



Personnel Rules and Regulations

June 27, 2023

**Adopted: June 27, 2023
Resolution No. 2023-97**

City Manager's Message

A sound personnel management system assists our employees with getting the most out of their employment and ensures the formation of a fair and equitable system designed to help employees deliver the best possible service to the people we serve.

One of the key goals of the City's strategic work plan is to establish a strong organizational foundation that positions the City of Greenfield as a premier agency in South County. One measurable indicator to help us achieve our goal is to develop and implement a comprehensive personnel management program by adopting personnel rules and regulations.

This City of Greenfield Personnel Rules and Regulations ("Rules and Regulations") document is an updated set of personnel rules and regulations to replace the Rules and Regulations adopted in 1993.

These Rules and Regulations establish a clear set of procedures for dealing with a large array of personnel-related matters. They assure that appointments and promotions of persons will be based on merit and fitness, provide a reasonable degree of security for our qualified workforce and define obligations, rights, privileges, benefits, and prohibitions which are placed upon City employees.

These Personnel Rules and Regulations provide a sound personnel management system for City employees and the City organization for many years to come. I ask that you familiarize yourself with the contents of these Rules and Regulations so that you will have a basic understanding of the City of Greenfield's personnel management system.

Working together to deliver the best to those we serve,

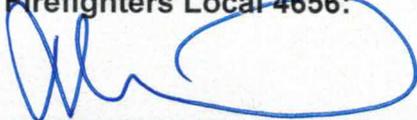
Paul Wood, City Manager

Recognized Labor Organizations

Below is a list of recognized labor organizations for the City of Greenfield as of the date these Rules and Regulations were adopted by the City Council. Upon approval and adoption by resolution of these Rules and Regulations by the City Council, all previous administrative orders, personnel policies, and past practices, whether in writing or oral, are superseded and become null and void. The labor organizations representatives whose signatures appear below confirm that the City of Greenfield has met all obligations of the meet and confer process, as required by the Meyers-Milias-Brown Act (MMBA) (Government Code Section 3500. *et. seq.*), and any applicable laws of the state of California, and agree to the implementation of these Rules and Regulations. In the event of any conflict between these Rules and Regulations and a current ratified and approved Memorandum of Understanding (MOU), it is understood the provisions of the MOU take precedence.

As used in these Rules and Regulations, "ratified" shall mean an initial or successor MOU ratified by a majority of employees in that bargaining unit prior to being submitted to the City Council for approval. "Approved" shall mean an initial or successor MOU approved by action of the City Council. "Current" shall mean an initial or successor MOU ratified, approved, and in effect, at the time any conflict or dispute regarding these Rules and Regulations arises. It is understood and agreed that disputes or disagreements concerning the application and interpretation of these Rules and Regulations shall be adjudicated exclusively as an appeal to the City Manager, whose decision will be final and binding on all parties.

For the Greenfield Professional Firefighters International Association of Firefighters Local 4656:



David Frizzell

7/31/2023

Date

For the Greenfield Police Officers' Association:

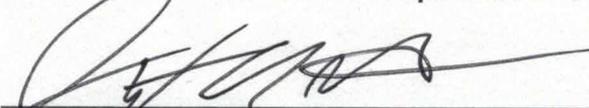


Paulo Diaz

07/31/2023

Date

For the Greenfield Police Supervisors' Association:



Justin Mattke

8/9/2023

Date

For the General Employees SEIU Local 521:

Jay Donato
Jay Donato, SEIU Representative

8/11/23
Date

For the General Employees OE 3:

Elsa Herrera
Elsa Herrera, Representative

7/31/2023
Date

7/31/2023
Date

David Frazell

07/31/2023
Date

Paulo Diaz

8/1/2023
Date

Justin Mathe

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Section 1. Introduction and Administrative Provisions

1.01 Objective of Rules and Regulations

The objective of these City of Greenfield Personnel Rules and Regulations (Rules and Regulations) is to give credit and recognition to City of Greenfield (City) service, assure effective and economic service to the public, and provide a fair and equitable system of personnel management in the municipal service. These Rules and Regulations set forth procedures that assure equal treatment of employees, and define the obligations, rights, privileges, benefits, and prohibitions placed upon all employees in the municipal service. The tenure of every employee shall be conditioned on good behavior and satisfactory performance of duties. Disciplinary actions are intended to be corrective and progressive in nature with the objective of obtaining compliance with rules, orders, procedures, standards of conduct, and expected job performance.

1.02 Adoption of Rules and Regulations

These Rules and Regulations, once adopted by resolution of the City Council, establish regulations governing the Personnel System, including:

- a. Preparation, revision, and maintenance of a Classification Plan covering all positions in the Classified Service, including employment standards and qualifications for each class.
- b. Preparation, revision, and administration of a Compensation Plan correlated to the position Classification Plan, providing a rate or range of pay for each class.
- c. Preparation and conduct of tests, and the use of employment lists containing names of persons eligible for appointment.
- d. Certification and appointment of persons from employment eligibility lists, and procedures for provisional and emergency appointments.
- e. Performance evaluations of employees during probationary periods, and special evaluations at the discretion of the City Manager.
- f. Transfer, promotion, demotion, reinstatement, disciplinary action, and layoff of employees.
- g. Separation of employees from City service.
- h. Standardization of hours of work, attendance and leave regulations, working conditions, and development of employee performance standards, welfare, and training.

- i. The establishment of policies and procedures regarding the maintenance of personnel records and personnel's access to same.
- j. The establishment of grievance and appeal procedures.
- k. Other related matters deemed necessary for the proper functions of City organization and its employees.

1.03 Amendment and Revision of Rules and Regulations

Except as set forth herein, the City reserves the right to modify, supplement, rescind or revise any provision of these Rules and Regulations from time to time as it deems necessary or appropriate at its sole discretion to facilitate the efficient conduct of City business. Proposed amendments or revisions to these Rules and Regulations are subject to City Council approval and shall be placed on the City Council Agenda. At the time of consideration, any interested party may appear and be heard. Any amendment and or revision adopted by City Council shall not create vested rights for any City employee or staff member.

The adoption of the Rules and Regulations is not intended to, and does not, create, establish, or confirm any vested right in any employee of the City, and the City reserves the right to amend or repeal the provisions set forth herein at any time.

For purposes of changes to the Rules and Regulations, which impact terms and conditions of employment, the parties agree to meet and confer as soon as requested, unless it involves an emergency.

The provisions of these sections shall not prohibit the adoption of a revision to these Rules and Regulations by emergency ordinance or resolution in compliance with current law relating to the adoption of such emergency ordinance or resolution.

1.04 Administration of the Personnel Classification Plan

The City Manager shall oversee the administration of the Classification Plan. Recommendations for removal or appointment to fill positions in various departments of the City shall be made by Department Directors to the City Manager who shall consider the recommendations. The City Manager has the power to hire, layoff and terminate employees at all levels, except the City Attorney and elected officials.

As used herein, the City Manager, Personnel Officer, Equal Employment Officer, and Employer Relations Officer are one and the same, unless modified at a later date by action of the City Council. Therefore, the words City Manager and the other noted designations are used interchangeably in these Rules and Regulations.

The City Manager may delegate any of the powers and duties to any other officer or confidential employee of the City or may recommend to the City Council that such powers and duties be performed under contract. The Personnel Officer shall:

- a. Administer all the provisions of these Rules and Regulations not specifically reserved to the City Council.
- b. Prepare and recommend to the City Council any and all revisions and amendments to these Rules and Regulations.
- c. Prepare or cause to be prepared a position Classification Plan, including class specifications and revisions to the plan. The plan, and any revisions thereof, shall become effective upon approval by the City Council.
- d. Prepare or cause to be prepared a Compensation Plan, and revisions thereof, covering all classifications in the Classified Service. The plan, and any revisions thereof, shall become effective upon approval by the City Council.
- e. When required, provide for the publishing or posting of notices of the process for positions in the Classified Service; the receiving of applications thereof; and the certification of the appointment to the appropriate position in the Classified Service.

1.05 Right to Contract for Special Service

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 technical or special services in connection with the operation of the City as it pertains to personnel administration following notice and consultation with recognized employee groups on any items which affect terms and conditions of employment. The City Manager with City Council approval may contract with any qualified person or agency for the performance of all or any of the following responsibilities and duties:

- a. The preparation of Personnel Rules and subsequent revisions and amendments;
- b. The preparation of a position Classification Plan, and subsequent revisions and amendments;
- c. The preparation of a Compensation Plan, and subsequent revisions and amendments;
- d. The preparation, conduct and grading of competitive tests; and
- e. Special and technical services of an advisory or informational nature on matters relating to personnel administration.

1.06 Application of Rules

These rules shall apply to all departments. Any Department Director may, with the specific approval of the City Manager, establish special rules to meet the needs of that department or any of its divisions if said rules and regulations are consistent with and do not conflict with applicable legislation, the Rules and Regulations as set forth herein, or in a ratified and approved MOU then in effect.

1.07 Status of Present Employees

Any employees holding positions in the Classified Service who have not obtained regular/permanent status, as referenced in Section 2.37 herein, shall be regarded as probationers serving the balance of their probationary periods as prescribed in these Rules and Regulations. The probationary period in Section 2.29 shall be computed from the date of employment or if applicable, the date of reassignment.

1.08 Employment Constitutes Acceptance of Rules and Regulations

In accepting employment with the City, each employee agrees to be governed by and comply with these Rules and Regulations, and administrative procedures established by the Personnel Officer, and agree that he or she has read these Rules and Regulations and understands the directives of the department in which employed. The receipt will be made part of the personnel file of each employee. Each employee shall be deemed to have accepted these Rules and Regulations regardless of a signed receipt is in the employee's personnel file.

The tenure and continued employment of every employee shall be conditioned on good behavior and satisfactory performance of duties. Disciplinary actions are intended to be corrective and progressive in nature with the objective of obtaining compliance with rules, orders, procedures, standards of conduct, and expected job performance.

1.09 Memoranda of Understanding (MOU)

Where the written provisions of a current ratified and approved MOU are in conflict with these Rules and Regulations, the MOU shall prevail.

1.10 Severability

If any provision of these Rules and Regulations, or the application of such provision to any person or circumstance shall be held invalid, the remainder of these Rules and Regulations or the application of such provision to persons, or circumstance other than those as to which it is held invalid, shall not be affected.

Section 2. Definition of Terms

2.01 Alternate Employment List

An existing list of qualified candidates in a classification which has similar or equivalent skills and qualifications at an equivalent salary range.

2.02 Anniversary Date

Anniversary date means the date of hire to City classified service. Subsequent salary increases in a new classification do not alter an employee's anniversary date.

2.03 At Will

At Will employees are categorized as unclassified employees not represented by any recognized labor organization. Unclassified employees work at the pleasure of the City Manager and/or the City Council and may be dismissed at any time without the benefit of appeal or administrative hearing, unless otherwise required by law.

2.04 Business Day

Business Day means a day in which City Hall is open and doing business with the public.

2.05 City

City means the City of Greenfield, a Municipal Corporation, and, where appropriate, also refers to the City Council or any duly authorized City representative as defined in these Rules and Regulations.

2.06 City Council

City Council shall mean the City Council of the City of Greenfield.

2.07 City Manager

City Manager shall mean the City Manager, Personnel Officer, Equal Employment Officer, and Employee Relations Officer of the City of Greenfield.

2.08 Classification Plan

Classification Plan shall mean a list of class titles for all regular positions in the Classified Service. It shall include job descriptions, a written specification including the class title and general description of the work, a summary statement of required duties and responsibilities, desirable qualifications for appointment, and other pertinent information, as the Personnel Officer may deem necessary.

2.09 Classification Seniority

Classification seniority shall refer to the length of time an employee has been in a specific classification approved by City Council resolution, and listed in the Classification and Compensation Plan, sometimes referred to as the Classification Plan. Classification seniority is distinctly different from anniversary date, which refers to the date of hire and start of City service.

2.10 Classification and Compensation Plan

Classification and Compensation Plan shall mean a list of job classifications, salary pay rates, ranges and steps covering all classes and positions in the Classified Service not designated as unclassified employees.

2.11 Confidential Employee

Confidential employees are employees who in the course of their duties have access to confidential information related to the City's administration of employer-employee relations. Confidential positions may be added or deleted upon recommendation by the City Manager and authorization of the City Council, subject to applicable law and regulations adopted by the Public Employment Relations Board ("PERB").

2.12 Classified Service

All full-time, part-time, regular, permanent, or probationary employees of the City, except:

- a. City Manager;
- b. City Clerk;
- c. Elective Officers, including Council Members;
- d. Department Directors, including the Fire Chief, Chief of Police and Police Captain;
- e. Members of appointive Boards, Commissions, and Committees;
- f. Persons engaged under contract to provide expert, professional, technical or other services;
- g. Volunteer personnel;
- h. Temporary and/or provisional positions;
- i. Other confidential, unclassified, and At Will employees;

- j. Emergency employees hired to meet the immediate requirements of an emergency condition, such as fire, flood, or earthquake which threatens life or property.

2.13 Continuous Service

Continuous Service shall mean employment on a regular basis which is not interrupted by lay-off or Military Leave for a period not to exceed one year.

2.14 Day

Day means calendar day unless expressly stated otherwise.

2.15 Eligible

A person whose name is on an Employment List.

2.16 Eligibility List

A list of eligible candidates for filling vacancies in specific classifications. An Eligibility List is typically developed following an open competitive recruitment.

2.17 Employee Relations Officer

Employee Relations Officer shall mean the City Manager or his or her designee.

2.18 Employment List

A list of eligible candidates for filling position vacancies in specific classifications. An employment List may be an Eligibility List, Re-employment List, or Promotional List.

2.19 Examination

- a. Open-competitive examination: A structured examination process for a particular position which is open to all persons meeting the qualifications for the position.
- b. Promotional examination: An examination for a particular position. Admission to the examination is limited to employees in the Classified Service meeting the qualifications for the position.

2.20 Exempt

An employee who is exempt from the overtime provisions of the Fair Labor Standards Act (FLSA).

2.21 Full-Time Employee

An employee in the Classified Service in a regular position whose normal work hours equal or exceed forty (40) hours per work week.

2.22 Non-Exempt

An employee who is subject to the overtime pay provisions of the Fair Labor Standards Act (FLSA).

2.23 Non-Pay Status

Non-Pay Status shall mean any period in which an employee is not at work and on leave of absence without pay.

2.24 Part-Time Employee

An employee in the Classified Service in a regular position whose normal work week is less than the standard forty-hour week

2.25 Pay/Paid Status

Pay Status shall mean the period in which an employee is at work, or on vacation, sick leave, leave with full pay in lieu of temporary disability benefits pursuant to Labor Code § 4850, compensatory time off, paid military leave, or on an approved leave of absence with pay.

2.26 Performance Review Date

Performance review date refers to the date on which a performance review shall be performed.

2.27 Personnel Officer

Personnel Officer shall mean the City Manager or designee.

2.28 Position

A position consists of a variety of duties, responsibilities, or things to be done and assigned by a competent authority requiring the full or part-time employment of one person.

2.29 Probationary Period

An evaluation period that is considered part of the selection process during which employees are required to demonstrate satisfactory performance for the duties to which they are appointed. The job classification shall specify the length of the probation period, as established in the applicable MOU. An employee on probation may be released at any time during the probationary period, without the benefit of

appeal or administrative hearing, unless otherwise required by law. Employees that satisfy the requisite probationary period and are subsequently reclassified do not serve a new probationary period. Employees that are reassigned to a new assignment or position are required to serve a new probationary period.

2.30 Promotion

Promotion shall mean the movement of an employee from one classification to another classification having a higher rate of pay.

2.31 Protected Classes or Classification

Protected classification includes race, religion, color, sex, gender identity, gender expression, sexual orientation, national origin, age, disability, genetic information (including family medical history), marital status, medical condition (including genetic characteristics), military or veteran status, national origin, ancestry, disability (whether perceived or actual), genetic information, requests for medical leave, requests for leave for serious health condition, and any other protected class of person designed under state and federal law.

2.32 Provisional Appointment

An appointment of a person, not currently employed by the City, possessing desired qualifications needed for a specified period of time to perform specialized duties at the discretion of the City Manager.

2.33 Public Safety Employees

Employees who, by resolution of the City Council, are specifically designated as such; however, the term does not include clerical employees of the police and fire departments who, by resolution of the City Council, have been specifically designated as classified employees.

2.34 Reasonable Suspicion

Belief based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee. Such observations can include the employee's activity or inactivity, equilibrium, attention span, mental and physical reactions, slurring of speech, unfocused vision, odor of intoxicants on the breath or clothing, or any other conduct or behavior which indicates probable alcohol misuse or use of controlled substances. Observations may also include indications of chronic use and the withdrawal effects of controlled substances, and chronic absenteeism.

2.35 Reassignment

A change of an employee from one position to another position with the same pay grade.

2.36 Reclassification

The duties of any position which have changed materially so as to necessitate reclassification, shall be allocated by the Personnel Officer to a more appropriate class, whether new or already created. Reclassification shall not be used for the purpose of avoiding restrictions concerning demotions and promotions. A reclassification shall become effective after the approval of the City Manager. Reclassification of an employee in a bargaining unit shall be subject to the meet and confer process with the employee's respective union.

2.37 Regular/Permanent Employee

A full-time or part-time employee in the classified service who has successfully completed the required probationary period and has been retained as provided in these Rules and Regulations. Part-time employees who have been appointed to an authorized position in the City's Compensation and Benefit Plan through appointment from an eligibility list are designated as Regular employees after successfully completing a probationary period.

2.38 Reinstatement

The reinstatement of a former regular or probationary employee. The Personnel Officer may reinstate any employee for good cause and may, upon such reinstatement, compensate, in whole or in part, such employee for past tenure in the position.

2.39 Salary Steps

Salary Steps shall mean a series of progressive steps between a specific minimum and maximum rate, as approved or modified from time to time by the City Council, or a ratified and approved MOU.

2.40 Seniority

Seniority is of two varieties: (1) the "anniversary date" which refers to when an employee started City service, and (2) "classification seniority" which refers to the length of time an employee has occupied a specific classification approved by City Council resolution and listed in the Classification and Compensation Plan.

2.41 Separation / Termination

Separation and termination shall mean the termination of an employee's employment with the City whether by retirement, resignation, layoff, termination, or discharge.

2.42 Supervisory Employee

Any employee authorized, on behalf of the City, to supervise, assign, direct, discipline, or address the grievances of other employees, or effectively recommend such action, if the exercise of such authority is not merely routine or clerical in nature and requires the use of independent judgment.

2.43 Suspension

Suspension shall mean the temporary removal of an employee from pay status as a result of disciplinary action.

2.44 Temporary Employee

An appointment of a person for a limited time to meet a temporary or seasonal need, subject to applicable state law, rules, and regulations. Temporary employees do not serve a probationary period, may be terminated at any time without advance notice to the extent allowed by law, and receive no City-sponsored benefits, unless otherwise required by law. Temporary employees are not meant to be appointed indefinitely, nor shall their employment term in any way be construed to be indefinite.

2.45 Volunteer

An individual who performs service for civic, charitable, or humanitarian reasons, without promise, expectation, or receipts of compensation.

2.46 Y-Rating

A salary paid above the maximum established salary range for the incumbent's classification. Y-rating may occur when a position is reclassified to a lower pay grade or an employee is demoted from his/her class to a lower class. An employee whose salary is Y-rated will retain his/her current rate of pay until such time that the class has a higher maximum salary rate.

Section 3. Equal Employment Policy

3.01 Equal Employment Opportunity

The City is committed to a policy of equal employment opportunities for applicants and employees. Employment decisions will comply with all applicable laws prohibiting discrimination in employment. The City does not discriminate against applicants or employees on the basis of any Protected Classification. Every reasonable effort will be made to provide an accessible work environment for such employees and applicants.

3.02 Disabled Applicants and Employees

As used in this Section, Personnel Officer shall mean the City Manager, or any officer or employee the City Manager may delegate to perform any of the powers and duties contained herein.

It is the policy of the City to make reasonable accommodations for the known physical or mental limitations of qualified job applicants and employees with disabilities, as required by federal and state law, unless doing so would pose an undue hardship on the City or direct threat to the health or safety of the qualified individual or others. Each request for reasonable accommodation will be reviewed by the City on a case-by-case basis.

An applicant or employee who desires reasonable accommodation in order to perform essential job functions should make such a request to the Personnel Officer. Such a request may be made directly by the applicant or employee, or by a third-party acting on the applicant or employee's behalf; such a request may be made orally or in writing through other means of communication such as in person or electronically. The request should include the request for reasonable accommodation or the desire to discuss a need for reasonable accommodation. An applicant or employee with a disability may request reasonable accommodation at any time during the application process or during the period of employment.

Following receipt of a request for reasonable accommodation the City shall engage in an interactive process with the qualified individual to assess reasonable accommodations pursuant to Title 2, Section 11069 of the California Code of Regulations. It is essential that qualified individuals participate fully in the interactive process to address the request for accommodation. Participation may include, but is not limited to, providing medical documentation, meeting with medical professionals and/or specialists, and identifying restrictions and possible accommodations.

In the event there is more than one effective reasonable accommodation available to a qualified individual with a disability, the City shall have the right to select the reasonable accommodation.

3.03 Medical Examinations for Determining Accommodation and Fitness for Duty

- a. Depending on the essential functions of a position, a medical examination may be required for:
 1. Applicants who have received a conditional offer of employment, if the same examination is required of all persons considered for the position;
 2. Employees seeking a transfer from one position requiring general physical abilities to another position requiring physical abilities of a more different nature, if the medical examination is given to all entering employees in the same job classification;
 3. Employees returning to work from a medical leave of absence if the employee's health problems have a substantial and injurious impact on the employee's job performance. The physician conducting the medical examination will be supplied with a current job description indicating the essential functions of the position;
 4. When a supervisor observes or receives a reliable report of an employee's possible lack of fitness for duty and the examination is job related and consistent with business necessity. Observations and reports may be based on, but are not limited to, employee's own self-report of potential unfitness, dexterity, coordination, alertness, speech, vision acuity, concentration, response to criticism, interactions with the public, co-workers, and supervisors; or
 5. When an employee makes a request for reasonable accommodation if: (1) the employee's disability or need for reasonable accommodation is not obvious; and (2) the employee refuses or fails to provide reasonable documentation requested by the City.
- b. The results of all medical examinations will be kept in a confidential medical file separated from the personnel file in conformity with the American Health Insurance Portability and Accountability Act of 1996 (HIPAA). No employee will hold any position in which the employee is not able to perform the essential functions of the job, with or without reasonable accommodation.

Section 4. Policy Against Harassment, Discrimination, and Retaliation

It is the City's intent and purpose to provide all officials, employees, volunteers, interns applicants, contractors, and other persons providing services to the City (collectively referred to as "City Personnel" in this Section 4) with an environment that is free from any form of harassment, discrimination or retaliation as defined in these Rules and Regulations. The City strictly prohibits harassment and discrimination based on an employee's protected class. In addition, the City prohibits retaliation because of the employee's opposition to or reporting of a practice the employee reasonably believes to constitute employment discrimination or harassment, or because of the employee's participation in an employment investigation, proceeding, or hearing. Through enforcement of this policy and by education of employees, City will seek to prevent, correct and discipline behavior that violates this policy. It is also the policy of the City to provide a procedure for investigating alleged harassment, discrimination and retaliation in violation of these Rules and Regulations.

This City's policy against harassment, discrimination, and retaliation applies to all City Personnel, including supervisory and non-supervisory employees. Any City Personnel who believe that he or she has been the victim of discrimination or harassment, has witnessed or has knowledge of any harassment or discrimination in the workplace should immediately report the alleged harassment or discrimination pursuant to the complaint process described under Section 4.07 below.

The City has a zero-tolerance policy for any verbal, visual or physical conduct prohibited by this policy. Conduct need not rise to the level of a violation of law in order to violate this policy. Instead, a single act can violate this policy and provide grounds for discipline up to and including termination. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation and training.

City employees who violate this policy are subject to disciplinary action up to and including termination from City service. Supervisors/managers who know or should have known of discrimination or harassment and fail to report such conduct and fail to take immediate corrective action may also be subject to disciplinary action up to and including termination from City service.

4.01 Discrimination

It is a violation of City's Rules and Regulations to discriminate in the provision of employment opportunities, benefits or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, a protected classification.

Discrimination of this kind may also be strictly prohibited by a by a variety of federal, state and local laws, including Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1967, the Americans with Disabilities Act of 1990, and the California Fair Employment and Housing Act (DFEH). This policy is intended to comply with the prohibitions stated in these anti-discrimination laws, and all applicable provisions of such laws are incorporated herein by reference.

Discrimination in violation of this policy will be subject to disciplinary measures up to and including termination.

4.02 Harassment:

City prohibits harassment of any kind, including sexual harassment, and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy.

For purposes of this policy, harassment shall mean any unwelcome verbal or physical conduct on the basis of a protected classification. Harassment includes, but is not limited to, the following examples of behavior:

- a. *Verbal harassment*, such as epithets (nicknames and slang terms), derogatory or suggestive comments, jokes or slurs, including graphic verbal commentaries about an individual's body, or that identify a person on the basis of his or her protected classification. Verbal harassment includes comments on appearance and stories that tend to disparage those with a protected classification.
- b. *Visual forms of harassment*, such as derogatory posters, notices, bulletins, cartoons, drawings, sexually suggestive objects, or e-mails on the basis of a protected classification.
- c. *Physical harassment*, such as assault, touching, impeding or blocking movement, grabbing, patting, propositioning, leering, making express or implied job-related threats in return for submission to physical acts, mimicking, taunting, or any physical conduct of a sexual nature or any physical interference with normal work or movement.

4.03 Sexual harassment

Sexual harassment is s a form of workplace harassment as described above and is strictly prohibited under the City's policy. For purposes of this policy, sexual harassment is defined to include, but not be limited to unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature or any of the above-described conduct when such conduct:

- a. Is either an expressed or implied term or condition of an individual's employment, or

- b. Is used as the basis for employment decisions affecting such individual, or
- c. Unreasonably interferes with an individual's work performance or creates a hostile, intimidating or offensive work environment.

Sexual harassment may take different forms. The following examples of sexual harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal sexual harassment includes innuendoes, suggestive comments, jokes of a sexual nature, flirtation, teasing, sexual propositions, lewd remarks and threats; requests for any type of sexual favor (this includes repeated, unwelcome requests for dates); and comments consistently targeted at one gender, even if the content is not sexual.
- Nonverbal sexual harassment includes the distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters, notes, facsimiles, e-mails, photos, text messages, tweets and Internet postings; or other forms of communication that are sexual in nature and offensive.
- Physical sexual harassment includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, and forced sexual conduct or assault.

Sexually harassing conduct need not be motivated by sexual desire and may include situations that began as reciprocal relationships, but that later cease to be reciprocal.

4.04 Retaliation

Retaliation against any City Personnel who in good faith reports or provides information about harassment or discrimination is strictly prohibited. Any act of reprisal violates these Rules and Regulations and will result in appropriate disciplinary action. Examples of actions that might be retaliation against a complainant, witness or other participant in the complaint process include: (1) singling a person out for harsher treatment; (2) lowering a performance evaluation; (3) failing to hire, failing to promote, withholding pay increases, assigning more onerous work, abolishing a position, demotion or discharge; (4) spreading rumors about a complaint or a complainant; (5) shunning and avoiding an individual who reports harassment or discrimination; and (6) real or implied threats of intimidation to prevent an individual from reporting harassment or discrimination.

No employee shall be exposed to retaliation as a result of lodging a complaint or

participating in any workplace investigation.

4.05 Consensual Romantic or Sexual Relationships

There are special risks in any sexual or romantic relationship between individuals in inherently unequal positions, and parties in such relationships assume such risk. Such relationships may create compromising conflicts of interest or the appearance of such conflicts. In addition, such a relationship may give rise to the perception by others that there is favoritism or bias in employment decisions affecting the staff employee. Moreover, given the uneven balance of power within such relationships, consent by the staff member is suspect and may be viewed by others, or at a later date by the staff member, as having been given as the result of coercion or intimidation. The atmosphere created by such appearances of bias, favoritism, intimidation, coercion or exploitation undermines the spirit of trust and mutual respect that is essential to a healthy work environment.

Where such a relationship exists, the person in the higher-level position will bear the primary burden of accountability and must notify his or her supervisor and the Employee Relations Officer so that they can evaluate and review the situation and determine whether alternative supervisory arrangements must be put in place.

Failure to comply with these requirements is a violation of this policy, and therefore shall be cause for discipline.

4.06 Confidentiality

City recognizes the sensitivity of discrimination and harassment complaints and respects the confidentiality and privacy of the individual reporting or accused of harassment or discrimination or providing information in connection to a complaint of harassment or discrimination to the extent reasonably or legally possible. For example, information related to a complaint may need to be disclosed in responding to a complaint made to an outside governmental agency such as the DFEH or the Federal Equal Employment Opportunity Commission (EEOC). In addition, there are circumstances, such as if disciplinary action is taken, when details of the investigation, including the identity of the complainant and witnesses may be disclosed. Concerns regarding confidentiality can be directed to the Employee Relations Officer.

4.07 Procedure for Reporting harassment, Discrimination, or Retaliation

Any City Personnel who feel they have been harassed, discriminated against or retaliated against in violation of this policy should report the conduct immediately as outlined below so that the complaint can be resolved quickly and fairly. A false accusation made in bad faith may result in disciplinary action, up to and including termination.

a. Options to File Complaint

The options to file complaints of discrimination or harassment which involve City personnel include filing the complaint with:

- A supervisor.
- Department Director.
- Employee Relations Officer.
- The EEOC.
- The DFEH.

If City Personnel is uncomfortable filing a complaint with a supervisor, the complaint can be made to the Department Director or directly to the Employee Relations Officer. City Personnel has the right to file a complaint with an outside agency (EEOC or DFEH). However, a violation of this policy may exist even when there is no violation of the law.

If a complaint is filed with a Department Director or supervisor, or if such person receives notification that a complaint has been filed with the Department Director or supervisor shall immediately notify the Employee Relations Officer, who will determine the course of the investigation.

Complaints that involve the Employee Relations Officer may be made to the City Attorney.

b. Complaint Procedures

1. Filing a complaint

City Personnel who believe they have been discriminated against or harassed are to immediately report the act or occurrence, in writing or verbally, to a supervisor, Department Director, Employee Relations Officer, or City Attorney (when appropriate). Any supervisor who receives a complaint of discrimination or harassment or who becomes aware of a situation involving potential violations of this policy shall notify the Department Director and the Employee Relations Officer. Any Department Director who receives a discrimination/harassment complaint from an employee or notification that a complaint has been filed with the EEOC or DFEH shall notify the Employee Relations Officer as soon as possible after receiving the complaint.

City Personnel wishing to file a complaint through the DFEH or EEOC may contact the DFEH by calling (800) 884-1684 and the EEOC by calling (800) 669-4000 or <https://www.dir.ca.gov/Home/FairEmploymentandHousingActhttps://www.eeoc.gov/>

2. Investigation and Resolution

After reviewing the discrimination or harassment complaint, the Employee Relations Officer shall determine if an investigation is necessary to resolve the issues of the complaint and, if so, authorize and supervise the investigation of the complaint.

If an investigation is deemed necessary, the Employee Relations Officer will be responsible for coordinating a thorough investigation (unless he/she is named in the complaint). The Employee Relations Officer may coordinate the investigation with the complainant's Department Director and may hire an outside investigator if deemed appropriate. The type of investigation undertaken, and the party chosen to conduct the investigation will depend on the nature of the complaint made and shall be determined by the Employee Relations Officer.

The Employee Relations Officer may take interim action to diffuse volatile circumstances, such as placing the respondent on paid administrative leave, relocating the respondent, or temporarily transferring the respondent. No interim action should be taken to change the complaining individual's working conditions unless the complaining individual voluntarily consents to the temporary change.

3. Resolution and Remedial Actions

When the investigation is completed, the Employee Relations Officer will determine if there is sufficient evidence to substantiate a violation of this policy or if any other misconduct has occurred, and if remedial action is necessary to resolve the issues of the complaint.

If the investigation determines that the alleged conduct occurred and that the conduct violated this policy, the Employee Relations Officer will notify the complainant and respondent of the general conclusion(s) of the investigation and take effective remedial action that is designed to end the violation(s). Any City Personnel determined to have violated this policy will be subject to disciplinary action, up to and including termination. Disciplinary action may also be taken against any official, Department Director, supervisor or manager who condones or ignores potential violations of this policy, or who otherwise fails to take appropriate action to enforce this policy. Any contractor found to have violated this policy will be subject to appropriate sanctions and contract termination.

E. Training and Policy Dissemination

All employees must receive sexual harassment training that is compliant with California law within six months of their hire date and every two years thereafter. Training requirements are different for non-supervisory employees and supervisory employees and are detailed below.

- a. *Non-Supervisory Employees*: All non-supervisory employees shall receive training within six months from date of hire and every two years thereafter. Non-supervisory employees will receive a minimum of one hour of training.
- b. *Supervisory Employees*:
 1. All employees who become supervisors after July 1, 2005, must receive training within six months of assuming a supervisory position. Human Resources will track all individuals who are required to receive this mandated training and will work with department directors or their designee to ensure that training needs are met.
 2. All supervisors will be trained once every two years on matters relating to the prevention, reporting, and investigation of harassment, discrimination, and retaliation. Further, individuals appointed to supervisory positions from a non-supervisory position or as a new employee shall receive training within six months of their hiring or assumption of the supervisory position.
 3. Supervisory training will last for a minimum of two hours and will be conducted in a classroom or other interactive setting and will cover topics and materials required by law.

Section 5. Whistleblowing Policy

5.01 Definition of “Whistleblowing”

- a. For purposes of this provision, "Whistleblowing" consists of disclosure of information that the employee reasonably believes constitutes a violation of state or federal statute, or a violation of or noncompliance with a local, state, or federal rule or regulation, regardless of whether disclosing the information is part of the employee's job duties, when that disclosure is made to one or more of the following:
 1. A government or law enforcement agency;
 2. A person with authority over the employee;
 3. Another employee who has authority to investigate, discover, or correct the violation or noncompliance; or
 4. Any public body conducting an investigation, hearing, or inquiry, including, but not limited to, information given as testimony.

5.02 Scope of Policy

The City encourages employee complaints, reports or inquiries about practices believed to be unlawful or constitute serious violation of the City policies, including actions which constitute economic waste, misuse of government property, willful omission to perform duty, gross misconduct, or illegal or improper conduct by the City itself, by its leadership, or by others on its behalf. Other subjects for which the City has existing complaint procedures shall be addressed under those other procedures. This policy is not intended to provide a means of appeal from outcomes in those other procedures.

5.03 Procedure

Complaints, reports or inquiries may be made under this policy on a confidential or anonymous basis. They should describe in detail the specific facts demonstrating the basis for the complaints, reports or inquiries. They may be directed to the Personnel Officer or City Manager, or to the City Attorney if involving the Personnel Officer or City Manager. The City will conduct a prompt, discreet, and objective review or investigation in response. However, employees must recognize that the City may be unable to fully evaluate or address a report or inquiry that is made anonymously or made in a vague or general manner.

5.04 Protection From Retaliation Because of Good Faith Complaints, Reports, or Inquiries

- a. The City prohibits retaliation by or on behalf of the City against employees for making good faith complaints, reports or inquiries under this policy or by participating in a review or investigation under this policy. This protection extends to those whose allegations are made in good faith but prove to be mistaken or unsubstantiated. Employees who participate or assist in an investigation will also be protected. Every reasonable effort will be made to protect the anonymity of the “whistleblowing” employee to the extent permitted by law.
- b. The City reserves the right to discipline persons who make bad faith, knowingly false, or vexatious complaints, reports or inquiries or who otherwise abuse this policy.

Section 6. Additional Employment Policies and Working Conditions

6.01 Personal Relationships in the Workplace

Employees at every level are cautioned that personal relationships in the workplace have the potential to go sour, with the possibility of creating a hostile work environment for the involved employees, as well as others.

6.02 Violence in the Workplace

The City is committed to providing a safe, violence-free workplace and strictly prohibits employees, consultants, customers, visitors, or anyone else on City premises or engaging in a City related activity from behaving in a violent or threatening manner. As part of this policy, the City seeks to prevent workplace violence before it begins through the recognition of early warning signs. The City is committed to assuring that safety policies and procedures involving workplace violence are communicated and understood by all employees.

a. Workplace Violence Defined.

Any form of violence or threat of violence – whether actual or reasonably perceived – involving a City employee or occurring at the workplace. Workplace violence shall be defined as and may include:

1. "Type I" is a violent act by an assailant with no legitimate relationship to the workplace that enters the workplace to commit a robbery or other violent act.
2. "Type II" is a violent act by a recipient of the services provided by the City, such as a customer or another member of the public.
3. "Type III" is an event that involves a violent act by a current or former employee, including a supervisor, manager, or another person who has some employment-related relationship with the City, such as an employee's spouse or significant other; an employee's relative or friend, or another person who has a dispute with an employee or the City.

Workplace violence shall be defined as:

1. Threats of any kind;
2. Threatening remarks or communications, including those related to gender, ethnicity, or sexual preference that are reasonably perceived as a threat; physical aggressiveness, or violent behavior, such as

intimidation or attempts to instill fear in others; engaging in a pattern of unwanted or intrusive behavior against another (e.g. stalking, spying, following); violation of restraining order.

3. Other behavior that suggests a propensity toward violence, which can include belligerent speech, arguing or swearing, sabotage, or threats of sabotage of City property;
4. Defacing City property, sabotage of network or telephone systems, or causing physical damage to facilities; or
5. The unauthorized possession of weapons or firearms of any kind on City premises, City parking lots, or while conducting City business.

b. Reporting Requirements.

1. Any employee who observes or becomes aware of any form of violence or threat of violence at the workplace, including, but not limited to the listed actions or behavior identified in section A, by an employee, customer, consultant, City personnel, visitor, or anyone else, should immediately notify their supervisor, Department Director, or Personnel Officer.
2. Employees should notify their immediate supervisor, Department Director, or Personnel Officer if a restraining order is in effect, or if a potentially violent non-work-related situation exists that could result in violence in the workplace.
3. Circumstances may arise in which an individual poses a clear and present threat of danger causing harm to him/herself or to others. Examples of posing an immediate danger include brandishing or using a weapon or otherwise causing harm or risk of harm to another or making credible direct threats to cause such harm.
4. Where an individual poses immediate danger, employees should call 911 and notify department security.

c. Investigation.

All reports of workplace violence will be taken seriously and promptly and thoroughly investigated. In appropriate circumstances, the City will inform the reporting individual of the results of the investigation. To the extent reasonably possible, the City will maintain confidentiality of the reporting employee and of the investigation but may need to or be required to disclose results when required by law, as part of a law enforcement investigation, or in other circumstances to protect the individual safety of others. The City will not tolerate retaliation against any employee who reports workplace violence.

d. Corrective Action and Discipline.

If the City determines that workplace violence has occurred, the City will take appropriate corrective action and impose discipline on offending employees. The appropriate discipline will depend on the particular facts, but may include an oral warning, written reprimand, transfer or reassignment, suspension, or termination. Under certain circumstances, the City may request or require that the employee participate in counseling, either voluntarily or as a condition of continued employment, and submit written documentation of compliance and completion of this requirement. If the violent behavior is that of a non-employee, the City will take appropriate corrective action in an attempt to assure that such behavior is not repeated.

e. Employee Assistance Program.

1. Employees who believe they have a problem which could lead to violent behavior or adversely affect their work performance are encouraged to use the City's Employee Assistance Program "EAP". The EAP is a professional, confidential counseling service available to all employees and members of their household to assist in resolving emotional difficulties, marital and family conflict, stress, chemical or alcohol dependency, conflicts at work, and any other personal concerns. The EAP counselor can assist in the resolution of these issues and develop a confidential action plan or make appropriate referrals to other professional services.
2. EAP Services are prepaid by the City, and information regarding the City's Employee Assistance Program may be obtained from Human Resources.

6.03 Alcohol and Controlled Substance Abuse

- a. The City is committed to providing a work environment that is safe, healthy and free of any adverse effects caused by the use, possession, or distribution of alcohol or controlled substances. City employees shall not be permitted to possess, distribute, or use alcohol or controlled substances while on duty for the City, on City property, or while using City equipment; and are not permitted to perform services while under the influence of those substances.
- b. For the purpose of enforcing this policy and maintaining a drug and controlled substance free workplace, the City reserves the right, consistent with the Public Safety Officers Procedural Bill of Rights Act and Firefighters Procedural Bill of Rights Act, to search, with or without prior notice to the employee, all work areas and property in which the City maintains full or joint control with the employee, including but not limited to City vehicles, desks, work stations, City email, lockers, file cabinets, and bookshelves.

- c. While the use of medically prescribed medications and drugs is not per se a violation of this policy, failure by the employee to notify a supervisor before beginning work, when taking medications or drugs which could interfere with the safe and effective performance of duties or operation of City equipment, can result in discipline, up to and including termination. In the event there is a question regarding an employee's ability to safely and effectively perform assigned duties while using such medications or drugs, clearance from a qualified physician may be required, subject to the requirements of applicable state and federal law.
- d. The City may notify the appropriate law enforcement agency that an employee may have illegal drugs in his/her possession, or in an area jointly or fully controlled by the City.
- e. In accordance with applicable federal and/or state law, the City will provide reasonable accommodation to those employees whose drug or alcohol problems classify them as disabled and/or suffering from medical condition under federal and/or State law. Employees with reasonable accommodations related to drug or alcohol use shall be subject to the same policy and prohibition against the use of alcohol or controlled substances on City property or while performing duties on behalf of the City.
- f. All persons covered by this policy should be aware that violations of the policy may result in discipline, up to and including termination. Employees reasonably believed to be under the influence of alcohol or a controlled substance shall be prevented from engaging in further work and may be required to submit to drug testing as set forth in Section 6.04 below.
- g. Definitions:
 - 1. “*Controlled Substance*” means any drug or substance that (a) is not legally obtainable or (b) is legally obtainable but has not been legally obtained or (c) has been legally obtained but is being sold or distributed unlawfully.
 - 2. “*Reasonable Suspicion*” is based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee. Such observations can include the employee's activity or inactivity, equilibrium, attention span, mental and physical reactions, slurring of speech, unfocused vision, odor of intoxicants on the breath or clothing, or any other conduct or behavior which indicates probable alcohol misuse or use of controlled substances. Observations may also include indications of chronic use and the withdrawal effects of controlled substances, and chronic absenteeism.

6.04 Drug Testing

a. Pre-Employment Testing.

As part of the City of Greenfield's employment screening process, any applicant for a position in a classification the City has determined is subject to pre-employment drug and alcohol screening, and to whom a conditional offer of employment is made must pass a test for alcohol, drugs and controlled substances, under the procedures described below. Any offer of employment is conditional on a negative test result. Applicants will be informed of the City's drug testing policy in the employment application. An applicant's failure to consent to applicable tests will result in the withdrawal of a conditional offer of employment and disqualification from further consideration for employment.

The applicant will be referred to a City designated certified medical clinic or laboratory to administer the test at the City's expense. The employee shall have the opportunity to alert the clinic or laboratory personnel about any prescription or non-prescription drugs taken that may affect the outcome of the test. Unless otherwise requested, all drug and alcohol testing will be performed through urinalysis. The clinic or laboratory will inform the Personnel Officer, or designee, of the results of the test. If the applicant failed the test, or refuses to take the test, the applicant will be immediately disqualified from any consideration for City employment.

b. Reasonable Suspicion Testing.

If there is suspicion that an employee is working in an impaired condition, including an accident while operating a City vehicle, the employee will be asked about any use of alcohol or controlled substances and offered an opportunity to give an explanation. If the employee is unable to satisfactorily explain the behavior, the employee will be requested by the Personnel Officer or designee to take a drug test in accordance with the procedures outlined below. If the employee refuses to cooperate with the administration of the test, the refusal will be treated as a positive test result.

c. Drug Testing of Safety-Sensitive Positions.

Employee(s) subject to random testing fall under the rules and regulations of the Federal Omnibus Transportation Testing Act of 1991. The City will comply with the testing procedures and requirements under the rules and regulations issued by the Department of Transportation (DOT), or the Federal Highway Administration (FHWA) for persons in safety sensitive positions and issue an administrative policy to affected unit employees.

6.05 Nepotism; Employment of Relatives

- a. "Nepotism" is defined as an employee using personal authority or influence to aid or hinder another in the employment setting because of a close personal or blood relationship. A close personal relationship is an association with an individual by adoption, law, marriage, cohabitation, or blood in the third degree.
- b. Employees who have a close personal relationship may work in the same organizational unit, division or department, however, appointments or assignments shall not be made where any of the following would apply:
 1. Employees would work in a small unit or close association with each other.
 2. Employees would have a direct supervisor-subordinate or Department Director-subordinate relationship.
- c. Employees who have a close personal relationship shall not be appointed or assigned where such a relationship would adversely affect them in any of the following:
 1. Work, safety, and/or morale of the unit, division or department.
 2. Fair and impartial supervision and evaluation of employees.

6.06 Conflict of Interest

No employee shall engage in any business transaction, or have a financial interest, direct or indirect, which is incompatible with the proper discharge of the employee's official duties, is against public interest, or would tend to impair independence of judgment or action in the performance of official duties or is otherwise contrary to existing State or federal laws or regulations of the City of Greenfield.

6.07 Outside Employment; Off-Duty Notification

Employees will be permitted to engage in off-duty employment if such secondary employment meets the following standards:

- a. The outside occupation does not conflict with the interests of the City.
- b. The outside work must not adversely affect the employee's duties at the City.
- c. The employment must be such that the City bears no responsibility or liability for injury incurred on the outside job.

- d. The job does not interfere with the requirement that the employee be readily accessible and available in case of emergencies.
- e. Subject to review by the Personnel Officer or designee, the basis for approval by the immediate supervisor and Department Director is as follows:
 - 1. No employee will be allowed to engage in any outside employment without first filling out an off-duty employment permit, which in turn is to be approved or denied by the employee's Department Director. A copy of each permit shall be approved by the Department Director and the Personnel Officer and renewed at least on a yearly basis. Forms for this purpose are available at Human Resources. Approved permits will be maintained in the employee's personnel file.
 - 2. Each request to engage in outside work is to be considered individually. Certain types of work, which are incompatible to the department, may be so designated in writing by the Department Director and the Department Director may refuse permits for such outside employment.

6.08 Request for Assistance from Private Citizen

Under no circumstances shall a City of Greenfield employee request or authorize a private individual to assist in any manner in the performance of the employee's job function or duties.

6.09 Gifts or Payments

No City employee shall individually, accept any gift, service, money or thing of value including, but not limited to, tickets to events or trips from members of the public, vendors, or other third parties with which the employee has or may have official dealings. It should be understood that such gifts are not for personal use or benefit and should be shared by all employees. Any questions should be referred to the Personnel Officer for proper disposition or disposal.

6.10 Personal Conduct

The conduct of all employees shall be governed at all times by ordinary and reasonable rules of behavior observed by law-abiding citizens and shall not reflect unfavorably upon City service. This shall apply whether or not the employee is acting in an official employment capacity. Failure to do so may result in disciplinary action up to and including termination.

6.11 Tobacco Products in the Workplace

Smoking or tobacco products shall not be permitted in any workplace, meeting room, classroom, or restroom of any City facility except for designated areas.

Smoking or use of tobacco products shall not be permitted in any City vehicle, or within twenty (20) feet of any City building or worksite.

Section 7. Employment, Selection and Appointment

7.01 Application Forms

Applications shall be made as prescribed on the job announcement. Employment applications shall require information covering training, experience, education and other pertinent information. All applications must be signed by the individual applying. Incomplete applications are subject to rejection.

7.02 Application

- a. All candidates for employment and volunteer positions without pay, shall file with the Human Resources department of the City an employment application, with all required documents as specified in the application. Such application may be rejected if it is not signed, dated, is illegible or completed in its entirety, or if the applicant does not meet the qualifications specified in the job description.
- b. Criminal Conviction History.
 1. The City shall not ask any applicant for employment to disclose, through any written form or verbally, at any time, information concerning an arrest or detention that did not result in conviction, or information concerning a referral to, and participation in, any pretrial or post trial diversion program, or concerning a conviction that has been judicially dismissed or ordered sealed pursuant to law, including, but not limited to, Sections 1203.4, 1203.4a, 1203.45, and 1210.1 of the Penal Code. This does not apply to public safety personnel and or candidates.
 2. Unless otherwise required by law, the City shall not ask an applicant for employment to disclose, orally or in writing, information concerning the conviction history of the applicant, until the City has determined that the applicant meets the minimum employment qualifications, as stated in any notice issued for the position. The job announcement for the position in question will advise whether a lawful exception to this provision applies, such as for positions subject to the stringent requirements of Public Resources Code Section 5164.
 3. Applicants who are invited to participate in testing prior to an interview following initial screening for minimum qualifications will be requested to complete a supplemental questionnaire regarding criminal conviction history for review by the City, and a background screening, as part of the examination process.

- c. Ineligibility or Disqualification.
1. The Personnel Officer may withdraw anyone from consideration if the candidate is untruthful, does not meet required qualifications and whose appointment is not in the best interest of the City. Whenever an application is disqualified or rejected, written notice shall be mailed to the applicant. No specific reason needs to be given for the rejection, other than the applicant was not qualified for the position.
 2. Reasons for disqualification may include, but shall not be limited to the following:
 - a. Lack of any of the requirements and qualifications established for the examination or position for which applied.
 - b. Evidence of intoxicants and/or habit-forming drugs.
 - c. Conviction of a felony, or plea of no contest, or conviction of a misdemeanor involving moral turpitude, as discovered pursuant to Section 7.02.B.3.
 - d. Deception or fraud in making the application.
 - e. Unacceptable driving record, as determined by the most recent DMV readout, when a license is required for the position sought.
 - f. Request by applicants that their names be withdrawn from consideration.
 - g. Failure to apply within the time frame specified by the Personnel Officer to an advertised/posted position.
 - h. Disqualification or unsuitability for employment for any reason specified in any City or pertinent department rules and regulations.

7.03 Announcement

All announcements for positions in the Classified Service shall be publicized by posting in City Hall, on official bulletin boards, and by such other methods as the Personnel Officer deems advisable. The announcements shall specify the title and pay of the class for which the position is announced, the nature of the work to be performed, and minimum qualifications.

7.04 Recruitment

Recruitment for qualified applicants may be a continuing process so the City may have available applications of interested qualified persons for possible future employment. Notices of employment opportunities may be placed in newspapers, City's website, magazines, announcements, college placement offices, community organizations, or professional agencies offering services that will result in a response from qualified persons. However, the City shall not pay any fee or service charge for any applicant referred to City by any employment agency, unless it is the result of a contractual agreement with the employment agency.

7.05 Special Provisions

- a. The Personnel Officer may authorize the expenditure of funds or reimburse applicants for cost and expenses related to the recruiting and selection process where it is in the best interest of the City to do so.
- b. The Personnel Officer may limit the number of qualified applicants to be examined in the selection process when there is a large pool of qualified applicants compared to the number of anticipated vacancies. Qualified applicants to be examined may be determined by lot, date of application or other means as determined by the Personnel Officer.

7.06 Conduct of Examination

The Personnel Officer may contract with any industry recognized agency for the development and conduct of examinations. The Personnel Officer shall see that grading of examinations are performed by Human Resources.

7.07 Nature and Types of Examination

The selection techniques used in the examination process shall be impartial, and relate to subjects which, in the opinion of the Personnel Officer, fairly measure the relative capacities of the persons examined to execute the duties and responsibilities of the class to which applicants seek to be appointed. Examinations shall consist of selection techniques which test fairly for knowledge, skills, and abilities of candidates.

7.08 Notification of Examination Results and Review of Papers

Each candidate taking an examination shall be given written notice of the results thereof within thirty (30) days if requested by the candidate. The City's internal notes or other internal communications regarding the results of the examination shall not be provided to the candidate.

7.09 Promotional Examinations

- a. Existing qualified regular or probationary employees shall be given the opportunity to apply before positions become available to applicants who are not in City service.
- b. Only regular or probationary employees who meet the requirements set forth in the promotional examination announcements may compete in promotional examinations. For each promotional examination, there must be a minimum of two qualified candidates for each vacancy.
- c. Promotional recruitment announcements will be posted for a minimum of five (5) business days in all departments and at a central location in Human Resources until the final filing date specified in the announcement. The announcement will specify a selection process which may include anyone or a combination of the following: application appraisal, written test, performance test, physical fitness test, personal interview or any other selection techniques which, in the judgment of the Personnel Officer, in consultation with the Department Director or other subject matter expert, are necessary to evaluate the candidate's capacity to perform the job tasks.
- d. The Personnel Officer may extend the filing period for any recruitment based upon consideration of the quantity and quality of applications received.

7.10 Scoring Examinations and Qualifying Scores

- a. Upon scoring of all selection components, the names of applicants will be placed on eligibility lists, ranked according to scores.
- b. A candidate's score in a given examination shall be the average scores on each competitive part of the examination, weighed as shown in the examination announcement. Failure in one part of the examination may be grounds for declaring such applicants as failing the entire examination or disqualified for subsequent parts of an examination.
- c. In case of tied scores, the following rules shall apply:
 1. For purposes of placement on the list of eligible, if an applicant who has a tied score is a veteran, as that term is defined in Section 50088 of the California Government Code, or as may be amended, the tie will be broken in favor of the veteran, such that the veteran will be placed at a higher position than the non-veteran.
 2. All other candidates with tied scores shall be listed in alphabetical order.

7.11 Employment/Eligibility Lists

- a. Employment/Eligibility Lists: Within a reasonable time after successful completion of all phases of the City's recruitment process, the Personnel Officer or designee shall prepare and keep available an Employment /Eligibility List. If there are less than three (3) candidates on the list, the Personnel Officer may cause the list to expire, and may commence a new recruitment.
- b. Duration of Lists: Employment Eligibility Lists may remain in effect for one year, unless exhausted, and may be extended prior to the expiration date by action of the Personnel Officer. All open-competitive and promotional lists shall remain in effect for one year, unless exhausted or abolished within that period as provided below. The Personnel Officer may extend any such list for additional periods, but in no event shall an Employment/Eligibility List remain in effect for more than two (2) years. The effective date of a list shall be the date it is approved by the Personnel Officer.

7.12 Re-Employment Lists

- a. The names of probationary and regular employees who have been laid off may be placed on appropriate Re-employment lists in the order of total continuous cumulative time served on probationary and regular status. Such names may remain on the lists for one year unless such persons are rehired prior to that date. Re-employment Lists may be extended at the discretion of the Personnel Officer, but in no event shall an employment list remain in effect for more than two (2) years.
- b. When a Re-employment List is to be used to fill vacancies, the Personnel Officer shall certify from the top of such list, the number of names equal to the number of vacancies to be filled, and the appointing authority shall appoint such persons to fill the vacancies. The Personnel Officer shall send a notice of certification to persons appearing on the Re-employment List.

7.13 Certification and Appointment

- a. Filing Vacancies.
 1. The Department Director shall notify the Personnel Officer or designee of an anticipated vacancy in an established career position, except for positions outside the classified service. The Personnel Officer and Department Director shall determine the means to be used to fill the vacancy.
 2. With the approval of the Personnel Officer, the vacancy may be filled through a transfer, reassignment or voluntary demotion of an employee. If appointment is not made in this manner, then the

vacancy shall be filled by appointment from an existing employment list in the following order:

- a. Re-employment List: A list established as a result of a reduction in force.
 - b. Promotional List: A list of qualified employees in City service who successfully completed a promotional examination process.
 - c. Reinstatement List: A list of applicants which were previously in City service.
 - d. Open-competitive List: A list of qualified applicants outside City service.
3. If there are less than two (2) candidates on the applicable promotional list and/or less than three (3) candidates on the applicable open-competitive list, the Personnel Officer may:
 - a. Authorize appointment from among the available candidates.
 - b. Cancel the existing employment list and declare an alternate employment list.
 - c. Cancel the existing employment list and order a new examination. The Personnel Officer may also authorize a temporary appointment for the interim period while the recruitment process is conducted. The interim period may not exceed six (6) months.
- b. Certification of Candidates.
 1. When a vacancy is to be filled from either a Promotional or an Open-competitive list, the Personnel Officer shall provide the Department Director with a list containing an appropriate number of candidates. The number of candidates certified shall depend upon the type of recruitment and number of vacancies. The names of the top three (3) candidates from a promotional list or the top seven (7) candidates from an open-competitive list will be certified for a single vacancy and, where there is more than one vacancy, one additional name for each vacancy in excess of one.
 2. Following interview and recommendation by the Department Director, the City Manager may appoint from those candidates certified and interviewed. Appointments shall not be retroactive.

3. Regular appointments are contingent upon results of reference checks, background investigations, agility, psychological, physical and any other examinations, which may be required at the discretion of the Personnel Officer.

7.14 Removal of Names From List

- a. The name of any person appearing on an Employment/Eligibility, Re-employment, or Promotional List shall be removed by the Personnel Officer if the eligible person requests in writing that the name be removed, or the employees or applicants fail to respond to notices of certification mailed via certified mail to the last known address.
- b. The names of persons on Promotional Lists who resign from City service shall automatically be dropped from such lists.

7.15 Temporary Appointments

- a. Temporary positions and appointments exist to fill a temporary need, including but not limited to vacation relief, sick leave relief, temporary projects, extra help to accelerate a program, seasonal work, surges of work, and under special circumstances to temporarily substitute for a regular appointment. Temporary employees may be terminated at any time by the Personnel Officer without cause and without recourse to the appeal and grievance procedure.
- b. Temporary appointments may be made from existing appropriate employment lists or from among qualified applicants. Qualified applicants for this purpose shall mean individuals who meet the minimum qualifications for the classification as defined in the class specification.
- c. In no event shall a period of temporary appointment constitute satisfactory completion of any part of a probationary period for any appointment in a regular position in City service.
- d. Temporary employees shall not gain a property interest in their jobs.

7.16 Types and Categories of Appointment

All vacancies in the Classified Service may be filled by transfer, promotion, demotion, re-employment, reinstatement, or from eligibility lists certified by the Personnel Officer. In the absence of persons eligible for appointment in this manner, provisional appointments may be made in accordance with these Rules and Regulations.

Employment in the Classified Service is divided into the following categories:

- a. Regular: Regular employees are those who have been appointed to an authorized position in the City's Classification and Compensation Plan, having successfully completed the probationary period, and retained as provided in these Rules and Regulations. A regular employee may be full-time or part-time. Part-time employees who have been appointed to an authorized position in the City's Compensation and Benefit Plan through appointment from an eligibility list are designated as Regular employees after successfully completing a probationary period.
- b. Probationary: Probationary employees are those who, through the regular examining process, have been appointed to an authorized position in the City's Classification and Compensation Plan, but have not completed the applicable probationary period.

7.17 Personnel Officer's Discretion Regarding Vacant Position

Nothing in this Section shall require the Personnel Officer to fill any vacancy in the Classified Service. The Personnel Officer has the discretion to recommend to the City Council that the vacant position be eliminated, retitled, or an alternative position or positions be created in place thereof. However, nothing within this Section shall require the Personnel Officer to replace any vacant position.

7.18 Citizenship

Except as otherwise provided by State or Federal law, employment is open to qualified men and women who are citizens of the United States, qualified non-citizens of the United States, and those who have employment rights under the United States Constitution, U.S. Citizenship and Immigration Services or State and Federal Law (e.g., non-residents holding temporary work permits).

7.19 Legal Authority to Work

All offers of employment and continued employment are conditioned on furnishing satisfactory evidence of identity and legal status to work in the United States. Each applicant must document legal authority to work in the United States and verify identity in accordance with applicable federal statutes by completing and signing required forms, such as the I-9. All offers for employment will be contingent on receiving this verification, which must be completed as soon as possible after an offer of employment is made, but no later than at the time an individual first reports to work. Failure to provide proof of legal residence and authorization to work in the United States shall be the basis for disqualification in employment and immediate termination.

7.20 Minimum Employment Age

All persons who are selected for regular employment by the City must be at least eighteen (18) years of age, except for sworn personnel who must be at least twenty-one (21) years of age at the time of appointment. All persons who are

selected for temporary and/or seasonal employment by the City must be at least sixteen (16) years of age. Applicants may be asked to provide proof of age at any time. Persons employed under the age of eighteen (18) must provide a valid minor work permit and shall not be assigned "hazardous" duties as determined by the Department Director and Personnel Officer.

7.21 Pre-Employment Medical Examination

All offers of employment are contingent upon successful completion of a health questionnaire and/or medical examination which includes a pre-employment drug test. Each prospective employee shall be required to complete a pre-employment health questionnaire and, as determined by the Personnel Officer, take a pre-employment medical examination after receiving a conditional offer of employment. The medical examination shall be conducted by a physician authorized or approved by the City at its expense. Medical records shall be maintained in a separate confidential folder open for inspection only on a need-to-know basis and stored in a secured area consistent with the requirements of applicable state and federal law.

7.22 Background/Reference Checks

As soon as possible and practicable, a live fingerprint scan, background and reference check will be performed and completed for each qualified candidate receiving a conditional offer of employment. The City shall comply with all requirements of the Federal Fair Credit Reporting Act and the California Investigative Consumer Reporting Agencies Act.

7.23 Reappointment; Break in Service

An employee who voluntarily leaves the City Service and is rehired at a later date is not eligible to receive any benefits that may have previously been afforded, except as described in Section 13.05.L. Reappointments following resignation will be considered new employment. Employees rehired within 60 days after separation will have their service bridged. This means that the employee will retain the original date of hire and will continue to accrue insurance benefits, previously in effect. In addition, these employees who have been rehired will accrue benefits (vacation and sick leave accruals) at the same rate as was in effect prior to the separation.

With regard to accrued sick leave benefits prior to separation, an employee is eligible to be reinstated with 50% of the remaining balance after being laid-off or separated, except as described in Section 13.05.L.

For example, an employee at time of separation who had 45 days of sick leave accrued, is eligible to be paid directly for up to 15 days, this leaves a balance of 30 accrued days of which 50% or 15 days of sick leave could be reinstated.

7.24 Transfer

An employee may be transferred by the Personnel Officer from one position to another position in a comparable class. No person shall be transferred to a position for which the employee does not possess the minimum qualifications. For transfer purposes, a comparable class is one with the same maximum salary, involves the performance of similar duties, and requires substantially the same basic qualifications. If the transfer involves a change from one department to another, both Department Directors must consent to the transfer, unless the Personnel Officer orders the transfer for purposes of economy, efficiency, or the best interest of the City.

7.25 Demotion

The Personnel Officer or Department Director may demote an employee:

1. Whose continual ability to perform required duties falls below acceptable standards;
2. For disciplinary reasons;
3. When the need for the position which an employee fills no longer exists; or
4. When an employee request such demotion.

7.26 Termination

At the discretion of the Personnel Officer or Department Director, an employee may be terminated or separated in the following manner:

1. On a weekday, other than a weekday that lands on a holiday; or
2. On the last weekday of a pay period.

The last day worked will constitute the employee's termination or separation date.

Section 8. Probationary Period and Seniority

8.01 Objective of Probationary Period

The probationary period shall be regarded as part of the selection process and utilized to closely observe an employee's work performance, evaluate the adjustment of a new employee to the position, and reject any probationary employee whose performance does not meet acceptable standards of work. Temporary employees do not serve a probationary period, may be terminated at any time without advance notice to the extent allowed by law, and receive no City-sponsored benefits, unless otherwise required by law. Temporary employees are not meant to be appointed indefinitely, nor shall their employment term in any way be construed to be indefinite.

8.02 Performance Evaluation Reports

- a. The City will make reasonable efforts to timely provide each employee a performance evaluation report as follows:

1. For Probationary Employees

Length of Probation	Performance Evaluation Dates
0 to 6 months	Mid-point of probation
Greater than 6 months	Mid-point and 2-weeks before end of probation

2. For Regular/Permanent Employees

- a. Every twelve (12) months on or about the Anniversary Date of the employee, or the anniversary date of appointment.
- b. In the event a performance evaluation is not completed within sixty (60) days after the anniversary date, the employee shall automatically receive a "satisfactory" rating (i.e., attains goals), which will be documented in a memo to file.
- b. The performance evaluation report will be signed by the employee's Supervisor and Department Director as soon as practicable. Each report will be discussed with and signed by the evaluated employee, then submitted to the Personnel Officer and permanently retained in the employee's personnel file. If the employee refuses to sign their evaluation, the employee's supervisor will note the employee's refusal to sign and sign below this note.

- c. Employee will receive a review of their job performance in order to determine whether or not a step increase is in order. Step increases are not to be construed as automatic in nature. If an employee's performance proves to be satisfactory, that employee shall be eligible for an increase which is defined as a Merit or Step Increase. A step increase shall not be denied solely as a result of the failure to complete an annual performance evaluation.

8.03 Probationary Period

- a. A work evaluation period during which employees are required to demonstrate satisfactory performance for the duties to which they are appointed. Probationary periods range from six (6) to twelve (12) months depending on the position and will be extended for periods of paid or unpaid leave of absence upon recommendation of a Department Director and approval of the City Manager.
- b. A promotional appointment shall be probationary for six (6) months or twelve (12) months, as applicable. Probationary periods will be extended for periods of paid or unpaid leave of absence upon recommendation of a Department Director and approval of the City Manager.

8.04 Rejection of Probationer

- a. During the initial probationary period, an employee may be separated from City service by the Personnel Officer for cause or no cause without appeal rights, in accordance with applicable law. The Department Director shall notify the Personnel Officer in advance as to whether a regular appointment or rejection is recommended.
- b. Notification of rejection in writing shall be served to the probationary employee and a copy included in the employee's personnel file.

8.05 Rejection Following Promotion

Any employee who fails to pass the probationary period following a promotional appointment shall be reinstated to the position from which the employee was promoted with no loss of seniority.

8.06 Seniority for Lay-Off Purposes

- a. Whenever more than one person is appointed to the same classification on the same day, the seniority of each individual will be equal. In the event of a reduction in force ("RIF"), for whatever reason, individuals with the same seniority date will be laid off based on the following criteria:
 - 1. Years of service;

2. Overall performance in City employment; and
3. Special knowledge, skill, training, or experience.

8.07 Loss of Seniority

Seniority shall not be broken by vacations, sick time, or any authorized leave of absence or call to military service. All seniority rights shall be lost by an employee under the following circumstance if the employee:

- a. Resigns;
- b. Is discharged and fails to appeal or has an appeal denied;
- c. Fails to return to work when recalled after a layoff; or
- d. Is laid off for one year without being recalled, or two (2) years if the Re-employment List has been extended.

Section 9. Position Classification Plan

9.01 Classified Service Plan

The Personnel Officer shall ascertain and record the duties and responsibilities of all positions in the Classified Service and, after consulting with Department Directors, shall recommend a Classification Plan for such positions. The Classification Plan shall consist of classes of positions in the Classified Service defined by class specifications, including job title. The Classification Plan shall be so developed and maintained that all positions substantially similar with respect to duties, responsibilities, authority, and character of work are included within the same class, and that the same schedules of compensation may be made to apply with equity under like working conditions to all positions in the same class.

9.02 Adoption, Amendment and Revision of Plan

The Classification Plan shall be adopted and may be amended from time to time by resolution of the City Council. Notice of City Council consideration of the proposed Classification Plan amendments, or revisions, shall be provided to Recognized Employee Organizations that represent the new or amended position class.

9.03 Assignment of Positions

Following the adoption of the Classification Plan, the Personnel Officer shall assign every position in the Classified Service to one of the classes established by the Plan.

9.04 New Positions

Newly established classifications shall be approved by the City Council.

9.05 Reclassification

The duties of any position which have changed materially so as to necessitate reclassification, shall be allocated by the Personnel Officer to a more appropriate class, whether new or already created. Reclassification shall not be used for the purpose of avoiding restrictions concerning demotions and promotions. A reclassification shall become effective after approval of the City Manager.

9.06 Salary Schedule Conformance

Employees shall be assigned a salary in conformance with the classification salary schedule and pursuant to any applicable bargaining agreement, as those may be amended from time to time by the City Council.

9.07 Interpretation of Class Specifications

The class specifications commonly referred to as "job descriptions" are descriptive and explanatory and not restrictive. They are intended to indicate the kinds of positions that are allocated to the various classes and should not be construed as limiting the assignment of duties and responsibilities to any position or modifying the authority of any Department Director to assign, direct and control the work of employees under supervision. The use of a particular expression or to duties should not be interpreted to exclude others not mentioned that are of similar in kind or quantity, nor shall be any specific omission necessarily mean that such duty or requirement is not included. The specifications for each class should be considered in its entirety, and in relation to other classes in the classification plan. Consideration should be given to the general duties, specific tasks, responsibilities, qualifications, and relation to other positions so that collectively they describe the kind of employment the class is designed to embrace.

9.08 Use of Class Title

Class title shall be the official title of every position allocated to the class for the purpose of personnel actions, and shall be used on all payrolls, budget estimates, official records, and reports relating to the position. Any other "working title" desired and authorized to be used by the Department Director may be used as a designation for purposes of internal administration or in contacts with the public, subject to advanced approval of the City Manager or designee.

Section 10. Compensation and Salary Administration

10.01 Application of Salary Ranges and Rates

- a. Appointment: Initial appointments designated in the Classification Plan shall normally be at the first step of appropriate salary range. Because it is sometimes difficult to secure qualified personnel at the normal hiring rate, or a person of unusually high qualifications is available, the City Manager may hire or promote at a higher range and step at his/her discretion. If the City Manager exercises his/her discretion to hire or promote a person at a step higher than set forth above, said person shall be eligible for a step increase upon successful completion of the probationary period.
- b. Out of Class Pay: An employee working out of class for at least ten (10) consecutive workdays to temporarily perform duties in a higher classification shall be compensated at the next higher step in the worked classification which shall be no less than 5% above the employee's current salary. At no time should any employee work out of class for a period of more than 6 (six) months. There will also be no change to the employee's current benefits.

10.02 Advancement within Salary Range

An employee shall be considered for salary advancement in accordance with the following time intervals:

- Step 1** Payable during probationary period. The first step in an assigned range is normally the minimum rate at the initial hiring for a specific classification.
- Step 2** Payable after successful completion of probation.
- Step 3** Payable after one year of service at Step "2" and upon recommendation of the Department Director based on a positive performance evaluation and an employee's demonstrated ability to meet or exceed job standards. Approval by the City Manager is required.
- Step 4** Payable after one year of service at Step "3" and upon recommendation of the Department Director based on a positive performance evaluation and an employee's demonstrated ability to meet or exceed job standards. Approval by the City Manager is required.
- Step 5** Payable after one year of service at Step "4" and upon recommendation of the Department Director based on a positive performance evaluation and an employee's demonstrated ability to

meet or exceed job standards. Approval by the City Manager is required.

- a. Step advancements are merit increases and are not automatic. An employee must perform the duties of the position and be rated satisfactory by the Department Director to receive a step advancement.
- b. Salary adjustments shall become effective on the first day of the pay period coinciding with or following the employee's step advancement and review, promotion, demotion, reclassification, transfer, basic salary rate change, longevity pay eligibility, bilingual pay eligibility, education incentive pay eligibility, etc. Such salary adjustments shall not be retroactive.

10.03 Criteria for Step Increase

No salary advancement shall be made which exceeds any maximum rate established in the pay plan for the class to which the advanced employee's position is assigned.

10.04 Request for Step Increase

- a. Nothing herein prohibits granting a merit salary advancement prior to the normal time intervals, subject to the approval of the Personnel Officer. A Department Director may recommend a step increase through the City Manager for any employee in the department as a result of outstanding service or any special circumstances which merit a step increase on a date other than the anniversary date. Such step increases are effective on the first day of the pay period once approved by the City Manager and it does not change the employee's anniversary date.

10.05 Assignment for Reclassification and Demotion

- a. No Classified employee shall suffer a salary reduction as a result of the reclassification, but the employee's salary may be held at the current salary level at the time of reclassification until the salary range of the new classification is equal to or exceeds the employee's salary. This shall be referred to as "Y-rate". An employee may be placed in a lower or higher salary step at the time of reclassification with the approval of the Personnel Officer.
- b. In the event of demotion due to discipline, the Personnel Officer shall determine the step within the applicable salary range to which the employee shall be assigned.

10.06 Computation of Salary

Salary rates for all authorized classified positions are set forth in the Classification and Compensation Plan. Hourly rates are based on 2080 hours per year. Hourly rates for Fire personnel are based on 2912 hours per year.

10.07 Compensation during Attendance at Training Courses During Vacation, Holidays, and Days Off

City employees should feel free to attend training courses available during their vacation, holidays or days off if authorized to do so in advance by the Department Director. However, compensation for attendance at training courses held during days off, weekends, vacations, or holidays will be authorized only where employees have been directed by their Department Director to attend on the following basis:

- a. Days Off: Employees directed to attend training courses held on their day(s) off will have their work schedule adjusted to reflect day(s) off in compensation.
- b. Holidays: Employees directed to attend training courses on a holiday will be compensated double times their regular rate of pay or allowed to take off another day for the missed holiday unless a different rate of compensation is provided in a current ratified and approved MOU, in which case the latter shall apply.
- c. Vacations: Employees directed to attend training courses held on vacation days will be permitted to reschedule their vacation days spent in such training courses in lieu of compensation.

Section 11. General Working Conditions

11.01 Attendance

Employees shall be in attendance and on time at their assigned workstation in accordance with Department rules regarding hours of work. All departments shall keep daily attendance records of employees. An employee absent without approved leave may be subject to disciplinary action.

11.02 Meal and Break Periods

Each regular employee should be entitled to an uninterrupted, unpaid meal period of a minimum of thirty (30) minutes and a maximum of sixty (60) minutes at or about the mid-point of their workday. The length of the meal period and the time the meal period is taken shall be determined by the Department Director unless provided otherwise in a ratified and approved MOU. Employees are entirely relieved of responsibilities and restrictions during their meal period, unless they have been directed to work by a supervisor or management staff, in which case it will be treated as paid time. This excludes public safety officers, i.e. Fire and Police.

Each regular employee is also entitled to two (2) ten-minute paid break periods to be scheduled and taken in accordance with the Department's policy. based on. The initial break period shall be taken within the first half of the shift, and the second within the second half of the shift.

11.03 Standard Work Periods

The standard workday for regular employees shall be forty (40) hours worked in a workweek (Sunday-Saturday). The workday and workweek for regular, part-time employees shall be established and directed by the Department Director.

11.04 Exceptions to Standard Work Periods

With the approval of the Personnel Officer, Department Directors are authorized to designate other work periods and working hours for employees when the best interest of the City may be served by such adjustment of the standard work periods and hours. Exempt employees are expected to work the number of hours necessary to complete the task.

11.05 Overtime and Compensatory Time

Overtime is any time worked at the direction of management beyond the standard forty (40) hour work week for non-exempt employees.

- a. Overtime shall be worked only at the request and authorization of the Department Director. Non-exempt employees required to work in excess of forty (40) hours in a work week shall be compensated at time-and-one-half

of their regular hourly rate, or compensatory time off at a rate of time-and-one-half at the option of the Department Director. Unless otherwise required by law, the workweek commences at 12:01 a.m. each Sunday and ends at 11:59 p.m. each Saturday.

- b. Work schedules may be changed, by mutual agreement, to reflect work in excess of eight (8) hours within a day without overtime premium being required, e.g., four ten-hour days, or as provided in a ratified and approved MOU.
- c. The use of compensatory time shall be scheduled by mutual agreement between the employee and Department Director. Employees retain the right to cash payment for any compensatory time on the books as provided in a ratified and approved MOU, or with the approval of the Personnel Officer.
- d. Unless otherwise previously accrued, exempt employees shall not be eligible for overtime pay and/or compensatory time off.
- e. Classified employees who are designated as exempt under the FLSA shall not be eligible for overtime pay and/or compensatory time off.
- f. There may be variations to standard overtime and work schedules as permitted by FLSA Section 7(k) exemption.

11.06 Compensatory Time Accumulation and Use

Employees may accumulate up to forty (40) hours of compensatory time off. If compensatory time is not allowed, the employee shall be paid for such overtime in cash at the rate required by applicable state and federal wage and hour regulations, the rate of one and one-half times the regular rate of pay, or as provided in a ratified and approved MOU. Non-exempt employees who move to an exempt status shall have their approved compensatory time off cashed out by the end of the current fiscal year.

11.07 Bilingual Pay

The City retains the right to determine how many and which positions it needs to provide bilingual services, and which languages shall qualify. To be eligible, the Department Director must approve the employee for certification testing, and then pass oral and/or written examination in the applicable language certifying that the person has the appropriate language skills.

11.08 Paid Holidays

- a. All regular and probationary employees are entitled to municipal holidays off as provided in a ratified and approved MOU or Resolution adopted by the City Council.

- b. When a holiday falls on a Saturday, the preceding Friday shall be deemed to be the holiday. When a holiday falls on a Sunday, the following Monday shall be deemed to be the holiday. Unless otherwise required by law, employees must be on paid status on the working day immediately preceding the holiday, and on the working day immediately following the holiday, in order to receive holiday pay.
- c. When a holiday occurs during an employee's approved leave of absence covered by the Family Medical Leave Act, the California Family Rights Act, the California Pregnancy Disability Act, or any other legally mandated leave, the employee will receive full holiday pay only if the employee is in paid status the working day immediately preceding the holiday and the working day immediately following the holiday.
- d. Employees who are required to continue their job responsibilities on holidays (such as in the Public Works, Police and Fire Departments) shall receive holiday pay as provided in a ratified and approved MOU, and/or Resolution adopted by the City Council. The rate of pay for the holiday shall be based on the expected hours of work in said shift by department.
- e. In cases where employees are afforded a Floating/Personal Holiday, the "holiday" must be used no later than June 30, the end of the City's current fiscal year, unless otherwise recorded in a ratified and approved MOU. If not used by that date, said holiday will be canceled and removed from payroll records. There is no waiting period applicable for use of Floating/Personal Holidays for newly hired employees.
- f. Council approved holidays, except floating holidays, will be considered workdays for purposes of calculating overtime.

11.09 Tuition Reimbursement

- a. Regular employees may be eligible to receive tuition reimbursement for educational purposes which improve their ability to accomplish their City job duties, subject to approval of the Department Director and the Personnel Officer.
- b. Except as provided in a ratified and approved MOU, reimbursement will be for books, tuition, and enrollment only up to a maximum of five hundred (\$500) dollars per fiscal year. The employee must achieve at least a "C" in the class and be reimbursed after proper proof of completion of the class.

11.10 Credit for Training

Participation in and successful completion of special training courses may be considered in making advancement and promotions, as provided in a ratified and approved MOU. Evidence of such activity shall be filed by the employee with the Department Director and Human Resources.

11.11 Training Responsibility

The City encourages the training of employees. Responsibility for developing training programs for employees shall be assumed jointly by the Personnel Officer and Department Directors. Such training programs may include, but shall not be limited to, lecture courses, workshops, demonstrations, assignment of reading materials, or such other assignments as may be available for the purpose of improving the effectiveness and broadening the knowledge of employees in the performance of their respective duties.

11.12 Uniform, Official Badge or Insignia

Officials or employees who wear a uniform, badge, or other official insignia as evidence of authority and City identity shall not permit such uniform or insignia to be used or worn by any other person.

11.13 Compensation for Use of Private Automobile on City Business and City Vehicle Assignment

- a. General Policy: It is the policy of the City to assure that all employees requiring transportation for the satisfactory completion of their assigned duties will either (1) have a City vehicle available for their use as required by the nature of their work, or (2) be reimbursed for the use of their own private vehicle when such use is authorized.
- b. Authorization for Use of Privately-Owned Vehicles: Use of privately owned vehicles in connection with official City business during work hours shall be authorized prior to such use by the Personnel Officer or Department Director.
- c. Mileage Allowance: Subject to direction concerning the use of a City vehicle, the City will make a City vehicle available for official use to employees when so required. If there are no City vehicles available and the employee must use a personal vehicle, the employee will be reimbursed at the IRS authorized mileage reimbursement rate in effect at the time.
- d. Administrative Regulations: Administrative regulations covering conditions for use, financial responsibility, procedures for requesting travel authorization and reimbursement shall be established by the City Manager, or designee, consistent with the FLSA.
- e. With the approval of the City Manager, the Department Director may from time to time authorize the use and assignment of a City vehicle for ongoing "Bonafide-Official" business of the City in the course of employment of the employee. The Department Director shall take into consideration the employees' job duties, responsibilities and "around-the-clock" availability.

Vehicles shall not be used for personal use. City Employees shall report all

accidents involving personal vehicles while being used in City Business and all accidents involving a City assigned vehicle, no matter how minor the damage may be, to the employee's immediate supervisor or City Manager or designee handling risk and insurance claims. Any injury sustained by an employee while operating a vehicle (personal or City assigned vehicles) on city business should be reported as required under the worker's compensation policy.

Each employee shall be responsible for the lawful operations of vehicles in accordance with both state and local law. Violations of law are the responsibility of the vehicle operator. Fines and other expenses that result from traffic violations or parking violations, other than mechanical problems of a City vehicle, are responsibilities of the employee.

11.14 Pay Periods

- a. Pay periods for all employees shall be on a biweekly basis, every other Friday. When a regular payday coincides with a holiday, paychecks will be issued on the workday immediately preceding such holiday. Salaries will be paid on a regular payday only unless early payment is approved by the Personnel Officer.
- b. The method of distributing payroll checks shall be established by the Personnel Officer. The City offers direct deposit and employees are encouraged to participate, however, not mandatory.

11.15 Deductions from Pay

Deductions from employee's pay shall include all required employment deductions, as well as authorized union dues, voluntary deductions, or court orders.

11.16 On-The-Job Injuries/Workers' Compensation

- a. Report of Injury: Any employee who sustains any injury on the job shall report the injury to a supervisor or Department Director before completing the shift in which the injury occurred, or as reasonably soon thereafter as possible, unless employee suffers a serious injury and cannot report during the shift. The injury report must be written and made within the specified time or said employee may be subject to disciplinary action up to and including dismissal for non-compliance.
- b. Treatment at Authorized Facilities: Any employee who sustains an on-the-job injury shall report for medical treatment within the approved medical provider network, or pre-designated physician. If the employee suffers the injury at a location outside the City which makes this impractical, the employee may seek medical attention at the nearest medical facility where the injury occurred.

- c. Workers' compensation benefits shall be as provided in Section 13.12 of these Personnel Rules.
- d. Unless otherwise required by law, any employee absent from work because he or she is reporting to medical facilities for treatment of on-the-job injuries shall be required to use sick leave.

11.17 Modified Duty: Return to Work Program

- a. Program Objectives: The City acknowledges the high cost of workers' compensation insurance and strives to reduce this cost by all reasonable means. An essential feature of a cost containment effort includes the availability of a modified duty return to work program which enables injured employees to return to work as soon as medically released.
- b. Modified duty/return to work assignments are designated for employees who were injured in the course of City employment and can return to work within the physical restrictions set forth by the attending physician. Modified duty may be made available to employees for non-work-related injuries, at the discretion of the Department Director. Modified duty/return to work assignments are temporary in nature to assist injured or ill employees to progress to full-duty status. The length of the assignments will be at the discretion of the Personnel Officer in consultation with the Department Director. Assignments established for modified duty/return to work participants are not permanent in nature. The City has the responsibility to reasonably accommodate injured employees within their current work assignment, under the requirements of the Americans With Disabilities Act (ADA).
- c. Modified duty/return to work assignments will be established on a case-by-case basis, depending on the specific limitations of the injured employee. Modified duty/return to work assignments shall be established with the approval of the Department Director and Personnel Officer. Assignments may be made based on the following:
 - 1. The assignment is not designed to be demeaning and/or punitive;
 - 2. The assignment should benefit the employee by offering an opportunity to return to work and benefit the City by providing supplemental tasks, enhancing services, or having tasks accomplished which may not have otherwise been completed without additional expense;
 - 3. Modified duty/return to work assignments will be based upon the availability of modified duty assignments. Any modified duty/return to work assignment shall be made based upon the business necessity or business requirements of the City.

While assigned to a modified duty/return to work assignments, the injured employee will earn their normal classification rate.

11.18 Fitness for Duty Examinations

- a. As deemed necessary and with the recommendation of the Department Director, the Personnel Officer shall have the authority to request employees to submit to medical and or psychological fitness-for-duty examinations from time to time to assure City employees maintain the necessary health to perform their assigned work tasks in a full, complete and safe manner. Such examinations shall be done at the City's expense by physicians or medical care providers as the City may select.
- b. Periodic physicals and/or psychological fitness-for-duty examinations for all Sworn Peace Officers are mandatory and shall be conducted in accordance with their applicable ratified and approved Memoranda of Understanding.

11.19 Reports of Change Status

All actions involving employment and change in status of employment shall be reported by the Department Director to the Personnel Officer in writing utilizing the Personnel Action Form (PAF). Copies of such reports shall be furnished to the employee involved. All recommendations of transfer, promotion, demotion, change of salary rate, and any other temporary or permanent change in status of employees shall be submitted in writing to the Personnel Officer by the respective Department Director utilizing the PAF.

11.20 Absence Without Leave

Unless otherwise required by law, an employee absent from duty without authorization for two or more consecutive working days without satisfactory explanation to the Department Director or the Personnel Officer shall be deemed to have voluntarily resigned without notice and the Department Director or Personnel Officer shall initiate the process to discharge the individual from City employment.

11.21 Resignation and Exit Interview

- a. Resignation: An employee wishing to leave City employment in good standing shall file with the Department Director a written resignation stating the effective date and reasons for leaving the service at least fourteen (14) calendar days prior to the effective date of said resignation. A final performance evaluation as to the resigned employee's service performance and other pertinent information may be forwarded to the Personnel Officer by the Department Director. Failure of the employee to give notice as required by this section may be cause for denying future employment by the City. The Department Director or the Personnel Officer may authorize a

resignation in good standing when, in their opinion, there are sufficient reasons to waive the requirements of this section.

- b. Exit Interview: The Personnel Officer or designee may conduct an exit interview for employees who resign to verify the reasons for resignation. Copies of the information obtained during the exit interview shall be furnished to the Department Director as appropriate.
- c. Employees, including those released during their initial probationary period, or dismissed for disciplinary reasons, will receive their final paycheck on the next regular payday following separation from City service. The final paycheck will include payment for all earned salary due and not previously paid and accrued but unused leave balances subject to pay-off.

Section 12. Personnel Files and Records Policy

12.01 In General

- a. An employment history of each City employee will be maintained by the City. The information in the personnel file shall be maintained in a manner consistent with applicable laws and regulations. The personnel file shall contain, but is not limited to, information pertinent to date of employment, positions held, salary history, payroll, benefits, sick leave, annual leave, performance evaluations, leave of absence requests, training data, compensation and other information as may be deemed appropriate and/or required by law.
- b. The official repository of the personnel file and records for all employees shall be maintained by Human Resources. Department files may be established for the purpose of having readily available pertinent employee records related to the employee's daily performance. An employee shall be entitled to read any statement written by the Supervisor or Department Director, regarding the employee's work performance or conduct, if such statement is to be placed in the personnel file. The employee shall acknowledge reading such material by affixing a signature or initials and date on the document, with the understanding that such signature or initials merely signifies that the employee has read the material in the file and may not necessarily indicate agreement with its content. If the employee refuses to initial, the Personnel Officer, or designee, will sign, noting the refusal of the employee to affix his/her signature or initials.
- c. Each employee has the responsibility to keep personal data up-to-date and must notify Personnel within ten (10) calendar days in the event of any change of name, address, telephone number, persons(s) to be notified in case of an emergency, and any change of beneficiary or dependent(s).
- d. Requests for verification of employment or employment-related inquiries should be directed to the Personnel Officer/ Human Resources or designee. The City will only verify length of employment and current employment status. Any requests for additional information contained in the personnel file shall be based upon written employee consent and must be approved by the Personnel Officer, or designee.
- e. An employee shall have thirty (30) calendar days upon becoming aware of any adverse comment entered in the employee's personnel file, within which to file a written response. Such written response shall be attached to and shall accompany the adverse comment.
- f. Personnel files are the permanent property of the City, and access to the information they contain is restricted, subject to, and in accordance with applicable law and this Policy.

12.02 Inspection of Current or Former Employee's Personnel File

- a. A current or former employee wishing to inspect his/her personnel file must submit a written request to the Personnel Officer, along with reasonable proof of identity. A current or former employee who seeks to authorize another person to inspect copies of his or her personnel file must provide a satisfactory written authorization for inclusion with the written request along with proof of identity.
- b. The City shall issue a written notice setting a date for inspection of the personnel file within thirty calendar days of receipt of the request, to take place during normal business hours. With the requesting person's written consent, the date for inspection may be extended on one occasion by up to five calendar days. If the requesting person is a former employee who was terminated for violation of City policy or law involving harassment or workplace violence, the City shall have discretion to mail a copy of the personnel file at the City's expense instead of scheduling an in-person inspection.
- c. A current employee may inspect his/her personnel file at the place the employee reports to work. Inspection by former employees and authorized representatives shall take place at the Personnel Officer's office, unless otherwise mutually agreed in writing by the City, and may require additional reasonable proof of identity.
- d. A designated City employee must be present throughout the inspection. No personnel files nor contents of personnel files shall be removed from the place of inspection without advance written authorization from the Personnel Officer.
- e. The employee will have access to all contents of the file except those materials which are a part of the employment/selection process, including letters of reference and letters of recommendation, and any records relating to investigations of possible criminal offenses. A copy of the material in the personnel file to which the employee has access will be provided to the employee upon request, at the prevailing cost for duplication.

12.03 Obtaining Copies of a Current or Former Employee's Personnel File

- a. A current or former employee wishing to obtain copies of documents or other materials in his/her personnel file in person or by mail must submit a written request to the Personnel Officer along with reasonable proof of identity. A current or former employee who seeks to authorize another person to obtain copies of his/her personnel file must provide a satisfactory written authorization for inclusion with the written request. Reasonable proof of identity may be required at the time of in-person pick up of requested documents.

- b. The City shall issue a written notice setting a date on which the requested copies may be picked up in person during normal business hours and identifying the cost of reproduction that must be paid to the City at the time of pick up. The date for in-person pickup of the documents shall be no more than thirty calendar days after receipt of the request by the City. With the requesting person's written consent, that date may be extended on one occasion by up to five calendar days. If the requesting person is a former employee who was terminated for violation of City policy or law involving harassment or workplace violence, the City shall have discretion to mail a copy of the personnel file at the expense of the City instead of scheduling an in-person pick up. If the requesting person chooses delivery by mail instead of in-person pick up, the notice provided by the City under Section 12.03.B. shall also identify the additional actual postage expenses for which the requesting person must reimburse the City prior to receipt of the copies.

Section 13. Leave of Absence Provisions

13.01 Annual Vacation Leave

- a. Employees shall be entitled to accrual of vacation leave upon the date of hire. Eligible employees working a forty-hour work week shall earn vacation credits based on the following schedule, or as provided in a current ratified and approved MOU.

YEARS OF SERVICE	ANNUAL EXECUTIVE MANAGEMENT	ANNUAL REGULAR FULL-TIME CLASSIFIED SERVICE EMPLOYEE
Less Than Five 5 years	10 days/yearly 6 2/3 hours/monthly 3.08 hours/bi-weekly	10 days/yearly 6 2/3 hours/monthly 3.08 hours/bi-weekly
Five (5) – Fifteen (15) Years	15 days/yearly 10 hours/monthly 4.62 hours/bi-weekly	15 days/yearly 10 hours/monthly 4.62 hours/bi-weekly
Fifteen (15) or More Years	21 days/yearly 14.00 hours/monthly 6.46 hours/bi-weekly	21 days/yearly 14.00 hours/monthly 6.46 hours/bi-weekly

- b. Vacation accrues to an eligible employee only during pay periods when the employee is on pay status one-half time or more. Employees cannot use accrued vacation leave during the same pay period in which the leave is accrued. Employees on a half-time pay status shall accrue only half of their vacation entitlement. An employee on full-time pay status shall accrue full vacation during that pay period. An employee on a part-time status (no less than 30 hours/week) shall accrue vacation on a prorated basis or shall accrue full vacation credits when assigned to full-time status approved by the Personnel Officer.
- c. All employees may not accrue more than three times the annual accrual specified in Section 13.01 (A).
- d. Loss of accrued vacation shall not occur if vacation has been delayed by written request and approval of a Department Director or Personnel Officer.
- e. Temporary employees are not eligible for vacation leave benefits.

13.02 Use of Vacation

- a. An employee must complete six (6) months of continuous service before becoming eligible to use accrued vacation leave.

- b. Request for vacation leave usage of two weeks or more must be requested at least two (2) weeks prior to the desired vacation period and approved before leaving on vacation. Employees who leave on vacation without advance approval shall be considered to have abandoned their work and be subject to appropriate disciplinary action up to and including discharge.
- c. Vacation or compensatory time may be used when taking time off for illness of family members who do not qualify under the sick leave policy or other applicable rules and regulations.
- d. An employee shall not work for the City during vacation leave, unless requested to do so by the Department Director. Such timed work will not count against the employee's vacation time.

13.03 Holidays Falling During Vacation

In the event a City holiday falls within an employee's vacation period which would have excused the employee from work, and for which no other compensation is made, said holiday shall not be charged as a vacation day.

13.04 Vacation at Termination

- a. Employees who terminate their employment shall be paid in a lump sum for all accrued vacation and compensatory time earned at the employee's applicable rate of pay on the pay period following last day of work.
- b. Vacation leave will not be granted immediately prior to termination of employment for the purpose of extending service to encompass paid holidays or completing a full month of service for additional vacation leave accrual. City service cannot be extended through the use of vacation, sick leave, or any other compensable accumulation balances.
- c. In the event of death of an employee during employment with the City, all earned vacation and compensable paid leave balances will be paid to employee's designated beneficiary on file with Human Resources.
- d. Unused vacation entitlement will be paid to employees upon separation. Pay shall be computed based on the employee's final rate of pay at the time of separation.

13.05 Sick Leave

- a. Applicability: Unless otherwise stated in this Section, this policy does not apply to part-time employees.
- b. Definitions.

The following terms as used in Section 13.05 and Section 13.06 (part-time

employees) shall have the following meanings:

- 1. *Family Member*: Family member shall include any of the following: a biological, adopted, or foster child, stepchild, legal ward, a child to whom the Employee stands in loco parentis, or a child of a registered domestic partner, regardless of the child’s age or dependency status; a biological, adoptive, or foster parent, stepparent, or legal guardian of an Employee or the Employee’s spouse or registered domestic partner, or a person who stood in loco parentis when the Employee was a minor child; a spouse; a State of California registered domestic partner; a grandparent; a grandchild; and a sibling.

c. Accrual.

- 1. All eligible employees working a forty-hour workweek shall earn sick leave credits based on the following schedule:

PER YEAR	PER MONTH	PER PAY PERIOD
15 DAYS	1.2 DAYS	4.62 HOURS

- 2. Unless otherwise required by law, sick leave accrues to an eligible employee only in those pay periods when the employee is on pay status one-half time or more; employees who are on a half time pay status shall accrue only half of their sick leave entitlement. An employee on a pay status on a full-time basis shall accrue full sick leave credits during that pay period.

- 3. Carryover on Accrued Sick Leave: Accrued and unused sick leave may be carried over from calendar year to calendar year, subject to any applicable MOU.

d. Sick Leave Eligibility: Regular and probationary employees shall be eligible to accrue sick leave. Use of sick leave prior to the first 90 days of employment may be granted for extraordinary reasons with the approval of the Personnel Officer and or Department Director.

e. Use of Sick Leave. Upon the oral or written request of an Employee, the City shall permit eligible Employees to use accrued sick leave for the following purposes:

- 1. Diagnosis, care, substance abuse treatment program, treatment of an existing health condition of, or preventative care for, an Employee or an Employee’s family member.
- 2. For Employees who are victims of domestic violence, sexual assault, or stalking, taking time off to obtain or 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.

3. For Employees who are victims of domestic violence, sexual assault, or stalking, taking time off to seek medical attention for injuries caused by the domestic violence, sexual assault, or stalking; to obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking; to obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking; and to participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation.

This rule is also applicable to Section 13.06 of these Personnel Rules.

f. Request for Sick Leave.

1. The employee shall notify the immediate supervisor prior to the time set for the beginning of daily duties, but in any event no later than fifteen (15) minutes after the time set for the beginning the employee's daily duties. If the need for sick leave unforeseeably arises, the employee shall notify the immediate supervisor as soon as practicable. Failure to provide such notification may be the basis for disciplinary action, up to and including termination.
2. An Employee is not responsible for searching for or finding another employee to cover his or her shift in order to use sick leave.
3. When the need for sick leave is known for a scheduled medical or dental appointment, the employee shall request sick leave use prior to the date sick leave is to be utilized. Any appointment should be made at a time in which it minimizes the time away from the job.

- g. Verification of Need for Sick Leave: Unless otherwise deemed necessary by the Department Supervisor, employees off work on sick leave for a period of three or more consecutive days shall be required to provide a doctor's note or other relevant documentation certifying that the reason for the employee's absence is a permitted use of sick leave, and if the employee is unable to return to work, stating how long the Employee is expected to be unable to do so (unless specified in ratified MOU). This rule is also applicable to Section 13.06 of these Personnel Rules.

h. Deductions of Sick Leave.

1. All City employees shall be charged sick leave at the rate of their normally scheduled shift for each full day of absence unless exceptions to this rule are approved by the Personnel Officer. An absence less than a full day will be charged to sick leave at the rate of one hour of sick leave for each hour absent.
- i. When illness occurs on a Holiday: Employees scheduled to work on a holiday that report sick will have their scheduled shift charged to sick leave. In accordance with Section 13.09, upon completion of accumulated sick leave for a permitted purpose, a leave of absence without pay may be authorized by the Personnel Officer.
- j. Sick Leave Buy Back: An employee who retires and / or resigns in good standing shall receive payment of accumulated sick leave as follows:
 1. After five (5) years of continuous service and separation in good standing, ten percent (10%).
 2. After ten (10) years of continuous service and separation in good standing, twenty percent (20%).
 3. After fifteen (15) years of continuous service and separation in good standing thirty percent (30%).
 4. After 20 years of continuous service and separation in good standing, forty percent (40%).
- k. An Employee's accrued sick leave may be used for retirement service credits, subject to all CalPERS rules now and in the future. The Parties agree and acknowledge that the City will not be responsible should CalPERS change their rules and Employee bears the entire risk with any CalPERS related actions as it relates to retirement and service credits.
- l. Reinstatement of Unused Sick Leave: If an employee separates from employment and is rehired by the City within one year from the date of separation, up to 24 hours of previously accrued and unused sick leave shall be reinstated to the employee, provided any such leave was not paid out pursuant to Section 13.05(K). Where a rehired employee has more than 24 hours of previously accrued and unused sick leave, more than 24 hours may be reinstated to the employee at the City's discretion. The rehired employee shall be entitled to use the previously accrued and unused sick leave and to also accrue additional sick leave upon rehiring. This rule is also applicable to Section 13.06 of these Personnel Rules.
- m. Records Documenting Hours Worked and Sick Days Accrued and Used: The City shall keep records documenting the hours worked and Sick Leave accrued and used by an employee for three years. This rule is also applicable to Section 13.06 of these Personnel Rules.

- n. Employee Inspection of Records Pertaining to Sick Leave: Upon reasonable request to the Personnel Officer, and within ten (10) calendar days after the request, the City shall afford current and former Employees the right to inspect or copy records pertaining to their hours worked and Sick Leave accrued and used. This rule is also applicable to Section 13.06 of these Personnel Rules.

13.06 Sick Leave for Part-time Employees

- a. Applicability: Section 13.05, subsections B, F, H, L, M, and N are applicable to this policy. Unless otherwise stated in this Section, this policy applies to part-time, temporary, seasonal, contract, or any other class of employees the City employs in a less than standard forty-hour week capacity.
- b. Sick Leave Eligibility: Employees hired by the City become eligible for sick leave after they work for the City for 30 days. Employees who work for the City less than 30 days are not eligible for sick leave under this policy.
- c. Sick Leave: Part Time and temporary employees hired to work for the City shall receive 1 hour of sick leave for every 30 hours worked, up to the maximum of 24 hours per calendar year.
- d. Qualification Period Prior to Use of Sick Leave: Employees may use accrued Sick Leave only after completing 90 days of employment. Employees who work less than 90 days are not entitled to use any Sick Leave. The days worked for the City, by an employee who separates from the City and is rehired within one year from the date of separation, shall count toward the 90-day qualification period.
- e. Permitted Uses of Sick Leave: Upon the oral or written request of an Employee, the City shall permit eligible Employees to use accrued Sick Leave for the same purposes outlined in Section 13.05, subsection F of these Personnel Rules.
- f. Request for Sick Leave.
1. The employee shall notify the immediate supervisor prior to the time set for the beginning of daily duties, but in any event no later than fifteen (15) minutes after the time set for the beginning of the employee's daily duties. If the need for sick leave unforeseeably arises, the employee shall notify the immediate supervisor as soon as practicable. Failure to provide such notification may be the basis for disciplinary action, up to and including termination.
 2. When an employee has advance notice of the need for sick leave, such as when scheduling non-emergency medical and dental appointments, the employee will attempt to notify his or her

supervisor at least five working days in advance or as soon as possible of his or her need for sick leave.

3. An employee is not responsible for searching for or finding another employee to cover his or her shift in order to use sick leave.
- g. Minimum Increments of Sick Leave: The minimum charge to an employee's sick leave account shall be 15 minutes. Increments of less than fifteen minutes shall be rounded to the nearest fifteen-minute increment. For example, an employee who is gone from work for two hours and ten minutes shall be charged two and one-quarter hours of sick leave. If an Employee has less than 15 minutes of accrued sick leave to utilize, the remaining increment of sick leave may be charged to the employee's other leave bank.
- h. Forfeiture of Unused Sick Leave (only for part-time employees): Except for temporary employees hired to work for the City for a period of less than 120 days, any accrued and unused sick leave shall be forfeited on December 31 of every calendar year.
- i. No Compensation for Unused Sick Leave: No employee shall be compensated for or allowed to exhaust any accrued sick leave upon resignation, retirement, termination, dismissal, lay-off or death.
- j. Abuse of Sick Leave: Abuse of sick leave may be grounds for discipline. Abuse shall be determined on a case-by-case basis. Sick leave abuse may include, but is not limited to, failure to abide by the provisions of this policy, and use of sick leave for purposes other than those permitted in this policy.

13.07 Bereavement /Compassion Leave

- a. The City shall provide employees with paid bereavement leave to handle affairs and attend customary obligations arising from death of an immediate family member defined as follows: Three (3) days or five (5) days, if travel is required over a 300 mile radius (600 miles roundtrip); five (5) days of paid leave is permitted in case of the death of an immediate family member, meaning spouse or domestic partner, a parent, grandparent, child, brother, sister, mother-in-law, father-in-law, brother-in-law or sister-in-law of an employee, step-mother, step-father, and spouse's grandparent.
- b. When authorized by the Department Director, leave for family members other than immediate family and others shall be taken as vacation or compensatory time off. Exceptions are at the discretion of the Personnel Officer.

13.08 Catastrophic Leave; Medical Leave of Absence Without Pay

- a. Policy and Guidelines:

1. Catastrophic leave benefits have been established for the benefit of regular City employees who have exhausted all accumulated leave rights. Catastrophic leave is an attempt to provide a portion or all of an employee's pay during the time the employee would otherwise be on medical leave of absence without pay due to an unforeseen catastrophic illness. Although employees on catastrophic leave will receive catastrophic pay, for all other purposes, such employees will be considered on leave of absence without pay, and shall not accrue any vacation, sick or holiday leave rights.
 2. The Catastrophic Leave Bank will consist of voluntary time transfers of donor vacation and sick leave, and shall not be administered in a fashion which is discriminatory or gives preferential treatment to a particular employee.
 3. Catastrophic leave and leave of absence without pay, including leaves of absence under the Family Medical Leave Act (FMLA), shall run concurrently. An eligible employee may be paid catastrophic leave for a maximum ninety (90) day period for all or a portion of the time off work, depending on the amount of catastrophic leave donated to the employee. One extension of ninety (90) days may be granted at the sole discretion of the City Manager.
 4. This policy allows employees to donate sick leave or vacation to a catastrophic leave bank when the donating employee's combined vacation, sick, and/or compensatory time would not be reduced to less than forty (40) hours, and the recipient employee has met all the requirements of this section. Information about donors will be kept strictly confidential.
 5. Donated hours do not affect eligibility for Sick Leave Payout at Calendar Year End.
 6. Each year, an employee may donate up to a maximum of eighty (80) hours of sick leave, vacation leave, or compensatory time off, or any combination thereof. All donations are irrevocable.
- b. Establishing a Catastrophic Leave Bank.

Procedures for establishing a Catastrophic Leave Bank will be established, administered, and distributed by Human Resources. Employee donations are irrevocable and will be placed in the Catastrophic Leave Bank on a straight hour-per-hour basis.

1. Regular employees, or their designees, requesting catastrophic leave donations from the Bank must submit a written request to the Personnel Officer, or designee. The request must provide sufficient information to enable a determination to be made whether the

employee qualifies for catastrophic leave. This information will be maintained confidential.

2. Catastrophic leave requests for injury/illness must include medical verification from a physician which describes the employee's catastrophic illness or injury.
 3. Medical insurance coverage will continue as if the recipient employee was on sick leave; however, the recipient employee will not accrue sick leave, vacation benefits, or holidays while using catastrophic leave.
 4. Federal and state income taxes will be deducted from the leave recipient's pay at the time of usage based on the recipient's normal payroll deductions.
- c. Participation in the Catastrophic Leave Program shall be terminated when one or more of the following occurs:
1. The employee has exhausted ninety (90) calendar days of "Leave of Absence Without Pay". Any leave of absence for a period of time longer than ninety (90) calendar days must be approved by the City Manager or designee, during which such time the employee may only participate in the Catastrophic Leave Program if approved by the City Manager or designee and shall be supported by the same documentation noted above.
 2. Donated leave credits have been exhausted.
 3. If the recipient employee should become eligible to receive long-term disability payments, the employee will no longer be eligible to receive donations under this section.

13.09 Authorized Leave Without Pay

- a. Leave of absence without pay may be granted in cases of emergency, or where such absence would not be contrary to the best interests of the City. The Personnel Officer shall make such determination. Such leave is not a right but a privilege.
- b. Leave of absence without pay may be authorized by the Personnel Officer depending on the merit of the individual case. A written request for leave of absence without pay must be made by the employee in writing to the respective Department Director, with copy to the Personnel Officer, and subject to approval or disapproval of the Personnel Officer. A leave request form cannot be substituted for notification in writing for an authorized leave of absence.

- c. Employees on an authorized leave of absence without pay may not extend such leave beyond ninety (90) days without the expressed approval of the Personnel Officer/City Manager. Employees are required to submit an additional written request for each extension of leave of absence.
- d. No vacation, sick leave or holiday benefits shall be accrued during the time that an employee is on leave of absence without pay.
- e. While on an approved absence without pay, the employee shall be responsible for direct payment to the City for health insurance providers. The City shall not provide fringe benefits such as uniform, bilingual pay, etc. during absences without pay.
- f. It is the employee's responsibility to continue paying Union dues or representational fees directly to the Union, or formally recognized employee organization during absences without pay.

Failure on the part of an employee on leave to report promptly at its expiration, or within three (3) working days after written notice to return to duty during this leave shall be cause for discharge for work abandonment.

13.10 Pregnancy Disability Leave (PDL)

- a. Regular and probationary female employees shall be provided up to a maximum of four (4) months disability leave for pregnancy. Such leave may be taken before or after birth or at any period of time she is physically unable to work because of the pregnancy or pregnancy-related condition. Periods of leave shall be totaled in computing the four (4) months. Pregnancy-related absenteeism may be counted against the four (4) months leave requirement.
- b. Use of accumulated sick leave and/or vacation credits during the four (4) month disability leave shall be granted to the employee at her request.
- c. As with all other types of leave of absences without pay, employees on Pregnancy Disability Leave will not earn sick leave, vacation or holiday accruals during such leave.
- d. The City requires that the employee obtain written medical verification from her physician of her inability to work because of the pregnancy, and medical verification that continuing work will not be hazardous to the employee or fetus.
- e. The employee is obligated to inform her Department Director or the Personnel Officer in writing as soon as she determines with reasonable certainty the date and duration of her intended pregnancy leave. If the employee desires to return to work earlier than agreed, the City has up to thirty (30) days to accommodate her request for change in the return date.

- f. The employee is entitled to the same job upon return only if she returns no later than the end of the four-month disability leave. If business necessity requires placement in a different position, the City shall offer a job that is similar in terms of pay, location, job content, promotion, and all other opportunities associated with the position.

13.11 Family Care Leave (FMLA)

The City shall provide Family Care Leave consistent with the Moore-Brown-Roberti California Family Rights Act of 1993 (CFRA), California Government Code Section 12945, et. seq., and the Federal Family and Medical Leave Act of 1993 (FMLA), United States Code, Section 2600, et. seq., as follows:

- a. Eligibility for Unpaid Leave: Employees with at least twelve (12) months of service with the City, which need not be consecutive months, and have worked at least 1250 hours during the 12-month period immediately preceding the commencement of the leave, may take up to twelve (12) workweeks of unpaid leave in a 12-month period because of:
 1. The birth of a child or to care for a newborn of an employee;
 2. The placement of a child with an employee in connection with the adoption or foster care of a child;
 3. The employee is needed to care for a family member (child, spouse, or parent) with a serious health condition;
 4. The employee's own serious health condition makes the employee unable to do the job.
- b. Entitlement to leave for the birth or placement of a child for adoption or foster care expires twelve (12) months after the birth or placement.
- c. Accrued Leave: A leave granted under this provision will normally be benefited leave covered by Employment Development Department (EDD), an employee may exhaust accrued sick leave, vacation or other accrued time off to equal that of regular earnings. At the request of an employee and with the prior approval of the Personnel Officer, or designee, an employee may retain and not use accrued sick leave in connection with a leave for the care of a newborn, adopted or foster care child, or to care for a family member with a serious health condition.
- d. Intermittent Leave: Leave may be used in one or more increments but shall not exceed a total of twelve (12) work weeks of leave in a 12-month period measured backward from the date leave begins. A leave for the care of a newborn, adopted or foster care child shall be taken on a continuous basis in increments of not less than two (2) weeks. An employee may request intermittent leave in one-day increments for the care of a seriously ill family

member; or for the treatment of a serious health condition of the employee. A reduced leave schedule (i.e. a work schedule that reduces the number of hours per workweek or workday) may be established where medically necessary for an employee to care for a seriously ill family member; or for the treatment of a serious health condition of the employee.

- e. Advance Notice: Unless the need for leave arises out of an unforeseen emergency, employees requesting leave will be expected to provide reasonable advance written notice no more than thirty (30) calendar days prior to the start of leave. Failure to provide advance notice may be the cause for delaying the effective date of the leave to assure adequate coverage of the position.
- f. Medical Certifications: The City shall require employees requesting family care leave for the care of a seriously ill family member, or medical leave for the treatment of a serious health condition of the employee to provide medical certification of the illness.
- g. Definition of Serious Health Condition: Serious health condition is defined as an illness, injury (including on the job injuries), impairment, or physical or mental condition that involves either inpatient care in a hospital, hospice, or a residential medical care facility (i.e., an overnight stay), or continuing treatment or continuing supervision by a health care provider. "Continuing treatment" is any condition which warrants absence from work or school or usual daily activities for more than three (3) consecutive calendar days and requires treatment from a health care provider. Serious health condition also includes any period of incapacity due to pregnancy, any period of incapacity due to a chronic health condition, such as asthma, diabetes, or epilepsy, and periods of incapacity due to conditions for which there is no treatment.
- h. Insurance Premiums: Employees on leave will be eligible to continue medical and dental insurance coverage and other group coverage as if the employee were on a regular pay status. The City will pay the premiums necessary to maintain coverage as if the employee remained on a paid status. If an employee elects to maintain insurance coverage while on family care leave and there is normally a payroll deduction, the employee may authorize a payroll deduction or pay the premiums in advance in accordance with the requirements necessary to maintain coverage. Failure to pay premiums that are the employee's responsibility may result in cancellation or loss of benefit coverage. For the period of family care leave on paid status, if any, the employee will continue to accrue vacation, sick leave and holidays.
- i. Employee Status while on Leave: Employees retain "employee" status while on medical and family leave. The leave shall not constitute a break in

service for seniority or any employee benefits. Employees on probation will have their probationary period extended by the length of time on leave.

- j. Reinstatement Guarantee and Fitness for Duty: The employee shall cooperate with the City in scheduling the date to return to work, and, whenever possible shall give the city at least thirty (30) days advanced notice of availability. Upon return from leave, the City shall restore the employee to the previous or comparable position provided the employee gives the City thirty (30) days advance notice. Where the medical leave was for the treatment of a serious health condition of the employee, the City shall require the employee to provide medical verification of fitness to return to duty.
- k. Exemptions: The City retains the right to exempt key salaried employees who are among the highest paid (in the upper 10% salary bracket) from Family Medical Leave Act, if required to prevent substantial and grievous economic harm to the City.

13.12 Worker's Compensation Leave and Benefits

Employees shall receive disability benefits as required by the *Labor Code*.

- a. An employee who is required to be off work because of his/her workers' compensation injury or illness shall be designated as being on workers' compensation leave. Such workers' compensation leave shall be unpaid except as otherwise required by law. The employee is required to exhaust his/her paid leave banks, in coordination with any workers' compensation benefits he/she is receiving. The City will exhaust the employee's paid leaves in the following order, unless another order is more beneficial to the employee or the employee requests a different order within 14 days of the date of injury: sick leave, compensatory time off, holiday, administrative leave, and vacation.
- b. Unless otherwise required by law, if an employee falls into unpaid leave status, he/she will not accrue any employment benefits, including, but not limited to, the accrual of vacation, sick leave or holiday benefits.
- c. The City coordinates benefits with State Disability, therefore an employee utilizing State Disability to supplement their income while away from work can never earn more, or not exceed the amount they would have regularly been paid by the City. If this occurs, the employee must reimburse the City all monies in excess of their regular pay from the first paycheck they receive from the City upon their return to work.
- d. An employee on workers' compensation leave may also qualify for leave under the FMLA/CFRA. The City will inform the employee if he/she qualifies under the FMLA/CFRA in accordance with City policy. Unless otherwise required by law, the City may require leave qualifying under the FMLA,

CFRA or other State or Federal law for the employee's own serious health condition to be exhausted concurrently with leave qualifying under this policy.

13.13 Fitness for Duty Leave

- a. Employees are expected to report to work fit for duty, which means able to perform their job duties in a safe, appropriate, and effective manner, free from adverse effects of physical, mental, emotional, and/or personal problems. This Section is intended to provide a safe environment and protect the health and welfare of employees and the public. If an employee feels that he/she is not fit to perform his/her duties, he/she must notify his/her supervisor immediately.
- b. Reasons for Fitness for Duty Leave. In the discretion of the City, an employee may be placed on a paid Fitness for Duty Leave and/or ordered to participate in a fitness for duty examination in any of the following situations:
 1. An employee returns from a medical leave of absence of more than five working days.
 2. An employee is involved in the interactive process with the City under Section 3.02.
 3. Supervisor observes or receives a reliable report of an employee's possible lack of fitness for duty. Observations and reports may be based on, but are not limited to, employee's own self-report of potential unfitness, dexterity, coordination, alertness, speech, vision acuity, concentration, disproportionate response to criticism, and inappropriate or uncharacteristic interactions with the public, co-workers, and supervisors.
 4. Fitness for duty examinations based on a reasonable suspicion that an employee is under the influence of illegal drugs or alcohol shall be conducted in accordance with the City's Alcohol and Controlled Substance Abuse Policy and Drug Testing Policy.
- c. Procedures for Ordering a Fitness for Duty Examination. When a Supervisor becomes aware of or observes behavior that makes him/her reasonably suspect that the employee may not be fit for duty, the Supervisor, shall refer the employee to Personnel Officer who will determine if a fitness for duty examination is appropriate, and, if so, will schedule the employee for a fitness for duty examination. If the circumstances warrant it, the Personnel Officer may place the employee on paid leave pending the results of the employee's fitness for duty examination. The examination shall be paid for by the City.

- d. Procedure Following Receipt of Examination Results. The doctor examining the employee shall be limited to finding the employee “fit for duty” or “fit for duty with restrictions” or “unfit for duty”. In the case of finding an employee fit for duty, the doctor may issue work restrictions. In no case shall the doctor reveal the underlying cause of the fitness or unfitness for duty without the employee’s permission.
1. Fit for Duty. If the doctor finds the employee is fit for duty, the employee shall return to work immediately and perform all duties of his/her position.
 2. Fit for Duty with Restrictions. If the doctor finds the employee is fit for duty with restrictions, the doctor shall specifically enumerate what restrictions are necessary and for how long those restrictions are necessary. The City shall then evaluate those restrictions and determine if the City can reasonably accommodate those restrictions. If the employee’s restrictions are based on a disability as defined by the ADA and/or FEHA, the City shall engage in the interactive process as set forth in Section 3.02.
 3. Unfit for Duty. If the employee is found to be unfit for duty, he/she shall not be permitted to work. He or She may request a leave of absence in accordance with the appropriate applicable provision(s) of these Personnel Rules. If the employee can provide certification of fitness for duty prior to the exhaustion of all paid and unpaid leave that he/she is entitled to under these Personnel Rules, the employee shall be returned to work. However, if such certification is from the employee’s own health care provider, the City may request a second opinion from a doctor of its choosing and at its cost to evaluate the employee under the requirements of this Section. If the two certifications conflict, a third opinion will be sought from a doctor chosen by the City and the employee, at the expense of the City. The opinion of fit or unfit rendered by the third doctor shall be binding. If the employee’s restrictions are based on a disability as defined by the ADA and/or FEHA, the City shall engage in the interactive process as set forth in Section 3.02.

13.14 Jury Duty Leave

- a. Regular employees of the City required to serve as jurors shall be entitled to be absent from duty during the period of such service, or while requested by the Clerk of the Court to be present as a result of such call. Under such circumstances the employee shall decline payment from the court and will be paid full salary. Employees will also be reimbursed for travel per county guidelines.

- b. An employee called to Jury Duty service on regular day off shall not be compensated by the City.
- c. A Leave Request must be submitted with a copy of the Jury Duty Summons attached for each such absence.

13.15 Witness Duty

- a. A regular employee who because of employment with the City is requested to appear by subpoena as a witness in court, or to respond to an official order from a governmental agency for reasons not brought about through an action of the employee, or through the connivance or misconduct of the employee, may be granted a leave of absence with pay for such appearances. The employee shall remit all fees received for such appearances to the City within three (3) days from the date any fee is received by the employee. Compensation for mileage or subsistence allowance shall not be considered as a fee and shall be retained by the employee.
- b. In those instances where the required testimony is not related to knowledge or information gained pursuant to the employee's employment with the City (e.g., a car accident witnessed after hours or on a day off), and in which the employee is called to appear as a witness in court other than as a litigant, the employee has the option of requesting the time off from vacation leave and retain any received fees for such appearance.

13.16 Military Leave

- a. Military leave shall be granted in accordance with the provisions of applicable Federal and State laws. All employees entitled to military leave shall give the Department Director an opportunity within the limits of military regulations and obligations, such as weekend reserve duty, to determine when such leave shall be taken.
- b. An employee who interrupts municipal City employment because of extended military leave shall be compensated for accrued vacation at the time the leave becomes effective.
- c. In accordance with Section 395.01 of the California Military and Veterans Code, employees who have been employed by the City for at least one year will be paid their regular salaries for up to thirty (30) days of active duty.
- d. Employees returning from active military duty shall be reinstated to their regular full time job classification, or comparable position, without any loss of benefits.

13.17 Employee Time Off to Vote

Time off with pay to vote at any general, local primary, or presidential primary election shall be granted to employees. Employees who are registered voters may request time off to vote at an election if the employee does not have sufficient time outside regular working hours to vote. The employee may, without loss of pay, take up to two hours of time off to vote. The time off for voting shall be only at the beginning or the end of the regular work shift, whichever allows the freer time to vote, and the least time off from work. The employee shall give the direct supervisor at least two (2) working days' notice of the need for time off to vote.

Section 14. Layoff Procedure

14.01 Layoff Due to Lack of Work, Funds or Other Reasons

- a. The City Manager shall have the sole right to determine which class or classes shall be subject to lay-off. Before regular employees are separated due to lack of work, the City shall explore reasonable possibilities of reassignment. Reduction in Force (RIF) includes the following:
 - Temporary Reduction: Recall to work is expected within twelve (12) months.
 - Permanent Reduction: Recall to work is not expected because the position has been eliminated, the contract has expired, the department has closed, or the reduction in force is due to budgetary constraints.
- b. Whenever, in the judgment of the City Manager, one or more positions are to be eliminated for reasons of lack of work, lack of funds, reorganization, or other reasons of economy or efficiency, an employee filling such position may be laid off, transferred or demoted without taking disciplinary action or the right of appeal, based on the following criteria:
 - Years of service;
 - Overall performance in City employment; and
 - Special knowledge, skill, training, or experience.
- c. Thirty (30) calendar days before the effective day of layoff, the City Manager shall notify the employee in writing of the intended action indicating the reasons, and a statement certifying whether or not the employee's services have been satisfactory. A copy of such notice shall be given to the Department Director and the affected employee. If certified as having given satisfactory service, the name of the employee laid off shall be placed on an appropriate reemployment list as provided in these Rules and Regulations. Such non-disciplinary action shall not be subject to appeal.

The City will provide a "Levine Hearing" for affected employees prior to making the layoff final.
- d. In the event of a reduction in force (RIF), or the reduction or elimination of a particular classification, there shall be no bumping into positions in which the employee has previous City service credit unless otherwise provided in a ratified and approved MOU.

- e. In the case of layoffs, temporary and probationary employees within the class or classes subject to lay-off will be laid off before any regular employees are affected by layoffs.

The order of lay-off of probationary and regular employees shall be according to seniority based on classification seniority with the employee(s) having the lowest seniority to be laid off first. Among employees with equal seniority, the order of lay-off shall be determined as provided in paragraph "B", above.

- f. Before hiring new regular employees from outside the City, employees laid off or demoted in lieu of lay-off shall have the right of return to their prior class or to any lower class in the same or comparable classification series. This right shall remain effective for one (1) year from the date of demotion or separation from City service. Re-employment Lists may be extended at the discretion of the Personnel Officer, but in no event shall an employment list remain in effect for more than two (2) years. When considering recall of employees with similar skills and abilities for job classifications for which they qualify, past performance and date of hire may be considered as the primary selection criteria. Employees recalled shall not be required to serve a new probationary period, unless recalled or rehired to a new or different classification. An employee to be recalled shall be notified by certified letter sent to the last known address on record. If the employee does not contact the City to make satisfactory arrangements for return to work within ten (10) days of the mailing date of the letter, the offer of recall will be deemed withdrawn, and the employee will be eligible for reinstatement only if some exceptional circumstances prevent the employee from responding, to the satisfaction of the City Manager.

Section 15. Grievance Procedure

15.01 Grievance Procedure

- a. General Provisions: As used in these Rules and Regulations, a grievance is a dispute concerning an alleged violation in terms and conditions of employment as provided in an existing ratified and approved Memorandum of Understanding (MOU). This policy shall only apply in the event that an existing ratified and approved MOU does not have an applicable grievance procedure.
 1. If a grievant fails to carry the grievance forward to the next level within the prescribed time period, the grievance shall be considered settled based upon the decision rendered at the previous step.
 2. If a Department Director fails to respond with a written answer within the specified time period, the grievant may appeal the grievance to the next higher level.
 3. Grievant may be represented by a Union Representative, Steward or legal counsel of their choice at any formal level of this procedure.
 4. Time limits and formal levels may be waived by mutual written consent of the parties.
 5. Proof of service shall be accomplished by registered mail served on the employee at the last known address on record in the employee's Human Resources personnel file or read/delivery receipt in electronic format.
 6. For purposes of this grievance procedure, "day" is defined as a day in which City Hall is open and doing business with the public.
- b. Grievance Procedure — Informal level
 1. The employee may bring a grievance to the attention of the employee's immediate supervisor at the earliest possible date, but no later than ten (10) calendar days from either the date of the alleged action that caused the grievance, or the date the employee should reasonably have become aware of such action. The employee shall inform the immediate supervisor of the desire to discuss an informal grievance. The supervisor shall discuss, or set a date and time for such discussion, and inform the employee. The grievance does not need to be in writing at the informal stage. The supervisor and the employee shall discuss and attempt resolution of the issues at the informal level.

2. If the issues are not resolved at the informal level, or a supervisor is not available for discussion during the informal level, the employee may, within the time limits specified herein, file a formal grievance.
3. If the employee does not make himself/herself available for discussion during the informal process, the grievance shall be considered abandoned.

c. Grievance Procedure — Formal Level

The employee may file a formal grievance within fifteen (15) calendar days from either the date of the alleged action that caused the grievance, or the date the employee should reasonably have become aware of such action, provided the following have taken place:

- The employee has taken the grievance to the immediate supervisor for discussion.
- The issues have either been discussed without resolution or without resolution satisfactory to the employee; or a supervisor was not available for discussion.

Level 1. A formal grievance shall be submitted to the Department Director in writing on a union grievance form containing the name, classification, department of the grievant, the date and a description of the action that caused the grievance, the section(s) of the MOU allegedly violated, and the remedy sought. The formal grievance shall be signed by the employee and specify the date(s) of discussion with the supervisor, and a brief summary of the outcome of that discussion.

The Department Director may meet with the grievant and shall thereafter render a decision and comments in writing and return the grievance to the employee within twenty (20) calendar days after receiving the grievance. If the grievant does not agree with the decision reached, or if no answer has been received with twenty (20) calendar days, the employee may present the grievance to the City Manager. Failure of the employee to take further action within twenty (20) calendar days after receipt of the decision, or within twenty (20) calendar days from the receipt of the grievance by the Department Director if no decision is rendered, will constitute withdrawal of the grievance.

Level 2. Upon receiving the grievance, the City Manager shall discuss the grievance with the employee and all other appropriate persons within ten (10) calendar days of receipt of the grievance. The City Manager may designate an individual not in the normal line

of supervision to advise or conduct whatever investigation is deemed appropriate or necessary concerning the grievance. The City Manager shall render a decision in writing to the employee within twenty (20) calendar days after receiving the grievance. The City Manager's decision shall be final and there shall be no further appeal.

All employees shall be free from reprisal, discrimination or coercion for using the grievance procedure. Compliance with all the steps outlined above shall be considered as mandatory to the exhaustion of available internal administrative remedies.

Section 16. Disciplinary Procedure

16.01 Purpose

The standard for all City employees shall be to render the best service to the public, reflect credit upon City service, and serve the public interest and trust. The continued employment of every employee shall be conditioned on good behavior and satisfactory performance of assigned duties. Progressive corrective and disciplinary actions are intended to improve employee performance and compliance with City Rules and Regulations, procedures, personnel policies, standards of conduct, and performance.

The procedures set forth in this section shall not apply to the following categories of persons who can be terminated at any time and have no rights to any pre or post-disciplinary procedures: 1) Temporary employees, 2) seasonal employees, 3) probationary employees, 4) any person employed under contract (unless the contract provides otherwise), 5) any person designated "at will". Any employee "exempt" from overtime provisions of the Fair Labor Standards Act (FLSA) is not subject to any disciplinary penalty or sanction inconsistent with FLSA overtime-exempt status regulations and standards.

The City Manager may take disciplinary action based on the recommendation of a Department Director, or initiate such action based on his/her own authority. In addition to any disciplinary action initiated by the City Manager, Department Directors are authorized to take appropriate disciplinary action up to but excluding termination. The provisions of this section shall be subject to the Peace Officers Bill of Rights, Government Code Section 3300, et. seq., and the Firefighters Procedural Bill of Rights Act of 2007.

16.02 Causes for Disciplinary Action

Grounds or causes for discipline shall include, but not be limited to, the following:

- a. Violation of these Rules and Regulations, safety policies, and OSHA Safety Standards.
- b. Absence without approved leave.
- c. Excessive absenteeism, patterned absenteeism, neglect of duty, leaving assigned work location without proper approval or appropriate reason, frequent or unexcused tardiness, unauthorized sleeping on the job.
- d. Use of sick leave in a manner not authorized or provided in these Rules and Regulations, or other City policies.
- e. Making any false statement, omission or misrepresentation of material fact in the conduct of City or City-related business, including, but not limited to, City investigations.

- f. Falsification of records, providing wrong or misleading information or other fraud in securing an appointment, promotion or maintaining employment.
- g. Job Performance Below Standard, violation of City/Department rules standard operating procedure, memorandum of understanding, or state or federal law, requiring excessive supervision or instruction in performance of duties after completion of training for the position; misusing delegated authority in the performance of duties; personal appearance not appropriate for the job in terms of department standards and / or job safety, failure to maintain required license or certification or to meet required minimum qualification, refusal to take or subscribe to any oath or affirmation required by law for employment.
- h. Inefficiency, unsafe practices, playing tricks or jokes or engaging in horseplay on the job may lead to physical or emotional injury to employees or others.
- i. Malfeasance or misconduct, which shall be deemed to include, but not limited to conviction of a felony or misdemeanor. "Conviction" shall be construed to be a determination of guilt by a court, including a plea of not guilty or *nolo contendere*, regardless of sentence, grant of probation, or lesser disposition; or misdemeanor involving moral turpitude.
- j. Insubordination, dishonesty, theft, or disobedience, including, but not limited to, negligence or misconduct which causes damage to public property, tools, equipment, communications and computer systems, intellectual property, or waste of supplies.
- k. The use, possession or consumption of, or being under the influence of an alcoholic beverage during the workday or at any time while at the workplace or in City uniform; the use, possession, consumption or sale, or being under the influence or in possession of illegal drugs or narcotics not lawfully prescribed.
- l. Sexual harassment, discrimination, retaliation, or workplace violence, bullying or threats.
- m. Mishandling of public funds.
- n. Discourteous treatment of the public or other employees, making false or malicious statements about any employee or member of the City government.
- o. Failure to cooperate with a supervisor or fellow employees.
- p. Unapproved outside employment or activity in violation of the City's outside employment policy, or any enterprise which constitutes a conflict of interest with City service.

- q. Conduct which impairs, disrupts, or causes discredit to the City, the employee's continued employment or that of other employees, seriously impairing the reputation of the City or its employees so as to interfere with the mission of the City or its departments.
- r. Failure to report any contact with law enforcement authorities which affects employment with the City.
- s. Altering, falsifying, and tampering with time records; recording time on another employee's timecard, clocking in for another employee, or asking another employee to clock in or out for the employee.
- t. Disobedience to proper authority, refusal or failure to perform assigned work, to comply with a lawful order, or to accept a reasonable and proper assignment from a supervisor.
- u. Use of abusive or vulgar language toward or in the presence of others (employees, guests, members of the public) in the workplace.

16.03 Types of Disciplinary Action

As used in this section, "disciplinary action" shall mean any of the following taken singularly or in combination:

- a. Counseling Memo: A counseling memorandum will be placed in the employee's personnel file. The employee does not have the right to an evidentiary appeal as provided for in these Rules and Regulations. Police and Fire employees have the right to an administrative appeal before the Police/Fire Chief to discuss the counseling memorandum before or after it is placed in their employee's file.
- b. Oral Reprimand: An oral reprimand shall be memorialized in writing and will be placed in the employee's personnel file. The employee does not have the right to an evidentiary appeal as provided for in these Rules and Regulations. Police and Fire employees have the right to an administrative appeal before the Police/Fire Chief to discuss the oral reprimand before or after it is placed in their officer's file.
- c. Written Reprimand: A Department Director may reprimand an employee by furnishing the employee a written statement of the reasons for the reprimand. A copy of the reprimand will be retained in the employee's personnel file and may not be appealed. The employee shall have the right to provide a written rebuttal, to be attached to the reprimand in the employee's personnel file. The employee does not have the right to an evidentiary appeal as provided for in these Rules and Regulations. Police and fire employees have the right to an administrative appeal before the Police/Fire Chief to discuss the written reprimand before or after it is placed in their officer's file.

- d. Suspension: A Department Director may suspend an employee. Documents related to a suspension become part of the employee's permanent work record. An employee subject to suspension will receive prior written notice and the right to appeal any suspension exceeding five (5) days as provided herein. FLSA-exempt employees are not subject to suspension except in workday increments for violation of workplace conduct rules, or violations of major safety rules.
- e. Demotion: A Department Director may demote an employee. Documents related to a reduction in pay become part of the employee's permanent work record. An employee subject to demotion shall be entitled to prior written notice and the right to an appeal as provided herein.
- f. Reduction in Pay: A Department Director may reduce an employee's pay. A reduction in pay for disciplinary purposes may take one of two forms: 1) a decrease in salary to a lower step within the salary range; or 2) a decrease in salary paid to an employee for a fixed period of time. Documents related to a reduction in pay become part of the employee's permanent work record. An employee subject to a reduction in pay shall be entitled to prior written notice and the right to an appeal as provided herein. FLSA-exempt employees are not subject to reductions in pay.
- g. Termination: An employee may be terminated by the City Manager. A terminated employee is entitled to prior written notice and the right to appeal as provided herein. Documents related to discharge become part of the employee's permanent work record.

16.04 Administrative Leave With Pay

A Department Director or the City Manager may place an employee on administrative leave with pay pending potential disciplinary action 1) when it is believed the employee's continued presence in the workplace could have detrimental consequences to the City's operations; or 2) pending investigation into charges of misconduct; or 3) the employee presents a threat to himself or other employees or City property.

16.05 Notice of Intended Disciplinary Action and Skelly Hearing

- a. Notices of Proposed Disciplinary Action

In cases of proposed disciplinary action, except counseling, oral reprimand, written reprimand, the proposed disciplinary action shall be served on the employee personally, via read receipt electronic email or by U.S. mail at the last known address of record on file in Human Resources. The written notice of intended disciplinary action shall include:

1. The reasons for the proposed disciplinary action, the facts alleged to be the basis for the intended action, and copies of any documents, reports, or materials upon which the disciplinary action is based;
 2. The specific proposed action to be taken, including any time period or other conditions associated with the discipline;
 3. The proposed effective date of the intended disciplinary action;
 4. The right of the employee to respond to the proposed disciplinary action either in writing or orally, or both, at the option of the employee. The employee shall be advised that he/she has ten (10) calendar days within which to file a written response or request, in writing, an informal pre-disciplinary hearing before the City Manager or designee; and
 5. Failure to respond within the specified time shall constitute a waiver of the right to respond prior to the imposition of disciplinary action. The employee's failure to make an oral response at the arranged conference time, or the employee's failure to submit a written response by the date and time specified in the notice, constitutes a waiver of the employee's right to respond prior to the imposition of the proposed discipline. In that case, the proposed disciplinary action and terminations will be imposed on the date specified in the notice of intended disciplinary action.
- b. Pre-Disciplinary "Skelly" | "Lubey" Hearing

An employee shall have the right to request an informal pre-disciplinary Skelly/Lubey hearing for demotions, suspensions, reductions in pay, and terminations. The appointing authority may continue the hearing for the convenience of the City, or upon written application from the employee, for a period not to exceed an additional fifteen (15) calendar days from the receipt of the request by either party. The Skelly pre-disciplinary hearing is not an evidentiary hearing, but an opportunity for the employee or representative to present facts or circumstances which may cause the proposed disciplinary action to be modified or dismissed. The Skelly Officer may investigate any matter raised during the hearing. The Skelly Officer shall render a written decision within ten (10) calendar days from the close of the hearing and send the written decision to the last known address of the employee on record with Human Resources. An employee may also request a Lubey Hearing if the reason for separation is public and either stigmatizes or prevents the individual from finding alternate employment, the employee will speak to the appointing authority before or after separation.

16.06 Appeal of Discipline

A regular employee may appeal any disciplinary action except counseling, oral reprimand, written reprimand pursuant to these procedures.

The appeal must be received within ten (10) calendar days from the time the employee is notified of the disciplinary decision. Failure to file an appeal within such period constitutes a waiver of the right to appeal. The appeal must be in writing and must specifically state the reason for the appeal. As soon as practicable, the parties shall agree on a hearing date.

Appeals of suspensions, demotions, terminations or reductions in pay shall be heard by the City Manager or his or her designee.

Either party may be represented at the hearing by union representative, steward, or legal counsel. The conduct and decorum of the hearing shall be under the control of the City Manager or designee, with due regard to the rights and privileges of the parties appearing before him or her. All testimony shall be presented under oath and need not be conducted according to technical rules of evidence. The City Manager or designee shall limit his/her decision to the interpretation, application, enforcement, or the intent of the terms or provisions of these Rules. All fees and expenses of the hearing shall be shared equally by the City and the labor organization representing the employee in the appeal, or if the employee is not represented by a labor organization, or the labor organization declines to represent the employee, then the employee, and each party shall be responsible for the fees of its own counsel. Employees shall not be personally responsible for fees and expenses of the hearing. If a transcript of the hearing is requested, the party making such a request shall bear the entire cost.

The decision of the City Manager or designee shall be final and binding.

CITY OF GREENFIELD

**Acknowledgement of Receipt of
Personnel Rules and Regulations**

_____, 2022

This is to acknowledge that I have received a copy of the Personnel Rules and Regulations Manual dated _____ and understand it contains important information on the City's Rules and Regulations, and my obligations and responsibilities as an employee. I acknowledge that I am expected to read, understand, and adhere to these Rules and Regulations and familiarize myself with the provisions in this Manual. I understand that I am governed by these Rules and Regulations, and that the City may change, modify, or revise the Manual from time to time at its sole and absolute discretion with or without prior notice. The City will advise recognized employee organizations of any changes, modifications, or revisions to this Manual which affect terms and conditions of employment, as defined by applicable MMBA and PERB provisions.

I acknowledge and agree to abide by these and any new or revised Rules and Regulations.

Employee's Signature

Date

Print Name

Department

This document shall be signed by the employee and placed in the employee's personnel file

CONFIDENTIAL

**HARASSMENT/DISCRIMINATION/RETALIATION
COMPLAINT FORM**

Name of Complainant: _____ Date: _____

Job Title: _____ Department: _____

Street Address: _____ City: _____ State: _____ Zip: _____

Work Phone Number: _____ Mobile Phone Number: _____

I prefer to be contacted at Home Work Best time to Contact: _____ a.m. p.m.

Nature of complaint: *(Please provide as much information as possible. Include description of incident, date, location, parties involved and other details you feel that we need to know. Use additional sheets if necessary)*

Corrective Action Desired:

I certify that the above statement is true and accurate:

Signature

Date

City Council Approved Holidays:

- a. January 1st
- b. The third Monday in January, known as Martin Luther King Day
- c. The third Monday in February, known as Presidents' Day
- d. The last Monday in March, known as Cesar Chavez Day
- e. The last Monday in May, known as Memorial Day
- f. July 4th
- g. The first Monday in September, known as Labor Day
- h. The Second Monday in October, known as Columbus Day
- i. November 11th, known as Veteran's Day
- j. The fourth Thursday in November, known as Thanksgiving Day
- k. The day subsequent to the fourth Thursday in November.
- l. December 24th, known as Christmas Eve.
- m. December 25th, known as Christmas Day.
- n. A personal holiday approved by the employee's supervisor.

Per Resolution 2001-01 Dated January 2, 2001