount has been accrued the employee shall accrue no further vacation until the accrued level has been reduced to below the maximum. After the amount falls below the cap, the employee will then again begin accruing but at no time shall the employee's level of accrued vacation exceed the amount of vacation that the employee was eligible to accrue in the preceding two (2) years.

10.5 Cash Out of Vacation

Subject to filing of an official request, an employee may annually cash in up to eighty (80) hours of vacation. Upon separation from employment, a regular or probationary employee shall be paid for all his or her accrued by unused vacation. Payment for unused vacation shall be made at the rate of pay in effect for the employee at the time of termination.

10.6 Holidays Falling During Vacation

When a day designated and observed by the City as a holiday occurs on a day on which an employee is taking vacation, such employee shall not be charged as using vacation for that day. The employee's compensation for that day shall be holiday pay and the employee shall not be paid or charged for vacation.

10.7 Vacation Accrual During Leave of Absence

As a general rule, employees accrue vacation hours only for actual hours worked. However, employees off work due to a work-related illness, injury, or appeal of a denied Workers' Compensation claim shall continue to accrue vacation at a rate as if they were working their regularly scheduled hours. Employees off work due to a non-work-related illness or injury shall not accrue vacation.

11. LEAVES OF ABSENCE

11.1 Discretionary Leave of Absence

A discretionary leave of absence without pay may be granted by the City Manager upon recommendation of the Department Head. Except as otherwise provided under state or federal law, such leave is a privilege, not a right, and shall be granted only when consistent with the best interests of the City. Discretionary leaves of absence should not exceed four (4) months and must be requested in writing.

a. Approval of the Department Head

A discretionary leave of absence without pay for five (5) days or less may be granted by the Department Head, depending on the merit of the individual case after consultation with Human Resources.

b. Approval of the Department Head and City Manager

A discretionary leave of absence without pay in excess of five (5) days may be granted by the Department Head with the approval of the City Manager, but such leave shall not exceed four (4) months duration. Loss of service credit will occur for the duration of the leave; no benefit credit will be accrued toward vacation or sick leave. Employee insurance benefits may remain in effect at employee's expense. Performance Review will be deferred, if necessary, or may be rescheduled upon return to work. An employee returning after an authorized leave of absence without pay shall be placed in the same classification, and in the same salary range, as existed when the authorized leave of absence without pay commenced. Time spent on such leave without pay shall not count toward service within the pay range and the employee's anniversary date shall be moved forward by the number of days of leave in excess of three (3) months. An employee may request permission of his or her Department Head to return from an authorized leave of absence prior to the expiration of such leave, provided the employee submits an appropriate certification of fitness for duty. Such a request may be granted at the sole discretion of the Department Head. An employee who fails to return to his or her

employment at the end of the authorized leave shall be discharged. The employee may request a meeting with the City Manager within three (3) working days to appeal the discharge. If an employee extends his or her leave of absence, it may not be possible to guarantee reinstatement. Any unauthorized absence of any duration may be cause for disciplinary action, up to and including termination.

11.2 Family and Medical Leave

In accordance with the federal Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA), the City has adopted the following policy regarding the rights and responsibilities of employees absent for a family leave purpose. This policy shall supersede the provisions of any City policy, practice, rule or procedure to the extent that such policy, practice, rule or procedure is in conflict or inconsistent with this policy.

The City shall provide up to twelve (12) workweeks of CFRA or FMLA leave in a 12-month period to any “eligible employee” who requests leave for any of the following purposes:

1. The birth or adoption of a child by the employee or placement of a child in foster care with the employee (all family leave taken for one of these purposes must be concluded within one year of the event);
 2. To care for a child, parent, spouse or registered domestic partner of the employee who has a serious health condition;
 3. For an employee’s own serious health condition which makes the employee unable to perform the essential functions of the employee’s position; or
 4. For the care of a covered family member’s injuries or exigencies stemming from qualifying service in the Armed Forces as provided for under the Servicemember FMLA’s provisions.
- a. Eligibility. Employees are eligible for family leave if, at the time leave commences, all of the following apply:
1. The employee must have at least 12 months (not necessarily consecutive months) of service with the City;
 2. The employee must have worked at least 1,250 hours during the 12 months immediately prior to the period of FMLA, Servicemember FMLA or CFRA leave; and
 3. As of the date of the employee’s leave request, the City employs at least 50 full- or part-time employees at the employee’s worksite or within 75 road miles of the employee’s worksite.
- b. Special Rules for Pregnancy Disability Leave. The right to take CFRA leave is separate and distinct from the right to take a pregnancy disability leave. In other words, leave taken by an employee disabled by pregnancy, childbirth, or related medical conditions is

not family leave under the CFRA, even though it may be FMLA leave. In light of the above, the City may require that pregnancy disability and FMLA leave run concurrently (hereinafter “pregnancy disability/FMLA leave”), but CFRA leave can never run concurrently with a pregnancy disability leave. This means that, at the end of the employee’s period(s) of pregnancy disability or pregnancy disability/FMLA leave, whichever occurs first, a CFRA eligible employee may take up to 12 workweeks of CFRA leave due to the birth of her child or for other family leave purposes.

Where an employee has exhausted her entitlement to pregnancy disability/FMLA leave prior to the birth of her child, and her health care provider certifies that continued leave is medically necessary, the City may, but is not required to, allow the employee to utilize CFRA leave prior to the birth of her child.

- c. Special Rules Regarding Employment of Spouses. Where CFRA and FMLA leave are running concurrently, and both the “husband and wife” are employed by the City, their combined entitlement to CFRA/FMLA leave for the birth or adoption of a child by the employees or placement of a child in foster care with the employees shall be limited to twelve (12) workweeks in a 12-month period between the husband and wife.

Where CFRA leave is running separate and apart from FMLA leave (such as following a pregnancy disability/FMLA leave), and both “parents” are employed by the City, their combined entitlement to CFRA leave for the birth, adoption or foster care placement of their child shall be limited to twelve (12) workweeks in a twelve (12) month period between the two parents. This provision applies to the parents of the child, regardless of their marital status.

The provisions above do not affect the employees’ right to use any remaining CFRA or FMLA leave for any other qualifying purpose(s).

- d. Calculating the 12-month Period. For the purpose of this Policy, “12-month period” shall mean a 12-month period measured backward from the date employee first uses family leave. The City uses a “backward rolling” calculation.
- e. Notice Requirements. The employee, or a representative for the employee (e.g., spouse, adult family member, or other responsible party), must notify Human Resources, preferably in writing, as soon as it becomes apparent that the employee will be needing leave for a family leave purpose. Employees must provide at least 30 calendar days advance notice before leave is to begin if the need for leave is foreseeable, or notice as soon as practicable under the circumstances. The employee must consult with his or her supervisor regarding the need for a leave and must make a reasonable effort to schedule any planned medical treatment or supervision so as to minimize disruption of City operations. Actual scheduling is, however, subject to the approval of the patient’s health care provider. Failure to comply with these notice requirements is grounds for, and may result in, deferral of the requested leave until the employee complies with these provisions. However, the City shall not deny a leave, the need for which is an emergency or is otherwise unforeseeable, on the basis that the employee did not provide advance notice of the need for the leave. Where leave is requested on the basis of a serious health

condition affecting an employee's family member, the City may require evidence of the family relationship.

- f. City Determination and Notification. It is up to the City to designate leave, paid or unpaid, as CFRA or CFRA/FMLA leave based on information provided by the employee or the employee's representative. In the event that the City determines that a leave of absence is for a FMLA/CFRA family leave purpose, the City shall, within two (2) business days, if feasible, notify the employee in writing of its determination that the leave constitutes FMLA or CFRA leave. Where CFRA leave is running separate and apart from FMLA leave (such as following a pregnancy disability/FMLA leave), the City shall respond to the leave request as soon as possible and, in any event, no later than 10 calendar days after receiving the request. Once given, approval of CFRA leave shall be deemed retroactive to the first day of the leave.

The City's written notice to the employee shall, among other things:

1. Specify the obligations of the employee while on family leave and explain the consequences of a failure to meet these obligations;
2. Provide notice to the employee in the event that a period of paid leave is to be counted as family leave;
3. Provide notice to the employee in the event that the City requires paid leave to be substituted for unpaid leave.

Where the employee fails to provide sufficient information until after the leave commenced, the City may make a preliminary determination that the employee's absence is for a family leave purpose, subject to later confirmation by medical certification.

If either the City or the employee designate an absence as family leave after the leave of absence has begun, such as when an employee advises the City during the leave of absence or after his/her return to work that the entire leave of absence or any part of it was for a family leave purpose, that portion of the leave period which was for a family leave purpose may be retroactively counted as family leave.

If the employee fails to advise the City that a leave of absence was for a family leave purpose either before, during or within four (4) days after he/she returns to work, the employee will not be able to assert the protections of the family leave laws for the leave of absence.

Any dispute between the City and an employee as to whether paid leave qualifies as family leave should be resolved through discussions between the employee and the Human Resources Department.

- g. Medical Certification. An employee's request for leave due to a serious health condition affecting the employee or the employee's child, parent or spouse must be supported by a medical certification issued by the health care provider of the individual requiring care.

For leave to care for the employee's child, parent, or spouse, this certification need not identify the serious health condition involved, but shall contain:

1. The date, if known, on which the serious health condition commenced;
2. The probable duration of the condition;
3. An estimate of the amount of time which the health care provider believes the employee needs to care for the child, parent or spouse; and
4. A statement that the serious health condition warrants the participation of the employee to provide care during a period of treatment or supervision of the child, parent or spouse.

For leave to care for the employee's own serious health condition, this certification need not, but may, at the employee's option, identify the serious health condition involved. It shall contain:

1. The date, if known, on which the serious health condition commenced;
2. The probable duration of the condition; and
3. A statement that, due to the serious health condition, the employee is unable to work at all or is unable to perform any one or more of the essential functions of his or her position.

This type of medical certification is not required where leave is requested for the birth, adoption or placement of a child in foster care with the employee. (However, the City may request written verification of family relationship for the birth, adoption or placement of a child in foster care with the employee.)

Medical certification must be provided within fifteen (15) calendar days of the City's request and generally prior to the commencement of a foreseeable leave of absence, unless it is not practicable to do so despite the employee's diligent, good faith efforts to do so.

With regard to leave due to the employee's own serious health condition: Where the City has reason to doubt the validity of the employee's medical certification, the City may require, at the City's expense, that the employee obtain a second medical opinion from a health care provider designated by the City and who is not regularly used by the City; and

Where the second opinion differs from the first, the City may require that the employee obtain a third and binding medical opinion, again at the City's expense, from a health care provider designated or approved jointly by the City and the employee.

The City may require recertification only where additional leave is requested. The City may also require certification at the time the employee seeks reinstatement from family

leave due to the employee's own serious health condition that the employee is fit for duty and able to return to work.

- h. Minimum Period of Leave. Leave may be taken in one or more periods and does not have to cover a continuous period of time. Where leave is taken due to the serious health condition of the employee or his/her parent, child or spouse, the minimum leave increment shall be the shortest period of time the City's payroll system uses to account for absences or use of leave. Where CFRA leave is running separate and apart from FMLA leave (such as CFRA leave following pregnancy disability/FMLA leave), the minimum duration for leave taken in connection with the birth, adoption or foster care placement of a child is two (2) weeks, except that the City shall grant a request for CFRA leave of less than two (2) weeks on any two (2) occasions during the one (1) year period following the birth or placement of the child with the employee.
- i. Substitution of Leave. The City may require, with HR approval, that sick leave be used to provide pay during any period of otherwise unpaid family leave due to the employee's own serious health condition. Sick leave may also be used in connection with family leave taken for other purposes in accordance with applicable City Policy(ies), California Labor Code section 233, and upon the mutual agreement of the City and the employee.

The City may require that vacation and other accrued time off (other than sick leave and compensatory time off) be used for any family leave qualifying event other than pregnancy disability leave. Where pregnancy disability leave and FMLA leave are running concurrently, accrued vacation or compensatory time may be used at the employee's option. CFRA and FMLA leave may also run concurrently with a leave of absence covered by workers' compensation or temporary disability. Upon reinstatement, all employee benefits will be resumed without any new qualification period, physical examination or exclusion of preexisting conditions.

- j. Reinstatement. Where a definite date of reinstatement has been agreed upon at the beginning of the leave, the employee will provide medical certification of his or her fitness for duty at least two (2) days prior to the scheduled return date. Thereafter, the employee will be reinstated to the same or a comparable position by the date agreed upon. If the reinstatement date differs from the City's and employee's original agreement, the employee will be reinstated to the same or a comparable position within two (2) business days, where feasible, after the employee notifies the City of his or her readiness to return. The employee's use of family leave may not result in the loss of any employment benefit that the employee earned or was entitled to before going on family leave.
- k. Denial of Reinstatement. An employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during family leave. For example, if an employee is laid off while on family leave, the City's responsibility to maintain group health plan benefits and reinstate the employee ceases at the time the employee is laid off.

The City may also deny reinstatement to:

1. An employee who gives notice that he or she no longer desires to return to employment with the City;
2. An employee who fails to provide certification that he or she is fit for duty and able to return to work after taking family leave based on the employee's own serious health condition; or
3. A salaried "key employee" who is among the highest-paid 10% of employees employed within 75 road miles of the employee's worksite, if:
 - (a) It is necessary to prevent substantial grievous economic injury to the operations of the City,
 - (b) Notice is given to the employee at the time of the leave request that the City will grant the leave request, but that the City may deny reinstatement, and
 - (c) The employee is given a reasonable opportunity to return to employment after receiving such notice, but elects not to return, or
 - (d) After the leave expires, the employee requests reinstatement, and the City makes a determination at the time of the reinstatement request and notifies the employee of its determination that reinstatement would cause substantial grievous economic injury to the operations of the City.

11.3 Servicemember Leave

The federal Family and Medical Leave Act (FMLA) entitles eligible employees to take leave for a covered family member's service in the Armed Forces. This Policy supplements our FMLA Policy and provides general notice of employee rights to this leave. Except as stated below, such rights and obligations for Servicemember FMLA are governed by our existing FMLA Policy. Servicemember FMLA runs concurrent with other leave entitlements provided under federal, state and local law.

- a. Entitlement to Servicemember FMLA. Servicemember FMLA provides eligible employees unpaid leave for any one, or combination, of the following reasons:
 1. A 'Qualifying Exigency' arising out of a covered family member's active duty or call to active duty in the Armed Forces in support of a contingency plan: or
 2. To care for a covered family member who has incurred an injury or illness while in the Armed Forces provided that such injury or illness renders the family member medically unfit to perform duties of the member's office, grade, rank or rating and is certified by the servicemember's health care provider.
- b. Duration of Servicemember FMLA. When leave is due because of a 'Qualified Exigency' concerning the military duty of a family member: an eligible employee may take up to 12 workweeks of leave during any 12-month period. When leave is to care for an injured or

ill servicemember: an eligible employee may take up to 26 workweeks of leave during a single 12-month period to care for the servicemember. Leave to care for an injured or ill servicemember, when combined with other FMLA-qualifying leave, may not exceed 26 workweeks in a single 12-month period. Where spouses are both employed by the City, they may take up to, in aggregate, 26 workweeks of servicemember FMLA, provided that any portion of the aggregate leave that is not for care of a family servicemember does not exceed 12 workweeks.

- c. Notice of Intent to take Servicemember FMLA. In any case where it is foreseeable that an employee will need servicemember FMLA, that employee must provide notice of his or her intent to take leave as soon as reasonably possible and provide certification of either the 'qualified exigency' or family servicemember's need for care as soon as practicable.

11.4 Pregnancy Disability Leave

Even if an employee is not eligible for Family and Medical leave, she is entitled to take a pregnancy disability leave of up to four (4) months depending on the period of actual disability under the Fair Employment and Housing Act (FEHA). This is known as pregnancy disability leave. Time off needed for prenatal care, severe morning sickness, doctor-ordered bed rest, childbirth, and recovery from childbirth would all be covered by a pregnancy disability leave. Disability arising out of pregnancy shall be treated by the City the same as other disabilities of similarly situated employees in terms of eligibility for, or entitlement to, sick leave or leave without pay, extended sick leave, or accrued sick leave benefits.

All employees will be placed on leave when their physician states that maternity disability would interfere with the performance of the duties of the position or continuing work would be hazardous. Should disagreement arise between the City and an employee's physician as to the hazardous nature of a job or the ability of the employee to perform the job, the physician representing the City will resolve the conflict and his or her decision will be binding upon all parties.

- a. Notice of Intent to take Pregnancy Disability Leave. The City may require certification from the employee's health care provider of a pregnancy disability or the medical advisability for a transfer or reasonable accommodation, particularly where the nature of the duties performed are hazardous or burdensome. If possible, an employee must provide at least thirty (30) days advance notice for a foreseeable event such as the birth of a child in accordance with the regulations.
- b. Return to Work. Following childbirth and upon release from medical treatment for the disability resulting from the pregnancy, an employee must submit a medical statement of fitness to perform the duties of the position to Human Resources. At that time, a determination will be made for a return work date. Reinstatement should be accomplished as expeditiously as is reasonably practicable.

11.5 Death in Immediate Family

A regular full-time employee may take up to three (3) days off with pay (per death) to attend to a death in their immediate family and funeral services. "Immediate family," in this instance, shall

mean spouse, domestic partner, parent, parent-in-law, step-parent, legal guardian, sibling, step-sibling, sibling-in-law, child, step-child, child-in-law, legal ward, grandchild, or grandparent. Verification of the need for and the duration of the leave may be requested. If the employee is on an authorized leave of absence without pay, he or she shall not be eligible for bereavement pay.

11.6 Military Leave of Absence

Military leave shall be granted in accordance with the provisions of state and federal law, including but not limited to USERRA (Uniformed Services Employment and Reemployment Rights). Whenever possible, the employee involved shall notify his or her department of such leave request two (2) weeks in advance. The City shall pay an employee's full salary and all benefits for the first thirty (30) days in any one (1) fiscal year after they begin active service. Upon termination of military leave by honorable discharge, the employee, in accordance with applicable law may return to his or her position without loss of seniority.

11.7 Military Reserve Training

Employees attending the two (2) week Summer Camp Sessions held by branches of the military are paid the difference between their regular City base salary and military pay received. The Department Head should be notified as soon as the dates of training are known to the employee, and should be given a copy of the military orders. The military training does not constitute breaks in employment and benefits accrue as usual.

11.8 Jury Duty

Regular or probationary employees required to report for jury duty shall be granted leave for such purpose, upon presentation of jury notice to the Department Head. If called to serve jury duty, the employee shall immediately notify his or her supervisor. Said employees shall receive their full pay for the time served on a jury provided the employee submits their Jury Service Verification or Statement of Appearance for Jury Duty. Compensation for mileage or subsistence allowances shall not be considered as a fee and shall be retained by the employee. All employees who are not eligible for pay pursuant to this policy will be granted leave without pay. If an employee is required to report to jury duty within two (2) hours of the scheduled start of the workday, the employee is not required to report to work at the start of the workday, but shall report directly to jury duty. If an employee is required to call in the morning for possible reporting duty in the afternoon, the employee is required to report to work in the morning. If an employee is released from jury duty with more than one half (1/2) of his or her workday remaining, the employee is required to report to work to complete the regularly scheduled workday.

11.9 Voting Leave

If any employee does not have sufficient time outside of working hours to vote, he or she may take the needed time to vote and request up to two (2) hours of paid leave, as necessary, at the beginning or end of scheduled working hours to enable voting. Proof that the employee has voted and that the additional time was necessary shall be presented to the Department Head within twenty four (24) hours of the end of such leave.

11.10 Leave to Perform Volunteer Firefighter or Emergency Duties

The City shall grant employees leave to perform volunteer firefighter or emergency duties as required by law.

12. EMPLOYEE BENEFITS

12.1 Retirement Plan

All eligible regular full-time employees shall participate in the California Public Employees Retirement System (CalPERS). The City shall pay employer costs and that portion of employee costs as provided by state law and the City's contract with CalPERS. The City does not participate in the Social Security Plan with the exception of the mandatory Medicare (FICA) deduction. The City participates in an Alternate Retirement System for part-time and temporary employees, which satisfies the Omnibus Budget Reconciliation Act (OBRA) 90 Federal requirements. The City reserves the right to change its level of contribution to the employee portion of this retirement benefit to best meet the needs of the City. Part-time and temporary employees are limited to less than 1,000 hours per fiscal year.

12.2 Disability Insurance

The City may provide Short-Term Disability (STD) and/or Long-Term Disability insurance for all eligible regular employees. The purpose of STD and LTD insurance is to provide eligible employees with a percentage of normal income when an injury or illness occurs off the job. Benefits begin as set per policy. Employees may use accrued leave hours during the elimination period and thereafter to supplement their income.

12.3 Insurance Programs

The City shall provide health, dental, and vision coverage at a level in compliance with the law within its discretion. Employees shall be eligible for coverage on the first of the month following their hire date. Contact Human Resources for specifics as to coverage.

12.4 COBRA – Continuation of Health Coverage

As required by the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) the City's health insurance plans provide for continuation of group health coverage to employees and eligible family members upon a qualifying event at the employee or family members expense according to the Provisions set forth in COBRA. Detailed information on these provisions is available through Human Resources.

12.5 Life Insurance

Life insurance coverage may be available pursuant to negotiated agreement at the City's discretion. Contact Human Resources for specifics as to available coverage.

12.6 Deferred Compensation

Deferred compensation coverage, such as 457(b) or 401(a) Plans, may be available pursuant to negotiated agreement at the City's discretion. Contact Human Resources for specifics as to available coverage.

12.7 Mileage Reimbursement/Allowance

Whenever an elected or appointed official or employee is authorized and required to use a private vehicle in the conduct of City business, such elected or appointed official or employee is entitled to reimbursement for actual mileage. Mileage is reimbursed at the rates prescribed by the Internal Revenue Service (IRS) guidelines. Also, in the event of an accident while using your private vehicle on City business, your insurance will be primary. The City may cover the deductible cost. To be eligible for reimbursement, the employee shall maintain a valid driver's license, auto liability insurance as required by the California Vehicle Code, and use safe driving techniques. A flat monthly car allowance may be substituted for mileage reimbursement when recommended by the Department Head and approved by the City Manager. When attending a conference requiring travel out of the area, employees receiving a car allowance may still receive mileage reimbursement for travel associated with that conference according to the policy adopted in the City's Travel Policy.

12.8 City Employee Uniform Provision

For those employees who are required to wear a City Uniform, the City shall pay an amount of the costs associated with the provision of these uniforms recommended by the City Manager and approved by the City Council in accordance with the terms of applicable Department procedure and Department policies.

13. GRIEVANCE PROCEDURE

The grievance procedure provides a means for settling grievances or complaints that arise over the application of this manual as quickly as possible and at the lowest possible level of authority. Each step in the procedure must be completed before the next step may be taken. Failure to take the next step within the timeframes allotted herein will result in the conclusion that the prior step resolved the grievance and in waiver of the right to continue the grievance. Grievance procedures are not used for contesting disciplinary actions.

A grievance must be filed within five (5) work days of the occurrence of the event or within five (5) work days following the date the grieving party could have reasonably known of the occurrence of the act or omission giving rise to the grievance. Any supervisor or other member of management who receives a grievance must notify the Human Resources Manager of the grievance as soon as practicable. The facts concerning the grievance and the grievance process are to remain confidential, to the extent possible given the requirements of City business.

Grievance Steps.

Step 1. The employee should initially try to resolve any item of concern informally with his or her direct supervisor. The direct supervisor should hold a conference with the employee as soon

as reasonably practicable following the employee's request and attempt to informally resolve the issue. If the grievance is against the direct supervisor, the matter shall be taken directly to Step 2.

Step 2. If successful resolution is not reached in Step 1, the employee shall reduce his or her concern to writing and submit it to his or her Department Head. A copy of the formal written grievance must also be provided to the Human Resources Manager. Human Resources will provide a copy to the relevant department head, unless the grievance is related to his or her conduct. This formal written grievance must be submitted within five (5) work days of the date of the occurrence giving rise to the grievance or the right to file a grievance is waived. The Department Head, or his or her designee, shall meet with the grievant, and after the initial meeting, the Department Head or his or her designee will investigate the complaint. This investigation may involve separate conversations or meeting of all parties at the Department Head's discretion. The Department Head shall attempt to provide his or her written decision within seven (7) work days of the date of the first meeting with the employee.

Step 3. If the employee believes the decision of the Department Head does not adequately resolve the issue, the employee may submit a written appeal of that decision to the City Manager. This appeal must be submitted within seven (7) work days of the date of the Department Head's written decision or the right to appeal is waived. The City Manager shall meet with the grievant and, after the initial meeting, the City Manager or his or her designee will investigate the complaint. This investigation may involve separate conversations or meeting of all parties, at the City Manager's discretion. The City Manager shall attempt to provide his or her written decision within seven (7) work days of the date of the first meeting with the employee. The City Manager's decision is final and binding.

14. PROHIBITION AGAINST DISCRIMINATION & HARASSMENT

The City strictly prohibits and has "zero tolerance" for discrimination and harassment in any phase of the employment, including but not limited to recruitment, testing, hiring, upgrading, promotion/demotion, transfer, layoff, termination, rates of pay, benefits, and selection for training. This includes discrimination and harassment on the basis of sex, sexual orientation, gender identity or expression, race, color, ancestry, religious creed, handicap or disability, medical condition, age (over 40), marital status, or any other protected class under applicable law.

- a. Discrimination and Harassment Defined. Discrimination and harassment may consist of offensive verbal, physical, or visual conduct when such conduct is based on or related to an individual's sex or membership in one of the above-described protected classifications, and:
 1. Submission to the offensive conduct is an explicit or implicit term or condition of employment;
 2. Submission to or rejection of the offensive conduct forms the basis for an employment decision affecting the employee; or

3. The offensive conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment.
- b. Examples of Sexual Harassment. For the purpose of clarification, examples of what may constitute prohibited sexual harassment include, but are not limited to, the following:
1. Making unsolicited sexual advances written, verbal, physical, or visual contact with sexual overtones. (Written examples: suggestive or obscene letters, notes, invitations. Verbal examples: derogatory comments, slurs, jokes, epithets. Physical examples: touching, assault blocking or impeding access, leering gestures, display of sexually suggestive objects or pictures, cartoons or posters.)
 2. Continuing to express sexual interest after being informed that the interest is unwelcome. (Reciprocal attraction is not considered sexual harassment.)
 3. Making reprisals, threats of reprisal, or implied threats of reprisal following a negative response. (For example, implying or actually withholding support for an appointment, promotion, or change of assignment; suggesting a poor performance report will be prepared; or suggesting probation will be failed.)
 4. Engaging in implicit or explicit coercive sexual behavior which is used to control, influence, or affect the career, salary, or work environment of another employee.
 5. Offering favors or employment benefits, such as promotions, favorable performance evaluations, favorable assigned duties or shifts, recommendations, reclassifications, etc., in exchange for sexual favors. (Similar conduct when applied to other protected classes such as race, color, creed, national origin, age disability, medical condition, religion, sexual orientation, or marital status may constitute harassment and violation of this Policy. For example, racial jokes or degrading comments about age or ethnic background can constitute harassment under this Policy). Accordingly, in order to avoid the risk of discipline, such acts should be avoided in all circumstances.
- c. Internal Complaint Procedure. Any applicant or employee who believes that he or she has been the victim of sexual or other prohibited discrimination or harassment by co-workers, supervisors, clients or customers, visitors, vendors, Council or others must immediately notify Human Resources of the alleged conduct and may submit the issue pursuant to the terms of the City's Grievance Procedures as set forth in these policies. Human Resources can be reached at (760) 398-3502.
- d. Internal Investigation and Resolution. Following receipt of a harassment grievance, the Human Resources Manager or designee shall begin an immediate and thorough investigation to determine if sexual or other harassment has occurred. The investigation shall be conducted in an impartial manner and all information shall be maintained confidential to the extent possible. After full consideration of all relevant facts and circumstances involving the inquiry, a timely decision will be made by the City and

appropriate disciplinary or other action will be taken, up to and including termination of employment.

- e. Prohibition Against Retaliation. Retaliation against anyone for opposing conduct prohibited by the City's anti-harassment policies or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by the City, or any authorized governmental agency is strictly prohibited and may subject the offending person to, among other things, disciplinary action, up to and including, termination of employment.
- f. External Reporting. In addition to the City's internal complaint procedure, an employee may file a complaint with the California Department of Fair Employment and Housing (DFEH) or the U.S. Equal Employment Opportunity Commission (EEOC) at a local office (the numbers are listed in the phone book). Under California law, the Fair Employment and Housing Commission (FEHC) may order an employer to hire or rehire a victim of sexual harassment with back pay, and to provide the victim with monetary damages. The FEHC may also provide affirmative or prospective relief to prevent the recurrence of unlawful practices, including awards for back pay, reimbursement of out-of-pocket expenses, cease and desist orders, posting of notices, and other similar relief.

15. DISCIPLINARY AND NON-DISCIPLINARY PROCEEDINGS

15.1 Statement of City Policy

Use of the following procedures shall not reflect unfavorably on the employee, the supervisor(s), the Department Head(s), or the general management of the City. Retaliatory or discriminatory action against an employee for using this procedure or discrimination against an employee in the application of a rule or policy shall be a violation of City policy. It is expected that all City employees shall render the best possible service and reflect positively on the City. Therefore, high standards of conduct are essential.

15.2 Items Not Considered Disciplinary Action

The City adheres to a philosophy of active management and continuous employee feedback. As such, supervisors and managers are encouraged to engage in one-on-one communication sessions, provide critical analysis of performance, routine performance evaluations, performance improvement plans, and other written coaching and training memoranda. Performance feedback, routine evaluations, and training are not disciplinary in nature. Furthermore, changes to the structure of the City workforce due to financial or operational constraints are also not disciplinary in nature.

15.3 Disciplinary Action

All personnel matters, including employee discipline, come under the authority and responsibility of the City Manager and designees as authorized by the City Manager. Individual members of the City Council do not supervise or discipline and shall not attempt to direct City personnel other than through the City Manager.

a. Types of Discipline. The following represents a partial list of disciplinary actions the City may utilize. Nothing about this list precludes the City from using other forms of discipline, where appropriate. Nothing in these policies requires imposition of disciplinary action in any particular order of severity or any obligation to progressive disciplinary actions. The City may immediately impose whatever disciplinary action is appropriate to the misconduct. Such disciplinary actions may include:

1. A verbal reprimand. The verbal reprimand should be prompt, constructive, and every effort shall be made to give the reprimand in private. The supervisor or Department Head should include in the verbal reprimand a review of appropriate department standards and policies, employee performance expected in the future, and consequences for failure to correct performance or behavior. The verbal reprimand shall be memorialized in a writing place in the employee's personnel file.
2. A written reprimand. The written reprimand shall be given by the Department Director or designated authority when the misconduct is considered so serious as to warrant more than a verbal reprimand. Misconduct includes failure to meet City performance standards.

The written reprimand should include a full, accurate, and factual statement of the reason for the reprimand including the date and time of the event which is the cause of the reprimand, appropriate department standards and policies, employee performance expected in the future, and consequences for failure to correct performance or behavior.

3. Disciplinary suspension. A disciplinary suspension is a temporary removal of an employee from his or her duties without pay caused by poor performance, negligence, or misconduct (see the "common reasons for disciplinary action" below). Disciplinary suspensions without pay are given when serious misconduct or repetition of past problems require a strong management response. The nature of the offense, its severity and the circumstances dictate the length of suspension.
4. Reduction in pay. A reduction in pay decrease employee salary to a lower step within the salary grade for disciplinary purposes. The decrease may be permanent or for a fixed period of time. Denial of a merit increase or a reclassification downward is not discipline and does not entitle an employee to notice or right of appeal.
5. Demotion. The Department Director may demote an employee for significant poor performance, negligence, or misconduct (see the "common reasons for disciplinary action" below). Demotions are typically given when serious misconduct or prolonged repetition of past problems lead the City to conclude the employee's skill set is not well suited to the position. Demotion may be made to a vacant position. No employee shall be demoted to a position unless he or she possesses the minimum qualifications for such a position. The City Manager must approve all demotions.

6. Dismissal or termination. A termination of employment is typically imposed for egregious misconduct or when an employee's past performance indicates inability or unwillingness to correct the performance problems.

b. Causes for Disciplinary Action. It is intended that discipline be imposed primarily for corrective purposes and to address deficiencies in work performance

Non-exclusive list of the more common reasons for disciplinary action:

1. Actions contrary to the rules and policies of the City, including but not limited to safety rules.
2. Inefficiency, incompetence, inattention to or dereliction of duty, failure to perform assigned duties in a satisfactory manner.
3. Insubordination or failure to comply with City rules and policies.
4. Accepting gratuities, tips, or any valuable consideration given with the expectation of influence of duties.
5. Dishonesty.
6. Theft or unauthorized use of City property.
7. Fighting, bullying, threat of injury, or horse play while on duty or on City premises.
8. Frequent or habitual tardiness, unexcused absences or unsatisfactory attendance.
9. Conducting non-City business activities during working hours.
10. Harassment or discrimination in any form.
11. Consumption of alcoholic beverages or drugs while on duty or on City premises.
12. Being under the influence of alcohol or drugs while on duty.
13. Use, possession, transfer, or sale of non-prescribed drugs or narcotics (defined to include medical marijuana, even if prescribed and to include prescribed but abused medications) while on duty or on City premises.
14. Disorderly, indecent or immoral conduct while on duty or while in City uniform.
15. Discourteous treatment of the public or other City employees.
16. Failure to maintain professionalism or a satisfactory working relationship with co-workers.

17. Issuance of defaming or derogatory remarks, unrelated to performance issues, regarding a co-worker's character or personal life.
18. Conviction of any felony or of a misdemeanor involving moral turpitude, dishonesty or immoral conduct.
19. Unauthorized absence from work or excessive absences and tardiness.
20. Neglect of duty.
21. Actions incompatible with or offensive to the image or the goals of the City.
22. Failure to follow safe working practices.
23. Failure to report an injury or accident as soon as reasonably possible.
24. Failure to report significant unsafe working practices to supervisor.
25. Misrepresentations in obtaining employment with or promotion within the City regardless of the time elapsed before discovery.
26. Misuse of City money or resources.
27. Falsification of forms, records, or reports; including, but not limited to, time sheets, employment applications and City documents.
28. Possessing or bringing firearms or weapons onto City property.
29. Destroying or willfully damaging City or employee property, records, or other materials.
30. Unauthorized opening or tampering with locks in desks, doors, cabinets, etc., or unauthorized use or duplication of keys.
31. Failure to maintain license (e.g., California driver's license) or certification required for position. An employee will be subject to discipline, up to and including termination without progressive discipline, for the failure to maintain a license or certification required for that employee's job duties.
32. Failure to immediately report the loss of driving privileges by employees who must maintain such a license as a condition of employment.

Human Resources must be immediately notified at the discovery of any matter requiring an investigation of employee conduct or involving substantial economic loss to the City, alleged criminal activity, or alleged conduct that would normally result in termination, if substantiated.

- c. Disciplinary Actions Not Subject to Notice and Hearing Procedures. The following disciplinary actions may be taken against any regular employee by the City Manager, or

such management personnel as he/she may designate, without notice or hearing procedures:

1. Reprimand, which may be oral or in writing or both.
2. Suspension for up to four (4) days without pay.
3. Any discipline related to a City employee whose employment is “at will.”

These disciplinary actions are not subject to the City’s grievance procedures or so-called Skelly rights.

d. Disciplinary Actions Subject to Notice and Hearing Procedures. Upon compliance with the procedures set forth herein, satisfying the so-called Skelly rights, the following disciplinary actions may be taken against a regular full-time employee by the City Manager:

1. Suspension of five (5) or more days without pay: An ordered interruption of duties for five (5) or more days without pay.
2. Salary reduction: A reduction in pay from the employee’s current step within a pay range to any lower step within the same range, as such range is recorded in the City’s current salary schedule.
3. Demotion: A reduction from a position in one class to a position in another class having a lower salary range for disciplinary purposes.
4. Dismissal or Termination: Discharge from City service for cause.

These disciplinary actions are subject to the notice and hearing rights as set forth below but are not subject to the City’s grievance procedures.

e. Disciplinary Procedures for Regular Full-Time Employees. This Section sets forth the procedure to ensure that all regular full-time employees are fairly treated when subjected to disciplinary actions.

1. *Notice of the Proposed Action.* Prior to imposing discipline subject to the Notice and Hearing Procedures set forth herein, the Department Head shall deliver to the employee a written notice of its intent to discipline the employee. Such notice shall be personally served on the employee or sent by mail to the employee’s place of residence as last shown on the records of the City. The notice shall be served on or mailed not less than ten (10) calendar days prior to the proposed date of discipline and will allow a Skelly conference within that timeframe, should an employee or representative request one within that timeframe. The notice shall contain the following:

- (a) The type of discipline proposed and the effective date thereof.

- (b) The charges upon which such action has been proposed and the reasons why such action is being taken.
 - (c) If such charges are based in whole or in part upon documents or materials, the notice shall inform the employee of this fact, and shall inform the employee as to the location of such documents or materials. If available and subject to duplication, copies of such documents and materials shall be furnished to the employee with the notice.
 - (d) A time and date by which the employee may respond to the charges, orally or in writing, which date shall not be less than ten (10) calendar days after the notice is served on or mailed to the employee, whichever occurs first.
2. *Response of Employee.* The employee shall have the right to respond either orally, by Skelly conference, or in writing no later than the time and date provided in the notice to the employee. The time for response may be extended by the City Manager for a reasonable period if the City Manager determines it to be necessary to provide the employee with a fair opportunity to answer the charges made. Where a Skelly conference is requested, discipline will not be imposed until the conference has been held; though the City does not have to accommodate excessive or purposeful delay. Written responses shall be delivered to the City Manager within the time allowed to respond or said right shall be waived. If the employee desires to make an oral response, the employee shall give written notice to the City Manager of this fact at least two (2) calendar days before the time and date stated in the notice for the expiration of the time to respond. Failure of the employee to give such notice shall constitute a waiver by the employee of any right to present an oral response.
3. *Determination by Department Head.* Upon expiration of the period of time set forth in the City's notice to the employee, the Department Head shall review the matter, including the response of the employee, if any, and shall make a determination as to whether to impose discipline. The Department Head shall notify the employee in an "Order of Discipline" of his/her determination. Such notice shall be personally served on the employee or shall be sent by registered or certified mail to the employee's place of residence as last shown on the records of the City. The Order of Discipline should be sent within five (5) working days following the Skelly conference.
4. *Disqualification of Department Head.* If prior to the time set for consideration of the response, the Department Head has become so involved in the matter as to create an actual bias against the employee which prevents the Department Head from fairly considering the response of the employee, the Department Head shall so advise the City Manager, who shall there upon appoint another person to act on behalf of and in the place of the Department Head. However, mere prior knowledge of the factual background of the matter, and an expression of opinion thereon, shall not, in and of itself, disqualify the Department Head.

5. *Appeal.* An employee or former employee dissatisfied with the initial determination may appeal the determination to Human Resources, provided that a written notice of appeal is submitted no later than ten (10) working days after the date of personal service or mailing of the notice of the Order of Discipline, whichever is sooner. If a timely appeal is submitted, the matter will be referred to a Hearing Panel. The Hearing Panel will be composed of three (3) people: One member appointed by the employee; one member appointed by Human Resources; and a final member, who shall act as chair, shall be mutually selected by the employee and Human Resources from a list of arbitrators obtained from the California State Mediation and Conciliation Service, which list shall be requested within five (5) working days from the date of appeal. After the selection of the arbitrator, Human Resources shall schedule an evidentiary hearing before the Hearing Panel within twenty (20) working days from the date of the appeal, or as soon as possible depending upon the availability of the parties. Each side shall bear the costs of their individually selected panel member, and the cost of the mutually selected panel member shall be borne equally by the City and any relevant labor association. Where the employee is unrepresented, the City shall bear the burden of the arbitrator's expense solely.
6. *Determination of Appeal.* If an appeal is taken, within ten (10) working days of the close of said hearing, the Hearing Panel shall provide a written statement of its recommendation, including any findings, to Human Resources and the employee. Within five (5) working days after the issuance of the recommendation, Human Resources shall forward it to the City Manager for his or her consideration. The City Manager shall review the record and shall accept, modify, or reject the recommendation or findings. Written notice of the decision and any required findings by the City Manager shall be delivered to the employee within ten (10) calendar days of the City Manager's receipt of the Hearing Panel's recommendation. The City Manager's decision shall be final and not subject to any further appeal.
7. *Reduction in Force.* Notwithstanding any other provision of these rules, nothing provided herein shall prohibit the City from layoffs or reductions in force for administrative, organizational, or economic reasons. Layoff or reduction in force is not disciplinary in nature and is not subject to disciplinary appeal. Where feasible, the City will provide thirty (30) working days of notice before the effective day of any regular or temporary reassignment or layoff. With the exception of executive, managerial, or supervisory staff, the name of the employee laid off or reassigned shall be placed on a reemployment list for one (1) year, and he or she shall be given the first opportunity for return to re-employment in the position that he or she previously held.
8. *Paid Administrative Leave.* The City Manager has the authority to place any employee on paid administrative leave in order to accommodate the City's needs. These needs include, but are not limited to, times where the best interests of the City are best served by separation of employees during the pendency of an

investigation. Paid administrative leave alone is not discipline and does not trigger any disciplinary appeal or grievance rights.

16. EMPLOYEE RESPONSIBILITIES

16.1 Incompatible Activity of City Employees/Outside Employment

If an employee plans to be engaged in outside employment, he/she will notify his or her Department Head prior to beginning such employment and obtain written approval of the Department Head and such approval will be forwarded to Human Resources. Approval of outside employment is subject to the following:

- a. The outside job must not interfere with the employee's effectiveness on the City job.
- b. The outside work shall not place the employee in a position of conflict of interest with his or her City employment.
- c. The outside work shall not prevent the employee's ability to work beyond normal working hours, such as emergencies or peak work periods, when such availability is a regular part of the employee's job.
- d. The employee must not engage in employment with the outside job during employee's normal, regular working hours with the City. It also shall not require the services of other employees during their normally scheduled work hours.
- e. Regular employees shall not hold two (2) employment classifications within the City simultaneously.

The Department Head reserves the right to terminate the written approval based upon the staffing needs of the Department, and can reevaluate his or her decision on a periodic basis. An employee shall not engage in any employment, activity or enterprise which is inconsistent, incompatible or in conflict with his or her duties as a City Officer or employee. The City shall determine and prescribe those activities which for employees under his or her jurisdiction, will be considered inconsistent, incompatible or in conflict with their duties as City employees. In making such determination, the City may conduct an investigation into the activity, employment, enterprise or issue in question. The City shall give consideration to employment activity or enterprise, which:

- a. Involves the use of City time, facilities, equipment and supplies, the badge, uniform, prestige or influence of one's City office or employment for private gain or advantage .
- b. Involves the soliciting or the acceptance by the employee of any monetary gift, gratuity, or other consideration from anyone other than the City for the performance of an act which the employee, if not performing such an act, would be required or expected to render in the regular course of hours of his or her City employment, or as part of his or her duties as a City officer or employee.
- c. Involves the performance of an act other than acts in his or her capacity as a City employee, which may later be subject to direct or indirect control, inspection, review,

audit or enforcement by such employee or the agency by which he/she is employed. Each City employee shall, during his or her hours of duty as a City employee and subject to such rules and regulations as pertain thereto, devote his or her time, attention and efforts to his or her office or employment.

If it is determined that outside employment is detrimental to the City, the employee will be asked to terminate the outside employment or terminate employment with the City.

16.2 Gifts and Gratuities

Officers or employees of the City shall not solicit or accept any gift, reward, service, or gratuity of any kind by reason of their employment, except edible gifts which may be shared by all employees, and official solicitations by an Employee Events Committee on behalf of the City Manager concerning employee special events. All such precluded gifts should be respectfully declined and reported to the appropriate manager.

16.3 Employee Safety

It is the City's policy to provide safe equipment, tools and facilities, but only the employee can assure that injuries on the job do not occur. Awareness of safety practices, correction of unsafe conditions, and proper work methods will go a long way toward eliminating crippling or fatal accidents. Safety procedures established by the department, outlined in the City's Injury and Illness Prevention Plan and/or the City's Safety Committee shall be followed at all times.

16.4 Insubordination

An employee who fails to comply with any reasonable directive by their supervisor (or designee) or Department Head to whom he or she is responsible shall be subject to disciplinary action for insubordination.

16.5 Political Activities of Public Employees

The City is a "local agency" of the State of California and as such, is governed by the laws of the State. Within Chapter 9.5 of the Government Code, of the State of California, §3201 et seq., are provisions which establish laws relating to the political activities of City ("local agency") employees.

These laws restrict the use of public facilities for soliciting political contributions generally and for the soliciting or receiving of political contributions by a City employee from other City employees. These laws also state that no person who holds an office or employment with a "local agency", or who is seeking an office or employment with a "local agency", may use that office to influence another person or persons for political purposes.

The Code does not restrict the right of an employee to participate in political activities except that employees may not engage in political activities during working hours. The specific provisions of the State Laws relating to political activities of City ("local agency") employees and officers are on file in the office of the City Clerk.

16.6 Administrative Regulations

The City Manager is authorized to issue such additional administrative policies to carry into effect these Rules and Regulations. The City Manager is also authorized to approve supplementary department personnel rules and regulations not in conflict with these rules.

16.7 Dress Standards

All City employees are expected to maintain high personal and professional standards. One of the most noticeable expressions of these standards is dress and appearance. Workplace attire and grooming must be neat, clean and appropriate for the work being performed and the setting in which the work is performed. All employees are representatives of the City and therefore dress, appearance, personal hygiene and grooming should: (1) present a professional appearance for the public, customers, and suppliers; (2) ensure safety while working; (3) limit distractions.

Department Heads will ask any employee who is deemed to be inappropriately dressed to return home to change into proper attire. Employees who are asked to leave because of inappropriate dress will not be compensated for any time spent going home or returning to work. Employees may be subject to discipline up to and including termination if they continually report to work inappropriately dressed.

This policy defines the minimum guidelines that will be enforced equally for all employees in all departments. Employees should check with their Department Head or supervisor for more formal or additional dress requirements that may be dictated by a specific assignment and/or interaction with the public. Any questions regarding appropriate workplace attire should be directed to the employee's Department Manager, Supervisor, or Human Resources.

16.8 Conduct Standards

All City employees have the right to work in a respectful workplace. The City of Coachella's leadership is committed to promoting and sustaining a workplace where all employees are treated with respect and dignity, regardless of their status or position. Each employee is expected to abide by these values and standards of interpersonal behavior, communication and professionalism. These standards include:

- a. Respect and value the contributions of all co-workers, regardless of job, status or role in the City.
- b. Treat all co-workers and the public with respect and courtesy, and present a professional and business-like manner at all times.
- c. Work honestly, effectively and collegially.
- d. Respond promptly, courteously, and appropriately to requests for assistance and information.
- e. Use respectful and courteous verbal communication to manage disagreements.

- f. Abide by all applicable rules, policies and procedures.
- g. Demonstrate a commitment to the City where all employees cooperate and collaborate to effectively deliver City services.

16.9 Violence & Weapons

The City has adopted this “zero tolerance” policy regarding workplace violence. Consistent with this policy, acts or threats of physical violence, including intimidation, harassment, or coercion, which involve or affect the City or which occur on City property will not be tolerated. Acts or threats of violence include conduct which is sufficiently severe, offensive, or intimidating to alter the employment conditions at the City or to create a hostile, abusive, or intimidating work environment for one (1) or several City employees.

- a. *Firearms.* Employees shall not carry firearms or any other weapons in City vehicles or on City property, including personal vehicles parked on City property. Employees who feel that they require personal protection shall discuss same with their supervisor or Department Head. Management will then review the conditions and determine what action, if any, is appropriate.
- b. *Workplace Violence - Definition.* Workplace violence includes, but is not limited to the following:
 - 1. All threats or acts of violence occurring on City premises, regardless of the relationship between the City and the parties involved in the incident.
 - 2. All threats or acts of violence occurring off the City premises involving someone who is acting in the capacity of a representative of the City.
 - 3. All threats or acts of violence occurring off the City premises involving an on-duty employee of the City.
- c. *Specific Examples.* Specific examples of conduct which may be considered threats or acts of violence include, but are not limited to, the following:
 - 1. Hitting or shoving an individual.
 - 2. Threatening, implying threat, or suggesting violence to an individual or his or her family, friends, associates, or property with harm. This prohibition includes the suggestions or intimation that violence is an appropriate course of conduct.
 - 3. The intentional destruction or threat of destruction of City property.
 - 4. Harassing or threatening phone calls.
 - 5. Unauthorized surveillance or stalking.
 - 6. Unauthorized possession or inappropriate use of firearms or weapons.

16.10 Smoking Prohibitions

Employees are prohibited from smoking in all buildings, structures, facilities, establishments, conference rooms, trailers, meeting areas, hallways, lobbies, storage rooms, shops, garages, bays, shelters, vehicles, job sites, and equipment that are rented, leased, owned, or operated by the City. In conformity with California Government Code section 7597, no smoking shall be allowed within twenty (20) feet of any main entrance, exit, or window of any City building. The term “smoking” as used in this policy includes use of any recreational inhalable product, whether made inhalable by burning, vaporization, or any other means. This policy prohibits use of any cigarettes, e-cigarettes, cigars, pipes, or vaporizer, regardless of the substance being inhaled. Smoking shall also be prohibited within fifty (50) feet of all confined spaces, (i.e., sewer manholes, sewer lift stations, vaults, reservoirs, etc.).

- a. Posting. All indoor City facilities shall be posted “No Smoking.” Signs will be 8-1/2 by 11 inches in dimension or larger, and shall be legible. The characters forming the words “No Smoking” shall be standard characters at least two (2) inches high, printed on a contrasting background. Signs shall be posted so as to be clearly visible.
- b. Vehicles and Equipment. Smoking is prohibited in City vehicles and equipment. This policy shall apply to all City employees, associates, visitors, or any riders in City vehicles or equipment.
- c. Responsibilities. It shall be the responsibility of the employees to follow this policy. Failure to do so will result in disciplinary action up to and including termination. It shall be the responsibility of the Human Resources Manager or his or her designee to execute this policy so far as demarcation of smoking areas and posting of “No Smoking” signs and the maintenance thereof.

16.11 Drugs & Alcohol

- a. General Prohibition Against Use or Possession. At no time shall employees use, possess, carry, or transport alcoholic beverages, non-prescribed drugs, narcotics (including marijuana, whether obtained via prescription or not), or any other regulated item during working hours while on duty or on City premises, nor shall an employee report for work under the influence of alcoholic beverages, non-prescribed drugs or narcotics (including marijuana, whether obtained via prescription or not). Human Resources may request information in written form from a doctor certifying that any prescribed drugs or medication that an employee is taking will not affect the employee’s performance or the safety of the employee or others. This policy shall not be interpreted to prohibit off hours use or possession of alcohol at events that are pre-approved by the City to include a licensed alcohol vendor; although use may not be in excess nor shall be allowed outside of areas designated for its use and consumption.
- b. Drug and Alcohol Testing. It is the policy of the City to prohibit its employees from using or being under the influence of alcohol or illegal drugs (including, without limitation, marijuana – whether or not the employee maintains a prescription for the same) in connection with their employment, as it constitutes a threat to the safe and

efficient performance of employee's duties. At no time shall any employee be under the influence of any controlled drug or alcohol while on the job. (Employees who are taking medication pursuant to a physician's prescription – other than for medical marijuana – who has also certified that they may perform their duties without jeopardizing the health or safety of others will not be considered to have violated this policy for taking such prescription medicine within the range prescribed.)

c. Other Prohibitions. The following conduct is prohibited and may result in discipline, up to and including termination:

1. Using or possessing alcohol or any illegal drug (including marijuana, whether or not the employee maintains a prescription for the same) while on duty;
2. Reporting for duty or remaining on duty when the employee used alcohol or controlled substance, except if the use is pursuant to the instructions of a physician who has advised the employee that the substance (other than medical marijuana) does not adversely affect the employee's ability to safely operate a vehicle or otherwise perform the employee's job;
3. Reporting for duty or remaining on duty if the employee tests as having a blood alcohol concentration at any level that would violate law when driving or that can be construed to show that the employee was at such level at any time while on the job;
4. Reporting for duty or remaining on duty if the employee tests positive for controlled substances (including marijuana, whether or not the employee maintains a prescription for the same);
5. Refusing to submit to any alcohol or controlled substances test required by this policy. An employee who refuses to submit to a required drug/alcohol test will be treated in the same manner as an employee who failed a blood alcohol test or tested positively for a controlled substances test. A "refusal to submit" to an alcohol or controlled substances test required by this policy includes, but is not limited to:
 - (a) An explicit or implied refusal to provide a urine sample for a drug test;
 - (b) An inability to provide a urine sample without a valid medical explanation;
 - (c) A refusal to complete and sign the breath alcohol testing form, or otherwise to cooperate with the testing process in a way that prevents the completion of the test;
 - (d) An inability to provide breath or to provide an adequate amount of breath without a valid medical explanation;

- (e) Tampering with, attempting to adulterate, or providing an insufficient amount of specimen during the urine specimen or collection procedure;
- (f) Not reporting to the collection site in the time allotted by the supervisor or manager who directs the employee to be tested; or
- (g) Leaving the scene of an accident without a valid authorization from the City.

While on paid duty time or on City property, including in City vehicles or while operating City equipment, employees shall not consume or possess alcoholic beverages or consume or possess controlled substances, including but not limited to marijuana whether prescribed or not. Employee shall not work or be at work while under the influence of any controlled substance (as defined herein), without written authorization from a qualified physician and written approval from Human Resources.

Employees are obligated to report violations of this policy to Human Resources. In addition to the above prohibitions, employees are reminded of their obligations under the Federal Drug Free Workplace Act of 1988. All employees covered by this policy have previously been provided with a copy of the City's Drug Free Workplace Statement and have signed an acknowledgment that they have read the Statement and agreed to comply with it.

- d. Reasonable Suspicion Testing. All employees may be required to submit to an alcohol or drug test if a supervisor has reasonable suspicion to believe the employee is under the influence of alcohol or controlled substances. Reasonable suspicion shall be reported to Human Resources which shall arrange the testing. The observation should generally be based on short-term indicators, including, but not limited to blurry vision, slurred speech or alcohol on the breath. Reasonable suspicion alcohol and drug testing will generally be administered within two (2) hours of the observation. If not, the supervisor should provide written documentation as to why the test was not promptly conducted.
- e. Post-Accident Testing. Employees will be required to undergo alcohol or controlled substance testing if they are involved in an accident with City equipment or a City vehicle that results in significant damage or personal injury. This includes all employees who are on duty in the vehicle or equipment in question and any others whose performance could have contributed to the accident.

In addition, a post-accident test will be conducted if an accident results in injuries requiring transportation to a medical treatment facility; or where one (1) or more vehicles incurs disabling damage that requires towing from the site; and the employee receives a citation under State or local law for a moving traffic violation arising from the accident. Following an accident, the safety-sensitive employee will be tested as soon as practicable (generally within two (2) hours), but not to exceed eight (8) hours for alcohol and thirty-two (32) hours for controlled substances. Any employee who leaves the scene of the

accident without appropriate authorization prior to submission to controlled substance and alcohol testing will be considered to have refused the test and subject to termination. Post-accident testing of safety-sensitive employees will include not only the operation personnel, but any other covered employees whose performance could have contributed to the accident.

- f. Regular And Random Testing. Employees in positions that require a Commercial Driver's license will be required to submit to regular testing, as required by law. If an employee refuses to submit to the testing, the refusal will be handled in the same manner as a failed test. Employees who are designated as safety sensitive by the City may be subject to random testing.
- g. Return To Duty Testing. All employees who have failed an alcohol test or tested positive for controlled substances, if retained, must be certified as being fit for duty and evaluated and released to duty by the Substance Abuse Professional (SAP) before being allowed to return to duty.
- h. Consequences of Failing an Alcohol or Drug Test. A positive result from a drug or alcohol test will result in disciplinary action, most likely termination of employment, even for a first offense. The City also reserves the right to discipline or terminate an employee convicted of an offense which involves the use, distribution, or possession of illegal drugs (including medical marijuana). If an employee is not terminated, the employee:
 - 1. Must be removed from performing any job function and immediately placed in an unpaid status for one (1) day (unless they elect to use paid leave). If the employee does not obtain a fitness for duty certification within that day, or if the employee fails his or her alcohol or drug test, the employee shall remain on paid administrative leave until reinstatement or termination of employment; and
 - 2. Must submit to an examination by a Substance Abuse Professional. Upon a determination by the Substance Abuse Professional, the employee may be required to undergo treatment for his or her alcohol or drug abuse. The City is not required to pay for this treatment; and
 - 3. Shall not be returned to his or her former position until the employee submits to a return-to-duty controlled substance or alcohol test (depending on which test the employee failed) which indicates an alcohol concentration level of less than 0.02 or a negative result on a controlled substance test; and
 - 4. Will be required to submit to unannounced follow-up testing if he or she has been returned to his or her position, for a period of up to one (1) year.
- i. Compliance with State or Federal Law. At all times, the City will comply with current applicable state or federal law concerning drug and alcohol testing. Issues or inconsistencies that are not addressed in this policy will be determined by referring to state or federal law and regulations governing drug and alcohol testing. The City reserves

the right to make changes to this policy at any time, for the purpose of complying with state or federal law or regulation as it exists now or as it may be amended.

- j. Procedures for Drug Testing. The City will refer the applicant or employee to an independent, National Institute on Drug Abuse (NIDA)-certified medical clinic or laboratory, which will administer the test. The City will pay the cost of the test and reasonable transportation costs to the testing facility. The employee will have the opportunity to alert the clinic or laboratory personnel to any prescription or non-prescription drugs that he or she has taken that may affect the outcome of the test. All drug testing will be performed by urinalysis. Initial screening will be done by EMIT II. Positive results will be confirmed by gas chromatography/mass spectrometry.

The clinic or laboratory will inform the City as to whether the applicant passed or failed the drug test. If an employee fails the test, he or she will be considered to be in violation of this policy and will be subject to discipline accordingly.

The City maintains the right to require any employee to re-submit to testing, pursuant to the same terms and procedures as set forth for the initial test, where the employee's initial test results are inconclusive because of a diluted sample or any other reason.

16.12 Vehicle & Equipment Use

This policy establishes standard requirements and procedures for City employees who are assigned a City-owned vehicle. Users of City vehicles are required to adhere to these policy guidelines. This policy addresses a number of aspects of vehicle and equipment usage including: Driver Responsibilities, Use of Pool Vehicles, Use of City Vehicles, Use of Standby/Take Home Vehicles, Response to Accidents, and Global Positioning System.

- a. Driver Responsibilities. While operating any vehicle while on City business, the driver must possess a valid State of California, Department of Motor Vehicles (DMV) Driver's License, adequate insurance, and shall comply with all requirements of the law, including the California Vehicle Code and any relevant local regulation or ordinance. Drivers required to operate a commercial vehicle must possess a valid State of California, DMV Commercial Driver's License with the proper endorsement and a current medical card.
1. Drivers must immediately advise their direct supervisor if their driver's license is suspended or if medical conditions might impair driving.
 2. City vehicles may only be used to transport City employees or other persons directly related to City business.
 3. The driver of the vehicle is responsible for all fines and penalties assessed during their operation of the vehicle.
 4. No driver shall operate a City vehicle while under the influence of any drug (including prescriptions such as medical marijuana), narcotic, alcohol, or other controlled substances that may have an effect on the safe operation of the vehicle.

5. Smoking, defined to include use of smokeless tobacco, electronic cigarettes, and vaporizers, is not permitted in City vehicles.
6. Drivers may not operate a cell phone or text while operating a City vehicle.
7. No driver shall wear earphones while driving for the City.
8. City vehicles shall be used only for City business and not for personal business. The transportation of personal guests or property with a City vehicle is prohibited at all times, including while the employee is on authorized on-call duty.
9. Commercial vehicle and equipment operators must perform a pre-trip (use) inspection report prior to operation of vehicle or equipment. This is a California Highway Patrol requirement. Completed pre-trip (use) forms must be signed by the driver and submitted to the Fleet Division daily. Should the defect not affect the vehicle's safe operation, the driver is still required to have a mechanic sign the form before using the vehicle.
10. Each employee having custody of a City vehicle shall exercise due caution and prudence in the operation of such vehicle and shall avoid damage to such vehicle. Drivers are responsible for the proper operation and use of the vehicle or equipment, and shall be responsible for bringing in their assigned vehicle to the Fleet Division for timely preventative maintenance and/or repairs.
11. Assigned City vehicles are for use during working hours only. Said vehicles shall otherwise be parked (or stationed) and locked at assigned City facilities; City vehicle keys shall remain at the office in a secured area.

Keys for standby/take home vehicles assigned to individuals may be kept overnight or during the weekend by the individual, however, should the employee be on personal time off they are to make that vehicle available to their assigned department by leaving the keys and vehicle at the assigned City facility; unless arrangements are made with the Director.
12. Drivers shall not operate a commercial vehicle or construction equipment unless the driver and or operator is properly qualified and licensed to operate such equipment. Each driver's manager is responsible for assuring that an equipment training record is on file with the Fleet Division.
13. Drivers of City vehicles are required to notify their supervisor, in writing, within one (1) working day of receiving the following:
 - (a) If their driver's license is revoked, suspended, or expired.
 - (b) If they are cited for a major moving violation while operating a City vehicle or equipment, to include but not limited to the following:

- Driving under the influence of alcohol, drugs, or other controlled substances.
- Hit and run.
- Reckless driving.
- Leaving the scene of an accident.
- Eluding or fleeing a police officer.
- Speed contest or drag racing.

14. Only City employees ***and their business guests*** are allowed as passengers in City vehicles. No family members, hitchhikers, or personal guests are permitted. Drivers and passengers shall use seat belts and shoulder restraints at all times while the vehicle is in motion. No driver shall allow or cause any passenger to ride in or on any vehicle other than in a proper passenger seat equipped with legal seat belts.

15. Gasoline fuel vehicles may be idled in excess of fifteen (15) minutes to avoid cases of heat illnesses.

b. Use of Assigned Vehicles. The assignment of City vehicles to City employees shall require the approval of the employee's Director and Public Works Director. Upon vacancy, any positions currently on the list will automatically be removed unless authorized by the Director. The City reserves the right to review the continuing need for any vehicle assignment. These vehicles are permitted for work purposes only and for use during working hours only. Vehicles will be picked up and properly dispatched from the appropriate facility and returned at end of assignment/day/shift as appropriate. Out of town travel assignments are limited to travel between the place of City business and a place of temporary lodging and/or for obtaining food.

c. Use of Standby/Take Home Vehicles. At the discretion of the responsible Director, City vehicles may be taken home by those employees on paid stand-by duty during the period of such stand-by duty. If possible, said vehicles shall be parked at the employee's residence (or where the employee has legal entitlement to station the vehicle) in a: garage, carport, or driveway, and not on a private or public street. Said vehicles shall only be used for the express purpose of responding to call outs and not for personal purposes.

With the permission of the employee's Director, employees may be assigned City vehicles in lieu of their personal vehicles for transportation to places/events to facilitate their availability during their authorized On-Call duty. However, City vehicles may not be parked at or near bars, adult entertainment establishments or other locations likely to reflect poorly on the City. Incidental stops within a reasonable distance of route to and from work site are permitted. Out of town travel assignments are limited to travel between the place of City business and a place of temporary lodging and/or for obtaining food. Restricted to travel within a two hundred (200) mile radius of the City. No out-of-state travel.

d. Response to Accidents. All job-related incidents or any incident involving City property must be reported no matter how slight. Drivers or operators of vehicles or equipment

shall complete an Incident Report in the event of: vehicle accident, vehicle damage, vehicle theft, vehicle vandalism, property damage and other vehicle related incidents. Incident Report must be completed within two (2) hours, if possible, of the incident and turned in to your immediate supervisor.

Vehicle accidents as defined here include any incident involving a City vehicle or equipment that results in damage, regardless of how minor. If you are involved in an accident on a public road, immediately notify the California Highway Patrol or appropriate law enforcement agency by calling 911. State the following information:

1. Exact location of accident.
 2. Number of injured parties.
 3. Number of vehicles involved.
 4. Indicate if accident is blocking traffic.
 5. Standby for confirmation.
 6. Obtain the following information:
 - (a) Name, address, and telephone number of driver and owner of vehicle.
 - (b) Driver's license number (verify address).
 - (c) Description of other vehicle(s) and license plate number(s). Describe damage of vehicle(s).
 - (d) Name, address, telephone number, and policy number of their insurance company.
 7. Obtain names, addresses, and telephone numbers of any witnesses of the accident. Take photographs of the accident scene if you or another employee has access to a camera or Smart Phone (i.e., iPhone, Blackberry, etc.) with a camera feature.
 8. Follow up with the written Incident Report of the accident within two (2) hours, if possible, of the accident and submit to your immediate supervisor and Risk Management.
- e. Global Positioning System (GPS). City vehicles may be equipped with a GPS monitoring device to assure proper maintenance and use. This system enables the City to generate several types of reports and E-mail notifications regarding the use, location, and servicing requirements of GPS equipped vehicles. For example, the system will be used to notify the vehicle's driver, supervisor, and Fleet Services of the cause of vehicle trouble codes, mileage, vehicle location, vehicle idling time, speed, routes taken, service intervals, etc.

Tampering with the GPS unit monitoring device is prohibited and is basis for serious disciplinary action up to and potentially including termination.

16.13 Confidential & Personal Information

The security of City property is of vital importance. City property includes not only tangible property, like desks and computers, but also intangible property such as confidential information. It is critical for the City to preserve and protect its confidential information, as well as the confidential information of customers, suppliers, and third parties. All employees are responsible for ensuring that proper security is maintained at all times. While employed by the City, employees must not use or disclose any Confidential or Personal Information that they produce or obtain during employment with the City, except to the extent such use or disclosure is required in connection with performing their jobs. Employees may not use or disclose Confidential or Personal Information for any reason after the employment relationship with the City ends. Misuse or unauthorized disclosure of Confidential or Personal Information may result in immediate termination, as well as potential personal and criminal liability. Nothing in this policy restricts an employee from discussing his or her wages or other terms and conditions of employment with coworkers or others, to the extent protected by law.

a. Definitions:

1. “Confidential Information” means all information, not generally known, belonging to, or otherwise relating to the business of the City or its clients, customers, suppliers, vendors, affiliates or partners, regardless of the media or manner in which it is stored or conveyed, that the City has taken reasonable steps to protect from unauthorized use or disclosure. Confidential Information includes but is not limited to trade secrets as well as other proprietary knowledge, information, and know-how; non-public intellectual property rights, including business plans and strategies; manufacturing techniques; formulae; processes; designs; drawings; discoveries; improvements; ideas; conceptions; test data; compilations of data; and developments, whether or not patentable and whether or not copyrightable.
2. “Personal Information” includes personally-identifiable information about employees, consultants or other individuals, such as Social Security numbers, background information, credit card or banking information, medical or health information, or other non-public information entrusted to the City. This information must be safeguarded and employees must not disclose personal information about the other individuals to any third party without prior managerial approval. Moreover, employees must notify the City if an employee or customer’s personal information was, or is reasonably believed to have been, acquired by an unauthorized person so the City may provide notice to that employee or customer as provided by law.

Avoiding loss or theft of Confidential or Personal Information is an important part of each employee’s job. Accordingly employees must observe good security practices. Employees are expected to keep Confidential Information secure from outside visitors and all other persons who do not have legitimate reason to see or use such information. Employees are not to remove City property without authorization. Failure to adhere to City policies regarding Confidential and Personal Information will be considered grounds for dismissal. Given the sensitivity of

Confidential and Personal Information, employees may only dispose of such information by secure methods approved by the City. If an employee has any doubt or question about how to handle Confidential or Personal Information, the employee should consult with the City's Human Resources Department.

16.14 Computer System Usage

Fax, telephones, and the internet are business tools that are of significant value to the City to facilitate and expedite communication. This Policy addresses the appropriate use and disclosure of electronic mail ("email") messages sent or received by City employees, and authorized use of the City's email systems. The communications portion of this policy addresses the appropriate use and disclosure regarding fax, telephones, cellular telephones, and the internet.

- a. Electronic Mail. This policy applies to all City employees and volunteers who use the City's email system ("user(s)"). Email communication is not private or confidential. Email users shall operate on the assumption that email may be subject to discovery or disclosure in a court proceeding. Email users shall exercise the same level of care in deciding whether to use email, and in composing it, that they would exercise in the case of a communication set down on paper. Messages that appear to be lighthearted or innocuous when given orally may appear in a completely different light when put in writing, and email is equivalent to a written communication. This statement of policy shall not be construed as a statement or admission by the City that any particular email is in fact subject to disclosure under the Public Records Act, and such determination will be made on a case by case basis.
- b. Authorized Use of Email Systems. The primary use of email is for official City business purposes, as necessary and desirable to meet City organizational needs and goals. Incidental and occasional personal use of the email and email system is permitted. Such messages are subject to the access and disclosure statements set forth in the above policy. Any personal communications shall be brief and occur occasionally. If the personal use (non-City business) of email becomes the primary use or is disruptive to the efficiency of the employee at work, it becomes a prohibited act. Employees and non-employee users are responsible for all email originating from their user-id. Adequate security systems are available to employees to ensure that email can be protected from misuse by others. Employees are responsible for using such systems effectively.
- c. Prohibited Acts. The following actions are examples of prohibited acts involving email that may be grounds for disciplinary action:
 1. Threatening Messages. Users shall not send email messages of a threatening, obscene, or profane nature, or that would otherwise be reasonably considered to be offensive or disruptive or to infringe on the personal privacy of others.
 2. Misrepresenting Email Sender. Users shall not sign or otherwise identify email as coming from an individual other than the actual sender, unless the sender is authorized to send email on behalf of the other individual and the message is of a type authorized by the individual (e.g., it would be permissible for a secretary to

send a meeting notice via email in the supervisor's name, when authorized to do so by the supervisor).

3. Harassing, Discriminatory, or Defamatory Use. As set forth more fully in the City's Policy Against Harassment, the City does not tolerate discrimination or harassment based on gender, pregnancy, childbirth (or related medical conditions), race, color, religion, national origin, ancestry, age (over 40), physical disability, mental disability, medical condition, marital status, sexual orientation, family care or medical leave status, veteran status, or any other status protected by state or federal laws. Under no circumstances may users send, receive, or store email that is discriminatory, harassing, or defamatory in any way (e.g., sexually explicit or racial messages, jokes, cartoons, etc.).
4. Violating Copyright Laws. Users must not use the email system to copy, retrieve, forward, or send copyrighted materials unless the user has the author's permission or other legal fair use.
5. Sending Junk Mail. Users must not transmit unsolicited junk mail or "spam."
6. Accessing Another's Email. It is prohibited for an employee to access another user's email, without consent or prior City authorization, for any purpose (including, but not limited to, reading, modifying, copying, transferring, or deleting the email).

Other Prohibited Uses. Users may not use the email system for any illegal purpose; in a manner that violates any City policy or contrary to the best interests of the City; in any way that discloses confidential or proprietary information of the City or third parties; or for personal or financial gain.

- d. City's Right of Access and Employee Privacy. All City email is solely the property of the City, regardless of the nature of the email, physical location, or how maintained. The City, as owner of email, has at all times, the right to access all email, including email protected by security measures. Human Resources may access email within any department or office. When necessary, assistance in obtaining authorized access shall be provided by the IT Administrator. The accessing of a department's email shall be coordinated with the Department Director, unless Human Resources determines that the access should remain confidential. Email users shall cooperate in the access of email when requested by Human Resources. No employee has an expectation of privacy in any City email account.
- e. Electronic Communication Resources. This policy applies to all employees, volunteers, and other individuals who have been granted access to and use of the City's electronic communication resources. "Electronic Communication Resources" are defined to include all equipment and software that retain, transmit, copy, modify, analyze, or process information in any form. Electronic communication resources include, but are not limited to, the City's telephone system, voice mail system, mainframe computers, desktop and laptop computers, mobile date computers, computer networks, printers, scanners, plotters,

modems, facsimile (fax) machines, CAD machines, databases, data storage media, cellular telephones, pagers, internet access, internet browsers, computer applications, and utilities and operating systems. The City's electronic communication resources are City property and intended for City business. These resources are not to be used for employee personal gain or to support or advocate for non-City related business or purposes except as otherwise authorized by this policy. All use of City electronic communication resources is subject to management access pursuant to this policy.

1. *Personal Use of Electronic Communication Resources.* Subject to review by the Department Head, incidental and occasional personal use of electronic communication resources is permitted if it does not interfere with the use of equipment for City purposes and is not excessive or does not unduly interfere with an employee's work time or job activities, or the job activities or other employees, but such use and any messages or data created or accessed will be treated no differently than other messages or data. If the City's electronic communication resources are used for personal use, the employee assumes personal responsibility to reimburse the City for any additional cost incurred for such use (e.g., cellular telephone charges or copy costs). The City reserves the right to reduce or eliminate any personal use by an employee on a case by case basis.

2. *Unacceptable Use of Electronic Communication Resources.* Unacceptable uses of the City's electronic communication resources include, but are not limited to, the following:
 - To transmit threatening, abusive, obscene, offensive, lewd, profane, discriminatory, defamatory, or harassing material or communications.
 - To transmit, receive, access, upload, download, or distribute any of the following: Obscene material; pornographic material; abusive material; sexually explicit material; or material that suggests a lewd or lascivious act.
 - Disruption of network services, such as distributing a computer virus.
 - Sending of messages likely to result in the loss of the recipient's work or systems, and any other types of use that could cause congestion of the network or otherwise interfere with the work of others.
 - Use of someone else's identity or password for access to information without proper authorization.
 - Misrepresenting one's identify or affiliation in any communication.
 - Attempt to evade, disable, or otherwise bypass password or other security provisions of systems on the network.
 - Reproduction or distribution of copyrighted materials without appropriate authorization.
 - For commercial ventures.
 - To engage in any form of gambling via communications resources.
 - To advocate or access information advocating any type of unlawful

violence, vandalism, or illegal activity.

- To secure access to any form of City electronic communications resources without the authorization of the Department Head or his or her designee.
- Under no circumstances shall any employee use any City electronic communication resources for messages that are, or reasonably could be considered offensive, harassing, discriminatory, or defamatory to another on the basis of gender, pregnancy, childbirth (or related medical conditions), race, color, religion, national origin, ancestry, age (over 40), physical disability, mental disability, medical condition, marital status, sexual orientation, gender identity, gender expression, family care or medical leave status, veteran status, or any other status protected by state or federal laws.

3. *No Reasonable Expectation of Privacy.* On occasion, the City may need to access its Electronic Communication Resources including computer files, electronic mail messages, and voicemail messages. Employees should understand, therefore, that they have no right of privacy with respect to any messages or information created, collected, or maintained on the City's Electronic Communication Resources, including personal information or messages. The City may, at its discretion, inspect all files or messages on its Electronic Communication Resources at any time for any reason. The City may also monitor its Electronic Communication Resources at any time in order to determine compliance with its policies, for purposes of legal proceedings, to investigate misconduct, to locate information, or for any other business purpose. Human Resources may review the usage of the City's Network and the City's access to the internet and online services by employees they supervise to determine whether there have been any breaches, security violations of City policy, or other violation of duty on the part of employees. The City, at its discretion, may also use computer programs that monitor the usage of the City's Network and the City's access to the internet and other online services, for the purposes of assuring system security and compliance with City policies.

f. *Internet Use.* The City provides certain employees with access to and use of the internet if necessary for business purposes. All of the provisions of this policy apply to internet use. Internet resources are provided to employees in an effort to allow them to be more efficient, productive, and to have access to information that is necessary for them to carry out their responsibilities as an employee of the City. Employees are expected and required to use the internet in a manner consistent with their position and work responsibilities with the City. Approval of the employee's Department Head is required to get access to the internet or online services. Department Heads must specifically authorize such access in writing to the network administrator.

1. *Monitoring Use and Privacy.* It is possible to track the internet sites visited by a particular work station. The City reserves the right to access, monitor, and disclose all internet, online services, or City Network usage, for any purpose not specifically prohibited by statute or regulation. The City retains the right to keep,

retrieve, and monitor all access to internet and online service activity. Restrictions may be placed on use of the internet or online services to protect the City and its resources.

2. *Personal Use.* The personal use of the internet shall only be allowed on an employee's rest or meal periods and shall not interfere with the workplace or affect the employee's job performance. Personal use of the internet during working hours or in a manner that interferes with the workplace or affects the employee's job performance is grounds for discipline, up to and including termination.
 3. *Social Networking* Computer use is monitored and appropriate firewalls are in place in furtherance of this policy. In no case may any employee, either implicitly or explicitly, purport to speak for the City or represent the City's policies or positions on any social networking site without written prior approval from the City Manager or his or her designee.
- g. Computer Use. Computers are provided to employees to be used as tools to help perform their job responsibilities. This equipment belongs to the City and personal use is limited. At no time shall any employee's User ID and password be shared with any member of the public. To assure that data is secure, it may also be necessary to use other control measures such as keyboard and screen saver passwords. These measures shall only be used with written approval by the user's Department Director. Since these measures disable the equipment, the passwords shall be given to the user's direct supervisor and kept in a secure location. The use of a password does not guarantee privacy. The City may provide, on a case-by-case basis, computers for off-site use to assist in the completion of City business. It is understood that efficiency may require that this equipment be utilized on City and personal business in lieu of maintaining several computers.
- h. Telephone and Fax Machine Use. In addition to the above provisions, the following apply with respect to telephones and fax machines. The City's telephone system and equipment are designed for City business use. The City understands that employees occasionally need to use the City phone system to make or receive a personal call. Unless the matter is an emergency, the employee may make personal calls only during non-work hours (breaks or lunch). Excessive or improper use of the City phone system for personal calls is prohibited and may lead to disciplinary action. Employees should be aware that the City's telephone system prints a list of all calls made by each extension, both local and long distance, including the time duration of each call. This listing is available to supervisors.
- i. Personal Cell Phone Use. The City understands that employees occasionally need to use their personal cell phones to make or receive personal calls or text messages. Unless the matter is an emergency, the employee may use their personal cell phones only during non-work hours (breaks or lunch). Such communications may not reduce the employee's job performance nor be disruptive to other employees or customers. Excessive or disruptive use of a personal cell phone is prohibited and may lead to disciplinary action.

17. FILES, REPORTS AND NOTICES

17.1 Personnel Files and Reports

The purpose for maintaining adequate personnel files and reports are as stated below:

- a. The documentation is necessary to show that the legal, regulatory, and procedural requirements have been met in all personnel actions.
- b. A basis for making decisions involved in personnel actions and for planning operations.
- c. A basis for reports on personnel activities.
- d. Individual understanding and training development.

17.2 Notice of Appointments, Change of Status, Etc.

Every appointment, transfer, promotion, demotion, change of salary rate, resignation, suspension, or vacancy, and any other temporary or permanent change in status of employment shall be reported to Human Resources and the date thereof and a record of same shall be kept by Human Resources. A copy of said record will be put in the employee's personnel record.

17.3 Employee Duty to Update Personnel Information

All persons employed in the City service are required to notify the Department Head and Human Resources of any change of address, telephone, marital status, group life insurance beneficiary, number of dependents, military status, and education within five (5) working days of said change. The last-reported telephone number and address shall be presumed to be sufficient for any employment related notice. Failure to update a change of such information shall not constitute good cause for additional time related to a notice.

18. EMPLOYEE TRAINING AND EDUCATION PROGRAMS

The City is invested in continuing to educate and develop its workforce. It is the policy of the City to encourage training, self-improvement and personal development programs for employees. Advanced education programs are available to all employees, and the City provides limited financial support for approved courses. The City also provides on-the-job training. Responsibility for developing on-the-job training programs for employees shall be assumed jointly by the Department Head, Human Resources, and supervisor. Such training may include demonstrations, assignments of reading matter, lecture courses or such other devices as may be available for the purpose of improving the effectiveness and broadening the knowledge of employees in the performance of their respective duties.

19. AMENDMENTS AND REVISIONS TO THE PERSONNEL RULES

19.1 Amending the Personnel Rules and Regulations

The City Council, as it deems necessary, may amend, change or revise these Rules and Regulations by Resolution. The City Manager may, as deemed necessary, present to the City Council for its consideration, amendments, changes and revisions to these Rules and Regulations. Suggestions for changes to these Rules and Regulations may originate from any employee of the City of Coachella. All suggestions for amendment, change, or revision shall be submitted in writing to the City Manager.

Any proposed changes to Policies affecting represented employees will be subject to meet and confer requirements.

19.2 Notification of Amendments

All amendments, changes, and revisions shall be made available to all employees of the City in the manner and form prescribed by Human Resources and approved by the City Manager.