

RESOLUTION NO. 2024-024

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKLIN REPEALING AND REPLACING RESOLUTION NO. 2014-248, APPROVING THE REVISED PERSONNEL RULES, AND REPEALING AND REPLACING THE PROVISIONS OF ANY RESOLUTION IN CONFLICT

WHEREAS, on November 12, 2014, the City Council adopted the City of Rocklin Personnel Rules by way of Resolution No. 2014-248, superseding Resolution No. 82-131.

WHEREAS, Human Resources has updated the City of Rocklin Personnel Rules to include formatting changes, reorganization of sections, re-wording to eliminate inconsistencies, and major section updates as listed in the corresponding staff report.

WHEREAS, the revised City of Rocklin Personnel Rules shall supersede any conflicting resolutions.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Rocklin as follows:

Section 1. Resolution No. 2014-248 is hereby rescinded.

Section 2. The City Council of the City of Rocklin hereby approves the Personnel Rules in the form attached hereto as Exhibit A.

Section 3. The City Council of the City of Rocklin hereby approves the Personnel Rules in the form attached hereto as Exhibit A to supersede any existing and conflicting resolutions.

TABLE OF CONTENTS:

Exhibit A – Personnel Rules

PASSED AND ADOPTED this 23rd day of January, 2024 by the following vote:

AYES: Councilmembers Bass, Broadway, Gayaldo, Halldin and Janda

NOTES: None


ABSENT: None

ABSTAIN: None



Greg Janda, Mayor

ATTEST:



Haley Reid, Acting City Clerk

PERSONNEL RULES

January 23, 2024



ROCKLIN
CALIFORNIA



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SECTION 1: DEFINITIONS

101. Advanced Step

For new hires only, a salary step placement above the first step in a salary range.

102. Anniversary Date

The month and day of an employee's appointment.

103. Applicant

A person who submits an application for employment with the City of Rocklin (City).

104. Appointment Types

104.1 Regular Full-Time

An employee who holds an authorized budgeted position, hired to work a minimum of forty (40) hours per week and is eligible for full City benefits.

104.2 At-Will Employee

At-will employment is employment as defined by the California Labor Code as the default form of employment in the state. At-will employees serve at the pleasure of the City Council or City Manager and may be directly appointed to a vacant position.

104.3 Regular Part-Time

An employee who holds an authorized budgeted position, who is regularly scheduled to work less than forty (40) hours per week (consistent with the budgeted allocation) and is eligible for prorated City benefits and prorated leave accruals.

104.4 Temporary Part-Time

An employee hired to meet a temporary staffing need (e.g., existing vacancy, project, heavy workload, etc.) to maintain adequate coverage of work for short periods of time at frequent intervals, or where work is of a seasonal/recurring nature. Temporary employees, typically work less than twenty-eight (28) hours per week, a maximum of 990 hours during the fiscal year, the expected duration of their employment is six (6) months or fewer, and/or the job typically starts and ends at approximately the same time (season) each year. Temporary employees are not eligible for City benefits, excluding those benefits prescribed by law, and are considered at-will, so some Personnel Rules do not apply.

104.5 Volunteer

Any person who donates service without pay or other compensation, including Reserve Police Officers.

105. Base Rate of Pay

An employee's current hourly rate or annual salary on the approved salary schedule, excluding any special pays or overtime premiums.

106. Candidate

A person who has submitted an application for employment with the City and has been determined to meet the minimum qualifications of the classification for which the person has applied.

107. City

The City of Rocklin, a municipal corporation; and where appropriate herein, "City" refers to the City Council, the governing body of said City, or any duly authorized management employee to whom authority is delegated herein.

108. City Manager

Appointed by and serves at the pleasure of the City Council. City Manager is further defined in City of Rocklin Municipal Code Chapter 2.20. As used, the term " City Manager" means the City Manager or their designees.

109. City-Wide Seniority Date

An employee's length of employment measured from the most recent date of appointment or re-employment in a regular position.

110. Classification Seniority Date

An employee's length of employment measured from the most recent date of appointment to a classification.

111. Class Specification

A written description of a class that includes a job title, essential duties, and responsibilities and sets forth the necessary qualifications.

112. Class Series

A group of classes that are comparable in the nature of the work, with consistent titling, where the level of independence, duties, and responsibilities are distinctly different and progressive in nature. Within each class series there may be classifications at every level or only at selected levels. A class series may typically include an entry-level, journey-level, advanced journey/lead-level, supervisory-level, and manager-level.

113. Class Title Change

A change in the title of a classification without any change in salary range or substantial change in the relevant duties, responsibilities, or requirements shall constitute a class title change.

114. Competitive Service

All positions of employment in the service of the City except those positions that are excluded by employment contract and at-will positions.

115. Confidential Employee

An employee who regularly participates in, has knowledge of, or access to decisions of City management affecting employer-employee relations.

116. Continuous Service

The period of actual service commencing with the employee's hire date and continuing until broken by resignation or dismissal resulting in separation from employment.

117. Days

Unless otherwise indicated, days shall mean calendar days.

118. Demotion

The voluntary or involuntary reduction of a regular employee to a position in another class where the top step of the salary range is less than the top step of the class that the employee formerly occupied.

119. Department Director

An appointed position either by the City Council or the City Manager over a specific City department. As used, the term "department director" means the department director or their designee.

120. Designated Person

California Family Rights Act (CFRA), which covers protected leave: Any individual related by blood or whose associations with the employee is equivalent of a family relationship identified by the employee at the time the employee requests leave. Healthy Workplaces Healthy Families Act, which covers paid sick leave use: a person identified by the employee at the time the employee requests paid sick leave. Both Acts limit employees to one designated person per 12-month period.

121. Eligible List

A list of names of candidates eligible for hire for a specific classification.

122. Employee

A person appointed by the City to fill an allocated or temporary position. Elected officials, volunteers, unpaid interns, and those appointed to committees or commissions are not employees.

123. Examination

A test (or tests) that has been determined to be the bona-fide occupational qualification for a classification being recruited.

124. Exempt Employee

Under the Fair Labor Standards Act (FLSA), an employee who meets one (1) or more of the duties test exemptions and who is paid on a salary basis (e.g., executive, administrative, professional, computer) from overtime.

125. Final Examination Score

The term “final examination score” shall mean the total raw score the candidate received on the weighted exam.

126. Flexibly Staffed Classification

A classification that has two (2) or more levels (e.g., entry/journey) where an employee can initially be appointed to any level for which they are qualified and can be advanced from one level to another without further/competitive testing. Temporary employees are not eligible for flexibly staffed advancements.

127. Layoff

Involuntary interruption and/or separation of an employee from City service for non-disciplinary reasons.

128. Lateral Transfer

The change of an employee from one position to another position in the same classification or salary range but in a different department.

129. Literature

Dissemination or posting of any written or graphic material, membership, authorization or pledge card, flyers, notices, or any other written information or forms not authorized by law or in the City’s Memorandum of Understanding (MOU) or resolution.

130. Management Employee

Any employee having significant responsibility for formulating and administering City policies and programs; and/or any employee having authority to exercise independent judgment to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or having responsibility to direct them, or adjust their grievances, or effectively to recommend such action if in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

131. Memorandum of Understanding

A written agreement between the City and a recognized employee organization as a result of meeting and conferring in good faith under the Meyers-Milias-Brown Act (MMBA). The MOU is not considered binding on the City unless and until ratified by the City Council.

132. Non-Exempt Employee

FLSA-covered employee paid overtime for hours worked in excess of a forty (40) hour workweek or other applicable work period.

Under the FLSA, an employee who is entitled to FLSA overtime compensation remains entitled to FLSA overtime compensation regardless of whether paid on a salary or hourly basis; therefore, an employee assigned to an exempt position only on an acting or temporary basis will remain eligible for overtime compensation.

133. Pay Period

Paychecks cover the eighty-hour, two (2) week period of time beginning on 12:01 a.m. Saturday and ending at 12:00 midnight, inclusive, on the second Friday following or the period beginning at 12:01 p.m. Friday and continuing until 12:00 p.m. the following Friday.

134. Personnel File

All information, data, and documents collected by the City relative to an employee for personnel administration purposes. Employee's official personnel files are maintained in Human Resources.

135. Probationary Period

A designated period of time in which an employee, upon original or promotional appointment or reclassification, is trained and/or evaluated for suitability to a position and/or class.

136. Promotion

Following an examination, the advancement of a regular employee to a vacant position in a different class where the top step of the salary range is greater than the top step of the class that the employee formerly occupied.

137. Reclassification

A change in classification of a position (which may or may not be encumbered) by placing the position in a higher classification, lower classification, or lateral classification on the basis of substantial changes in the scope of work, difficulty, or responsibility of duties performed.

138. Regular position

Appointment by the appointing authority to an allocated full-time or part-time position in the classified service as a result of a competitive recruitment and selection process.

139. Salary Anniversary Date

The date on which an employee is eligible for a step increase. The salary anniversary date shall be the first day of the payroll period after the employee has completed twelve (12) months of service from the time of hire or promotion, and each twelve (12) months thereafter until the employee reaches their top salary step.

140. Serious Health Condition

An illness, injury, impairment, or physical or mental condition that involves either: an overnight stay in a hospital or residential medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two visits to a health care provider or one (1) visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Routine preventative medical exams and voluntary or cosmetic treatments are not considered "serious health conditions." Other factors may determine a serious health condition under specific protected leave laws.

141. Skelly Officer

An individual who is reasonably impartial and uninvolved in the matters giving rise to the proposed disciplinary action of an employee, including the investigation and recommendation of disciplinary action; who is responsible for evaluating whether there are reasonable grounds for believing that the employee engaged in the alleged misconduct; and that the misconduct supports the proposed discipline.

142. Step Increase

Increase of an employee's base rate of pay from one step to a higher step within the same range, based on a demonstrated satisfactory performance.

143. Unrepresented

Positions or classifications that are not represented by a recognized employee organization, which include temporary appointments, emergency appointments, and any other classification designated by the City Manager.

144. Veteran

In accordance with California Government Code 18540.4 the term "veteran" shall mean any person who has served full time in the armed forces in time of national emergency or state military emergency or during any expedition of the armed forces and who has been discharged or released under conditions other than dishonorable.

145. Workday or Workweek

145.1 Workday

The hours and days of work assigned to an employee.

145.2 Workweek

The period beginning at 12:01 a.m. and continuing until 12:00 p.m. the following Friday or the period beginning at 12:01 p.m. Friday and continuing until 12:00 p.m. the following Friday. For purposes of calculating overtime for non-exempt employees, the City may designate a different workweek for particular departments, positions, or classifications.

146. Workplace

Any location where City employees are performing work for the City, including City buildings and property, City vehicles, and locations in the field.

147. "Y-Rating" of Pay Step

The act of maintaining an employee's current rate of pay despite either (i) the incumbent's position being reallocated to a classification with a lower salary range, or (ii) the salary range for the incumbent's classification being revised downward in response to external equity market data or internal equity data. Employees whose salary is "Y-rated" will not be eligible for cost of living or merit increases until general cost of living increases, equity adjustments, or other salary range adjustments result in the "Y-rate" being incorporated into the employee's salary range.

SECTION 2: GENERAL PROVISIONS

201. Introduction/Right to Revise

This Personnel Rules (Rules) document contains human resources policies, practices, guidelines, and procedures that the City has in effect at the time of publication. These Rules are applicable to all employees holding classifications not covered by an MOU or resolution, in the event an MOU or resolution is silent on a topic. Where an applicable MOUs between the City and a recognized employee organization contains provisions that are inconsistent with any of these Rules, the language contained in the MOU shall govern. All employees should read, understand, and comply with all provisions of these Rules. These Rules describe many of the responsibilities of employees and outlines the programs developed by the City to benefit employees. The City's objective is to provide a work environment that is conducive to both personal and professional growth, while delivering high-quality services, projects, and programs to the public.

The City reserves the right to revise, modify, delete, or add to any and all of these Rules, subject to requirements of collective bargaining agreements and state and federal law. Any changes must be in writing and adopted by the City Council. Any such adopted changes will be generally distributed throughout the City. No oral statements or representations can in any way change or alter the provisions of these Rules.

The content of these Rules, or in any other personnel documents, including benefit plan descriptions, are not intended to imply a contractual relationship, nor are they intended to create a promise or representation of continued employment for any employee.

The City Council and/or the City Manager may implement administrative policies that shall be supplemental to these Rules. In the event of a declared emergency by the City Council, any part or all of these Rules may be superseded by order of the City Manager and such suspension shall remain in effect until the City Manager's order is withdrawn.

The City shall ensure these Rules comply with any applicable laws mandated by federal, state, and local jurisdictions.

202. Equal Employment Opportunity

The City is committed to ensuring that all qualified individuals have a full and fair opportunity to compete in all phases of the hiring process and promotion, and to enjoy the benefits of employment with the City. It is the policy of the City Council to create an environment in which all employees, applicants, and candidates receive equal consideration and treatment in employment regardless of race, creed, color, national origin, ancestry, age (40 and over), gender, pregnancy, disability, medical condition, genetic information, sexual orientation, gender identity, gender expression, marital status, veteran status, political or religious affiliation, or other status (collectively "protected characteristics"), protected by state or federal laws regarding discrimination. Full details are available in the City's Equal Employment Opportunity Plan.

203. Prohibiting Harassment, Discrimination, Abusive Conduct, and Retaliation

The City has zero tolerance for any conduct that is deemed to be harassing, discriminatory, abusive, or retaliatory based on someone's protected characteristics as defined in the City's policy, as well as federal and state laws. All employees, contractors, interns, volunteers, and elected officials are expected to treat each other and the City's applicants, candidates, customers, and affiliates with courtesy and respect. Unacceptable conduct need not rise to the level of violation of the law to violate the City's policy. Any suspected violation of the City's policy should be immediately reported to a supervisor, department director, or Human Resources.

Full details regarding what constitutes harassment, discrimination, abusive conduct, and retaliation, as well as the complaint procedure and employee responsibilities are available in Legislative Policy No. 7 – Policy Prohibiting Discrimination, Harassment, Abusive Conduct, and Retaliation.

204. Whistleblower Protection

It is critical that the City foster and maintain a workplace with a high legal and ethical standard of conduct in all activities and operate its business in a fair, effective, efficient, and transparent manner. Further, the City shall protect its assets and resources from fraudulent, illegal, and dishonest activities by maintaining effective internal controls and by identifying and investigating any possibility of fraud or other improper activities. The City has a strong commitment to support legal and ethical behavior in the workplace, provide a safe environment for employees and members of the community to report actions that may be potentially illegal or unethical, and to investigate any allegations of retaliatory behavior for the reporting of potentially illegal or unethical behavior. Full details are available in the City's Whistleblower Protection Policy.

205. Reasonable Accommodation

The City does not discriminate against any employee or person seeking employment on the basis of disability. This pertains to all aspects of employment, including but not limited to application procedures, hiring, advancement, compensation, training, and other terms and conditions of employment. A qualified individual is one with a disability who, with or without reasonable accommodation, can perform the essential functions of the position in which the individual is employed, or seeks to be employed. The City will attempt to provide reasonable accommodation for known physical or mental disabilities if an applicant, candidate, or employee is otherwise qualified, unless undue hardship would result or there is a significant risk of harm to the individual or others. An accommodation is an adjustment to the application process, job duties, performance methods, work setting, or service delivery to meet the needs of an applicant, candidate, or employee with a disability. Discrimination or harassment on the basis of disability against an applicant, candidate, or employee who is a qualified individual with a disability will not be tolerated. Full details are available in the City's Reasonable Accommodation Policy.

206. Code of Ethics and Conflict of Interest

The residents and businesses in the city of Rocklin are entitled to have a fair, ethical, and accountable local government that has earned and maintains the public's full confidence and trust. Public officials must be independent, impartial, and responsible in their judgement and actions. City employees are also in a position of public trust and have an obligation to do their jobs well in the spirit of public service. As such, City officials and employees shall conduct themselves in an ethical manner, both on and off the job, and in a manner that does not create or present the appearance of a conflict of interest. Full details are available in the City's Code of Ethics Policy.

207. Political Activity

Outside of official duties, employees may express otherwise lawful opinions on all political subjects while off duty, without recourse against them, unless the employee is in a sensitive or policy-making position in a department where speech and political activities may have an adverse effect on working relationships or the efficient operation of the department. Under these unique circumstances, the law authorizes limiting First Amendment rights as a requirement for the job, and employees may be subject to adverse consequences for engaging in such activities as defined in rule 404.1.

Under the provisions of California Government Code Sections 3201-3209, 3302, 3252, and any future amendments, the City specifically prohibits employees from engaging in political activity during working hours or such hours as they are on duty for the City, or while they are in uniform. Such prohibited activity shall include, but is not limited to, soliciting money, influence, service, or any other valuable thing to aid, promote, or defeat any political committee or the nomination or election of any person to public office; or to aid, promote, or defeat any ballot measure. No person shall attempt to coerce, command, or require a person holding, or applying for, any position, office, or employment with the City to influence or give money, service, or other valuable thing to aid, promote, or defeat any political committee; or to aid, promote, or defeat the nomination or election of any person to public office; or to aid, promote, or defeat any ballot measure.

SECTION 3: EMPLOYMENT PRACTICES

301. Probationary Period

The probationary period is an extension of the recruitment and selection process, during which an employee is required to demonstrate their fitness for the actual performance of the assigned duties and responsibilities of the position.

An “initial” probationary period is the first probationary period completed by an employee following the original date of hire.

During the probationary period, the City may release the employee at any time for any reason, without notice or right of appeal, unless the employee alleges and substantiates in writing that the release from probation was due to their legally protected status. Any such appeal must be made no later than ten (10) days after the date of delivery of the release from probation notice to the Human Resources Division.

Probationary employees will be evaluated periodically during the probationary period, pursuant to the applicable bargaining unit agreement or resolution.

302. Probation Duration

Terms of probationary periods may vary by bargaining unit, including length, basis for extension, applicability to promotions, and performance. See the applicable MOU or the Management, Confidential, and other Unrepresented Employees Resolution (Resolution) for details.

Employees released during a probationary period for promotional opportunities shall be returned to their former classification held within the previous department at their former salary step and benefit level, if the employee successfully completed probation in the former classification, and if the former classification still exists and is allocated in the budget.

302.1 Demotion

A probationary period may be required upon voluntary demotion or transfer to a position in a different class series in which the employee has not previously achieved post-probationary status.

302.2 Reclassification

Employees who are reclassified may be required to serve a probationary period in the new classification consistent with rules governing probation, unless a waiver is granted by the department director on the grounds that the employee has already satisfactorily performed the duties of the new classification for the length of the probationary period of the new class.

302.3 Transfer

If a probationary employee transfers to a position in the same class in a different department, their total probationary period shall not exceed the established probationary period for that class.

303. Classification Plan Administration

The City Manager shall recommend a classification plan to the City Council and shall recommend modifications as needed. The City's Classification Plan (Plan) is intended to provide a complete inventory of all classes, accurate class specifications, and to ensure that each position is allocated to the appropriate class. The Plan will ensure all positions that are substantially similar with respect to duties, responsibilities, and employment standards are included in the same class, and the same pay ranges are applied fairly to all positions in the same class.

303.1 Class Specifications

Each class specification shall include the title, description of duties and responsibilities, and the employment standards required for employment.

The Plan may be amended as needed to add new classes or remove outdated classes to reflect current City services or methods of delivering City services to the community.

303.2 Reclassification

In no circumstance shall reclassification be used to reduce salary levels unless significant changes in the nature, difficulty, or responsibility of the work performed provide the basis for such action.

Reclassification actions will follow procedures outlined in these Rules and applicable MOUs. All reclassification actions are subject to the approval of the City Manager.

When the City assigns duties to a position which cause material changes to duties and responsibilities of that position, Human Resources shall recommend the allocation of the position to a more appropriate class.

- A. Duties voluntarily assumed by an employee may not be cause for reclassification.
- B. A department director or designee shall not knowingly assign duties that will result in an employee working out of class.
- C. If a reclassification occurs because of a reorganization of a department/division rather than the gradual accretion of assigned duties, incumbents may or may not be reclassified with their positions based on their qualifications, City needs, and the recommendation of the appropriate

department director, in coordination with Human Resources, and the approval of the City Manager.

303.3 Request for Reclassification

The City may elect to perform a classification review of certain classes or positions at any time.

An employee holding a regular position may request a classification review for the purposes of reclassification twice per year, once in January and once in August. The request shall be made in writing on the prescribed form and shall contain written justification identifying the factors which support the need for a reclassification review. Such request will be reviewed by Human Resources and the department director to determine if a classification review is warranted.

Once the reclassification request is received on the prescribed form, Human Resources will send the incumbent(s) a Position Description Questionnaire (PDQ) for completion. A comprehensive classification analysis will not be conducted until a PDQ is completed by the incumbent, reviewed by the supervisor/manager, and returned to Human Resources. Human Resources will acknowledge receipt of a completed PDQ within seven (7) days. If a classification review is warranted, a schedule will be established, and the employee will be notified. The City will make every reasonable effort to complete the review within sixty (60) days of acknowledging receipt of a completed PDQ. The incumbent(s) will be kept informed of the status of the review as it progresses. If a classification review is deemed unwarranted, Human Resources will notify the requesting employee.

Reclassification actions shall be effective on the first day of the pay period immediately following the date of the approved reclassification.

A reclassified employee's City-wide seniority date shall not change.

304. Compensation Administration

304.1 Policy

The City's compensation strategy is designed to attract, retain, motivate, and reward a highly qualified workforce in an equitable manner. To accomplish this, the City Manager and the City Council regularly review the compensation and benefit package to ensure market competitiveness and internal equity.

304.2 Procedure

A. Compensation Plan/Salary Schedules

The City is responsible for preparing a Compensation Plan for all classifications, whose compensation shall be determined by the City Manager and the City Council. The Compensation Plan shall consist of salary schedules that identify a base salary, salary range, or hourly wage rate for each separate class.

B. Hiring Rate

All new employees shall be advised at the time of hire as to their starting rate of pay. Employees are normally hired at the first salary step. New employees may, however, be hired at a step greater than the minimum in consideration of advanced or specialized education or training, and level of experience (advanced step). The City Manager has delegated authority for department directors to offer advance salary placement up to certain steps; beyond such requires City Manager approval. Full details are available in Rule 311.11 – Advance Salary Steps.

C. Step Increases

At the completion of twelve (12) months' service at their current step, employees with at least satisfactory performance, as evidenced by their annual performance evaluation, may be eligible for an increase to the next step of their pay scale, subject to the applicable MOU or Resolution.

D. Salary Upon Promotion

Upon promotion, an employee shall be placed at the step which provides a minimum of ten percent (10%) base rate of pay salary increase, unless such increase exceeds the maximum of the salary range for the new position. In that case, the employee will be placed at the top step of the new salary range. Promotional salary determinations are excluded from the Advanced Salary Step Placement Administrative Policy. Promotions shall become effective at the beginning of a pay period. The effective date of promotion shall establish the employee's new salary anniversary date.

E. Salary Upon Demotion

Demotions may only occur on a voluntary or disciplinary basis. Demotions shall become effective at the beginning of a pay period and the salary is determined as follows:

1. Voluntary

An employee who voluntarily demotes (which includes via a competitive process) or who demotes pursuant to a layoff shall be placed at the step in the demoted classification's salary range closest to, but not higher

than their current salary. The effective date of demotion shall establish the employee's new salary anniversary date.

2. Discipline

The salary of an employee who is demoted for cause to a position in a classification allocated to a lower salary range than the employee's current classification shall be placed at the step in the demoted classifications' salary range that provides a minimum of ten percent (10%) salary decrease. The effective date of demotion shall establish the employee's new salary anniversary date.

F. Salary Upon Reemployment

An employee who terminates employment with the City by resignation, retirement, or reduction in force, and who is rehired within twelve (12) months of their separation date, shall be assigned to the salary step held at the time of the termination. The effective date of reemployment shall establish the employee's new salary anniversary date.

G. Salary Upon Range Change

If a classification has a salary range change, employees in the classification shall maintain their current salary, however, the salary step shall be adjusted consistent with the current salary prior to the range change.

If the employee's current salary is not within the new salary range, the employee shall be placed at a step closest to their current salary.

The salary anniversary date for an employee moved to a new salary range shall not change.

H. Salary Upon Lateral Transfer

Upon transfer, the salary step of the incumbent employee shall not change. The salary anniversary date for an employee who has made a lateral transfer also shall not change.

I. Salary Upon Reclassification

1. Reclassification to Same Salary Range

If a position is reclassified to a class with the same salary range, the salary step of the incumbent employee(s) shall not change. The salary anniversary date also shall not change. This provision shall similarly apply

to a class title change.

2. Reclassification to Higher Salary Range

If a position is reclassified to a class with a higher salary range, the salary rate of the incumbent employee(s) shall be set at the step in the higher class which is closest to providing the value of a single step increase. If the increase would place the employee above the top of the new salary range, the employee will be placed at the top step. The salary anniversary date for an employee reclassified to a position in a higher salary range shall be changed to the effective date of the reclassification. This provision shall not apply to class title change; instead, Rule 304.2 (G) shall apply.

3. Reclassification to Lower Salary Range

If a position is reclassified to a class with a lower salary range, the incumbent employee's salary shall be "Y-rated" until general cost of living increases, equity adjustments, or other salary range adjustments result in the "Y-rate" being incorporated into the lower salary range. No salary increases, including cost of living adjustments or equity increases, shall be given to incumbents occupying "Y-rated" positions until such time as the top step of the new classification salary range equals or exceeds the employee's "Y-rated salary." The salary anniversary date for an employee reclassified to a position in a lower salary range shall not change.

305. Pay Period and Pay Day

The City pays its employees on a biweekly pay schedule, which typically will constitute twenty-six (26) bi-weekly pay periods per year. Paychecks cover the eighty-hour, two (2) week period of time beginning on 12:01 a.m. Saturday and ending at 12:00 midnight, inclusive, on the second Friday following or the period beginning at 12:01 p.m. Friday and continuing until 12:00 p.m. the following Friday. Each paycheck shall reflect the base hourly rate of pay, overtime, holiday pay, or premium pay earned during that pay period.

Employees are paid for work performed during the previous pay period. When a payday falls on a legal holiday, employees shall receive their payroll checks on the day preceding the normal payday.

306. Payroll Deductions

There are two kinds of payroll deductions: 1) mandatory (those required by law); and 2) voluntary (those authorized by the employee). By law, required deductions must be made in each pay period for federal and state income taxes, and state disability insurance.

307. Hours of Work

307.1 Workweek/Work Period

For non-sworn employees, the workweek is either the period beginning at 12:01 a.m. Saturday and continuing until midnight the following Friday (in the case of a traditional 5/8 schedule or an alternate 4/10 schedule); or the period beginning at 12:01 p.m. Friday and continuing until 12:00 p.m. the following Friday (in the case of an alternate 9/80 schedule).

Pursuant to Section 207(k) of the FLSA schedules for sworn Police employees conform to a twenty-eight (28) day work period, and schedules for sworn Fire employees conform to a twenty-four (24) day work period.

307.2 Work Schedule

- A. Work schedules shall be set to meet the needs of departments, in accordance with the terms of the applicable MOU, Resolution, and/or department policy.
 - 1. Typically, non-sworn employees work a set schedule of forty (40) hours per workweek.
 - 2. Police and Fire Department employees work set shifts as described in the applicable MOU and in accordance with the FLSA.
- B. Full-time employees may request an alternate work schedule by completing an Alternate Work Schedule Request Form. Approval of an alternate work schedule shall be on a case-by-case basis and at the sole discretion of the City. Full details are available in the Alternate Work Schedule Administrative Policy.
- C. Assigned schedules or shifts may change to meet the needs of the City. Notice shall be provided as required by the applicable MOU or Resolution.
- D. The standard workweek definition as defined herein may be modified in accordance with FLSA.

308. Meal Breaks and Rest Periods

Employees typically receive an uncompensated thirty (30) to sixty (60) minute meal period. During the meal period, the employee shall be relieved of duties. Meal periods may not be used to shorten the workday.

Employees shall have a compensated fifteen (15) minute rest period for each four (4) hours scheduled to work. The rest period may be interrupted or cancelled if necessary to complete work. The rest periods shall not be combined or used to shorten the workday.

309. Overtime

- A. Overtime will be paid to all non-exempt employees for hours worked beyond their regular work schedule.
- B. Overtime may accrue on a workweek or work period basis, depending on the employee's classification and the terms of the applicable MOU or Resolution.
- C. Overtime must be scheduled and/or approved by a supervisor before it is accrued.

310. Compensatory Time Off

- A. The City's MOUs and Resolution outline limits on Compensatory Time Off (CTO) accrual and procedures for use.
- B. The department director or designee shall have the sole discretion in approving or denying the use of accrued CTO hours.
- C. Any non-exempt employee who promotes into an exempt position, and who has CTO hours accrued, must either use their CTO before beginning the exempt position or the City will automatically cash out the employee's compensatory time at their non-exempt position rate.

311. Recruitment and Selection

311.1 General

Positions shall be publicized by such methods as the City Manager deems appropriate, consistent with City standards or applicable MOUs.

Human Resources shall conduct recruitments to fill vacancies or to provide eligibility lists for classes of positions where vacancies exist or are likely to occur.

The department director has the responsibility to notify Human Resources as soon as a vacant position is anticipated and to advise as to their plans for filling the position, leaving it vacant, or taking any other action with respect to the position.

311.2 Recruitment Announcements

All open, promotional, and temporary recruitment announcements will be posted on the City's website and advertisement sources as deemed appropriate by Human Resources. Recruitment announcements shall include:

- A. Application deadline.
- B. Class title (which may also include a working title).
- C. Compensation.
- D. Description of the class.
- E. Minimum education and experience qualifications.

- F. Desirable qualifications, if any.

311.3 Recruitment Types

Human Resources may use open or promotional recruitments to establish eligibility lists for current classifications.

A. City Promotional Recruitment

A City promotional recruitment shall be open only to current City employees.

B. Open Recruitment

Open recruitments shall be open to the public, which includes current City employees.

311.4 Application

All competitive service applications shall be made upon forms furnished by Human Resources, filled out as directed, and filed on or before the application deadline or as specified in the recruitment announcement. At-will candidates must also submit an application. Résumés will not be considered as substitutes for the application. It is the responsibility of the applicant to show that they meet the minimum qualifications for the class. All applicants shall certify the truth and correctness of all information contained in their application. To be considered a candidate, applicants must:

- A. Possess legal authorization to work in the United States.
- B. Possess all the minimum qualifications established for the class by the application deadline. As approved by Human Resources, exceptions may be allowed to accept applications from applicants who are within a maximum of six (6) months of meeting the required education or certification/licensure.
- C. Be capable of performing the essential functions, meet the physical demands of the position, and pre-employment requirements, with or without reasonable accommodation.

311.5 Disqualification of Applicants or Candidates

Human Resources may disqualify an applicant or candidate for any of the following reasons:

- A. Lacking the qualifications established for the classification.
- B. Incapable of performing the essential functions or meeting the physical demands of the class, with or without reasonable accommodation.

- C. Convicted of (i) any crimes involving moral turpitude; or (ii) any other offenses, including felonies, that have been determined by Human Resources to indicate unfitness for performing the duties and responsibilities of the class or position.
- D. False statement(s) of material fact made in the application or other related materials, or practiced or attempted to practice any deception, fraud, or misconduct in any portion of the recruitment and selection process.
- E. Use or attempted use of political pressure or bribery to secure an advantage in the recruitment and selection process.
- F. Obtained information (directly or indirectly) regarding the recruitment process to which the applicant or candidate was not entitled or has otherwise defrauded the recruitment and selection process.
- G. Failure to submit an application correctly or comply with the time limits for any portion of the recruitment and selection process.
- H. Has taken part in the compilation, administration, or scoring of any portion of the recruitment and selection process.
- I. History of dismissal from public or private employment, or resignation in lieu of termination, which Human Resources determines is of such a nature as to have a clearly adverse effect on the applicant's or candidate's ability to perform the essential functions of the class.
- J. Testing positive for the illegal use or under the influence of a narcotic or controlled substance during the selection process.
- K. Is an applicant or candidate for a public safety position subject to the Peace Officer Standards and Training (POST) who does not meet the POST background guidelines, pursuant to Government Code 1031, pre-employment background checks for peace officers, and Penal Code 13510 et seq., field services and standards for recruitment and training.
- L. Previously terminated from the City.
- M. Prior disciplinary action with the City or former employers.
- N. Negative reference checks.
- O. Failed a pre-employment background check, investigation, or any other job-related examination within the last twelve (12) months.
- P. Is a relative, as defined by Rule 313 - Nepotism, of an employee in the department to which they are applying, where such relationship would violate the nepotism rules.
- Q. Has otherwise violated provisions of these Rules.

311.6 Time Off to Participate in Recruitment and Selection Activities

All regular employees will be allowed to take time off with pay for the purpose of participating in recruitment and selection activities (including medical and psychiatric tests), background checks, and/or interviews for open or promotional City recruitments which are only scheduled during normal business hours of work. Employees must provide advance notice of the need for such time off in accordance with department procedures. Any of the above occurring at a time outside of the employee's regularly scheduled work hours will not be compensated. Employees will not be compensated for travel expenses (e.g., mileage/parking).

311.7 Written Examinations

A. Minimum Passing Scores

Human Resources may establish a minimum passing score for the selection process and/or any portion thereof, giving consideration to test difficulty, quality of competition, needs of the City, identification of a score predictive of minimum acceptable job performance, number of vacancies, adverse impact, equal employment opportunity identified underutilization, number of candidates, and other relevant factors. Failure by a candidate to attain a passing score or to be selected in any portion of the selection process shall eliminate the candidate from further competition.

B. Transferring Written Exam Scores

When a written exam is part of the selection process and a candidate took the same exam form within twelve (12) months prior to the date of the current exam administration, the candidate may transfer their previous exam score. If the current exam administration is more than twelve (12) months since the candidate took the same exam form, they must retake the exam. In no case may a candidate transfer an exam score from one exam form to a different exam form.

Exclusions:

- The POST Entry-Level Law Enforcement Test Battery (PELLETB) may be excluded from this Rule given the infrequency of the administration.
- Police officers currently on a Corporal special assignment may be excluded from this Rule if they have passed the most current Rocklin Police Department Police Sergeant written exam.

311.8 Eligibility Lists

A. Establishment

Human Resources shall develop and maintain an eligibility list for candidates who pass all applicable examinations in a recruitment and selection process. Lists may contain candidate names which shall be in rank order based on each candidate's final examination score, with the highest being first on the list.

Should the examination process be waived in whole or part, candidate names shall be placed on the list in alphabetical order.

B. Duration of Lists

All eligibility lists shall remain in effect for six (6) months. Lists may be cancelled or extended at the discretion of the Director of Administrative Services. Reasons for cancellation include, but are not limited to, less than five (5) candidates remain on the list; the list has been exhausted, for good cause; or if replaced by a more recent eligibility list.

Whenever an eligibility list is cancelled prior to six (6) months, the candidates on the list shall be notified.

Lists may be extended once prior to the six-month expiration. The total duration of any eligibility list shall not exceed twelve (12) months. Once an eligibility list has expired, it shall not be extended.

C. Merged Lists

Eligibility lists from open or promotional recruitments may be merged only if the same recruitment and selection process was used and the weights of the selection process were the same. Names shall be placed on a merged list in rank order of their final examination score on the original list(s), starting with the highest.

D. Substitution of Lists

If an open or promotion eligibility list is not available for the class in which there is a vacancy, appointment may be made from an open or promotional eligibility list from a higher classification within the same class series or a comparable level, requiring comparable knowledge and abilities, and is considered by Human Resources to be appropriate.

E. Re-employment Lists

A list composed of each class impacted by layoff for a period of twenty-four (24) months. Re-employment shall be per class based on seniority. No new hires in any class where layoffs occurred will be made until the re-employment list is exhausted.

A department director may hire a candidate from a reemployment list without the necessity of the candidate competing in a competitive

recruitment and selection process.

311.9 Filling Vacancies

- A. All vacancies for positions within the competitive service must be filled from an established eligibility list.
- B. Temporary Employees:
 - 1. It is not the intent of the City to use temporary appointments to circumvent the civil service hiring process.
 - 2. All temporary positions must be filled from an established eligibility list. Where there is no eligibility list for a class, or there are no eligible candidates on an eligibility list who are willing to accept a temporary appointment, a temporary position may be filled after Human Resources verifies the identified applicant meets the minimum qualifications for the relevant classification.
 - 3. Temporary appointments are limited to nine hundred ninety (990) hours, but may be exceeded only under extenuating circumstances and when pre-approved in writing by the City Manager.
 - 4. If a temporary employee wishes to be rehired into the same temporary classification within six (6) months of separation, the hiring department is not required to interview the employee again. The temporary employee may be required to submit to all conditions of employment.

311.10 Transition Overlap

In order to provide for a transition and/or training period between an outgoing employee and incoming employee, a new employee or a promoted employee may be appointed to a position not more than ten (10) business days before the employee being replaced is separated from City employment. The department director shall submit the request to exercise this option to Human Resources and the City Manager for approval. The request for approval will include the employee's signed resignation/retirement date and available cost savings to cover the overlap.

311.11 Advance Salary Steps

In recognition of external candidates with exceptional job-related experience or training which exceed the minimum qualifications, or for other job-related reasons, the City will allow offers of employment to be made at advanced steps in the applicable salary range.

Following the provision of written justification, advanced step salary placements may be approved in accordance with this Rule at the discretion of the department director, or where required by these Rules, by the City Manager.

A. External Candidate

The City Manager delegates limited authority for department directors to approve advanced step salary placements for new hires, following submittal of justification to Human Resources.

1. For positions on a ten (10) step salary schedule, requests to hire at salary steps 2-5 may be approved by the department director. Any request to hire at salary steps 6-10 shall be submitted with written justification to the City Manager for approval.

B. Requesting an Advanced Step Salary Placement

When providing justification to Human Resources or the City Manager, the justification shall include a description of the exceptional job-related experience or training the candidate possesses which exceeds the minimum qualifications, or other job-related reasons that warrant the advance step.

1. Salary step placement between steps 2-5: The department director shall provide written approval to Human Resources. The request will be saved in the recruitment file.
2. Salary step placement between steps 6-10: The department director shall provide written justification to the City Manager. A conditional offer of employment shall not be made to the candidate until the request is approved by the City Manager. The request will be saved in the recruitment file.
3. When approving a salary step placement above step 1, the department director is responsible for ensuring their department budget is not negatively impacted. Under no circumstance shall the advanced salary step hire result in a budget amendment.

312. Out of Class Pay

When it is required by the department director that an employee perform a majority of the essential duties of a position in a higher allocated classification, payment for such out-of-class work shall be requested. Out-of-class pay will be five percent (5%) above the regular base pay of the employee for all hours worked in the higher classification.

Such pay shall be a minimum of the first step of the higher classification, and no more than the maximum of the highest step of the higher classification.

Eligibility for out-of-class pay will be determined based on the following conditions:

- A. The employee must meet the minimum qualifications of the higher classification.
- B. The assignment to work in the higher classification must be made in writing by the department director.
- C. Employees must be performing a majority of the essential tasks of the higher-level classification.
- D. An employee will be eligible for out-of-class pay when assigned to perform the duties of a higher classification for at least five (5) consecutive work days, unless otherwise indicated in an applicable MOU. When an assignment meets these eligibility conditions, the employee shall be paid retroactive to the first date of the assignment and shall continue for the remainder of the assignment.
- E. The request for out-of-class pay shall have a start and end date.
- F. Out-of-class pay shall be provided for all hours worked in the higher classification.
- G. Out-of-class hours must be noted on the employee's timesheet.
- H. Out-of-class assignments shall be limited to nine hundred sixty (960) hours in a fiscal year.

313. Nepotism

The purpose of a nepotism policy is to regulate, restrict, or prohibit power or influence in personnel matters in favor of relatives, friends, or associates, as it may have a detrimental effect on supervision and morale.

- 1. For the purpose of Rule 311.5 - Disqualification of Applicants or Candidates, and this Rule 313 - Nepotism, a relative is defined as an individual who is related by blood, marriage, domestic partnership, or adoption in any of the following ways: spouse, child, step-child, parent, step-parent, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece, nephew, parent-in-law, daughter-in-law, son-in-law, brother-in-law, and sister-in-law, or any other situation that the Director of Administrative Services determines creates the possibility of a conflict of interest.
- 2. No relative of a City employee may serve in or be appointed, promoted, demoted, or transferred to a position within the same department or division in which the employees' relative or spouse/domestic partner already holds a position if any of the following would result:
 - A. Direct line of supervision, including any situation in which one employee would be in a position to affect the terms and conditions of the other's employment, including making decisions about work assignments, compensation, grievances, advancement, or performance evaluation. The department director is considered in the direct line of supervision in that department.
 - B. Both employees have the same supervisor.

- C. A potential for creating an adverse impact on supervision, safety, security, morale, or efficiency.
3. Employees in lead or supervisory positions are prohibited from entering into romantic relationships with subordinates. Employees who become relatives or when existing employees enter into a relationship and/or who work in the same direct line of supervision within a City department shall notify the department director and Human Resources within thirty (30) days.
 - A. The City shall initially allow the affected employees to determine which employee will remain in their current position. If the affected employees have no preference, the department director, in consultation with the Director of Administrative Services and City Manager shall determine which of the employees will remain in their current position, giving consideration to the business needs, work history with the City, and seniority of the affected employees.

As to the other employee, the Director of Administrative Services, in consultation with the City Manager, will attempt to make a mutually acceptable transfer or demotion in another supervisory unit or department. If a mutually acceptable transfer or demotion cannot be made, that employee shall be subject to separation.

314. Veterans' Preference Credit

314.1 Purpose

The purpose of Veterans' Preference Credit is to provide assistance via preferential credits to former service members.

314.2 Policy

A. Eligibility

1. Veterans' Preference Credits shall be granted to qualified veterans as defined in Rule 144 - Veteran.
2. Candidates utilizing this Policy shall meet the minimum job qualifications as described in the class specification.
3. No veteran who has been dishonorably discharged or released shall be allowed Veterans' Preference Credit under this Rule 314 - Veterans' Preference Credit.
4. Veterans' Preference Credit is not applicable to internal (i.e., promotional) recruitments, or in the event an employee is transferred or reassigned.

5. The candidate must attain a passing score on all selection processes to utilize Veterans' Preference Credits (i.e., Veterans' Preference Credits will not be applied to assist a candidate in achieving a passing score).

Qualified candidates eligible under this program as defined in Rule 144 - Veteran, shall have five (5) Veterans' Preference Credit points added to their total final examination score after placement upon an eligibility list for any external recruitment.

Note: If an examination process is waived and candidates are placed on an eligible list with no score/ranking, Veterans' Preference Credits are not applicable.

314.3 Procedures

A. Required Documentation

Applicants or candidates seeking Veterans' Preference Credit shall indicate such in the designated area of the City's employment application and shall be required to provide a copy of their DD-214. Under the VOW (Veterans Opportunity to Work) to Hire Heroes Act of 2011, an individual who has reason to believe they will be entitled to veterans' preference upon discharge may apply for a position in advance of the discharge and receive consideration as preference eligible if the service member is able to provide a certification that they are expected to be discharged or released from active duty under honorable conditions not later than one hundred twenty (120) days from the date of the certification; the circumstances of the discharge shall be verified prior to the actual appointment.

B. Administration

Human Resources shall determine the eligibility for Veterans' Preference Credit and shall apply such credit as provided in Rule 314.2.A - Eligibility.

315. Off Duty/Outside Employment

The City recognizes the rights of employees to engage in activities outside of their City employment that are of a private nature and unrelated to City work. However, employees are prohibited from engaging in outside employment that creates a conflict of interest or is incompatible with their City employment. Incompatibility of employment is outside employment that impairs an employee's ability to perform the duties of their City job as required. Employees must receive written authorization from the City Manager or designee before engaging in outside employment and must also comply with any applicable department policy.

No employee shall accept any employment during off-duty hours either within or outside

the City unless the proposed employer provides general liability and workers' compensation coverage.

Individuals who are self-employed on off-duty hours shall be exempt from the requirement to show proof of workers' compensation or general liability insurance, but will be expected to fulfill the requirement to show that the self-employment will not create a conflict of interest nor be incompatible with their employment by the City.

Any employee considering outside employment shall file a notice with their department director, who will coordinate with Human Resources for a determination concerning conflict of interest, incompatibility of employment, and insurance coverage. A written decision shall be rendered within ten (10) days.

A copy of the approval or disapproval shall be saved in the employee's personnel file.

316. Performance Evaluation Program

The purpose of the performance evaluation is to document communication between the employee and their supervisor to develop City and personal performance goals, objectives, and priorities, and to evaluate the employee's performance in accomplishing these stated goals. Additionally, the performance evaluation provides an opportunity to identify individual strengths and opportunities and to develop training plans to assist the employee in improving their overall performance.

The City shall conduct employee performance evaluations on City-issued evaluation forms. Performance evaluations are to be conducted at least annually, regardless of whether or not an employee is eligible for a salary step increase.

316.1 Probationary Evaluations

An employee shall receive no less than two (2) performance evaluations during the twelve (12) month or eighteen (18) month initial probationary period. Probationary periods may be extended in accordance with Rule 302 - Probation Duration.

316.2 Employee Rights

Any employee has the right to file a written statement and/or a rebuttal to be attached to their performance evaluation and placed in their personnel file. Such statements must be filed with the reviewer within five (5) business days of receiving the evaluation.

317. Personnel Records

Personnel files and all corresponding personnel records of an employee are the property of the City. They are confidential and the City will limit the access to and disclosure of personnel files only to authorized individuals who have a legitimate business reason to see such files. Personnel files are located in the Human Resource Division. Employees' medical

information and health records will be kept in separate confidential files in accordance with Health Insurance Portability and Accountability Act regulations.

317.1 Procedure

A. Content and Retention

Personnel records are confidential documents maintained in accordance with state and federal laws and regulations. All performance evaluations, as well as other City-generated forms, letters, and memoranda shall be addressed to or signed by the employee, acknowledging receipt of a copy prior to being placed in the personnel file. If an employee refuses to sign a form or letter, the supervisor shall sign their name as a witness to the fact that the employee has refused to sign, and the document shall then be placed in the employee's personnel file. Recognitions or commendations will be placed in the employee's personnel file, following provision of a copy to the employee.

B. Access/Confidentiality

All employment records and employee health records are confidential. Each employee has a right to inspect their own personnel file and request a copy thereof. Employees may review their own files upon written request by scheduling an appointment with Human Resources. Inspections will be scheduled within five (5) days of a written request. Employees may request a copy of any information contained in their file; however, removal of any information is prohibited. The City may charge a fee for the actual cost of copying.

Former employees are entitled to inspect their personnel records one (1) time per calendar year.

Employees may designate an authorized representative to inspect or receive a copy of their records consistent with these rules and Firefighter Bill of Rights and Peace Officer Bill of Rights. Employees must make such designation in writing to Human Resources. The City may take reasonable steps to verify the identity of such representative.

Files must be reviewed in the Human Resources office and in the presence of Human Resources personnel during normal office hours. Supervisors may review the personnel file of those employees they supervise without notifying the employee.

318. Notice of Resignation or Retirement

Employees should notify their supervisor and Human Resources in writing, preferably two (2) weeks prior to separating employment. Any resignation/retirement submitted is final and may not be withdrawn, for any reason, without consent of the City Manager. Any employee who has submitted a resignation must work at least one (1) regularly scheduled day after a holiday in order to be paid for that holiday.

Employees entitled to disability retirement or industrial disability retirement under California Public Employees' Retirement System (CalPERS), either at their own request or as a result of City action, shall not be entitled to use sick leave to defer the effective date of retirement, as provided by Government Code Section 21163.

319. Return to Work/Modified Duty

This program covers employees being treated for an illness or injury, whether work related or not, when it is determined by the treating physician that they may be able to return to work on a temporary basis with modified duties/tasks. Modified duty assignments are intended to be temporary in nature and shall be based upon the employee's physical abilities and the City's operational needs. Modified duty assignments are NOT to be considered permanent placements and typically will not exceed ninety (90) days.

320. Lactation Policy

In addition to the regularly scheduled paid rest breaks provided for in Rule 308 - Meal Breaks and Rest Periods, employees who are nursing women may take additional "reasonable" unpaid break periods to express milk. The City considers additional "reasonable" time to be fifteen (15) minutes each in duration. With supervisor approval, use of vacation, CTO, or paid time off (PTO) time may be used when additional break time is needed to express milk. Employees may continue using additional breaks (as outlined in this Rule 320 - Lactation Policy) to express milk up to one (1) year after the birth of their child. Full details are available in the City's Lactation Policy.

321. Layoff/Reduction in Force

The City may undertake a reduction in force for any or all of the following reasons: lack of work, lack of funds, a material change in duties or organization, in the interests of economy, or for any other good cause.

The need to reduce the City's workforce, or to alter or change its staff organization plan, or to discontinue any program(s) or service(s) is within the sole and exclusive discretion of the City. The City Manager shall consider implementation of alternate cost saving measures prior to implementing a layoff. If it becomes necessary to reduce the City's workforce, the City Manager shall analyze the status of the City's funding resources and the remaining work which must be accomplished. The City Manager shall define the work to be performed and the organizational structure necessary to accomplish the City's work program. The City

Manager shall identify employees for layoff utilizing the system as described in the following subsections.

321.1 Order of Layoff

Employees within the same classification shall be laid off as follows:

- A. All temporary employees shall be laid off in an order determined by the City Manager before any probationary employees.
- B. All part-time probationary employees shall be laid off in an order determined by the City Manager before any full-time probationary employees.
- C. All full-time probationary employees shall be laid off in an order determined by the City Manager before any regular employees.
- D. All part-time regular employees shall be laid off in an order determined by the City Manager before any full-time regular employee.
- E. When it becomes necessary to reduce the workforce in any department by layoff of regular full-time employees, seniority shall be the determining factor.

321.2 Seniority

- A. Seniority will be determined by the length of continuous service in the affected classification. Approved protected leaves and layoffs of less than one (1) year shall not constitute a break or interruption in service for purposes of determining continuous service. Seniority shall not include any time an employee was not working due to disciplinary reasons (e.g., suspension), or not actually in City employment due to their voluntary or involuntary termination, retirement, or layoff which exceeds twelve (12) months. Seniority shall be adjusted to reflect approved unprotected leaves of absence of more than thirty (30) days commensurate with the length of the leave(s) of absence.
- B. If, due to a previous layoff/reduction in force, an employee was displaced (bumped) from a higher-level class, length of continuous service for the purpose of calculating seniority shall include the total of the following:
 - 1. Time served in the classification with the identical title, or the same classification which has been re-titled.
 - 2. All time served in the affected classification from bumping date forward.

321.3 Bumping Rights

- A. Employees notified of a pending layoff shall have bumping rights to a lower

class which they previously occupied, completed probation, and for which they meet the minimum qualifications and can perform the essential job duties with or without reasonable accommodation. If an employee should elect to exercise their bumping rights as provided herein, in order to exercise their bumping rights, an employee must submit their request to bump in writing to Human Resources within five (5) business days of receipt of the layoff notice.

- B. Employees bumping to a lower class shall be placed at the salary step representing the least loss of pay. In no case shall the salary be above that received in the class from which the employee was laid off. The salary anniversary date of the employee shall not change.

321.4 Notice of Layoff

Regular employees shall be notified of layoff at least thirty (30) days in advance of the effective date of the layoff. The notice shall either be handed to the employee or delivered by certified mail to the most recent address listed in the City's personnel records. Proof of service shall be accomplished by certified mail or declaration of personal delivery.

321.5 Re-employment

- A. In the event of a layoff, the City shall maintain a re-employment list for each class impacted by layoff for a period of twenty-four (24) months. Re-employment shall be per class based on seniority. No new hires in any class where layoffs occurred will be made until the re-employment list is exhausted.
- B. Laid off employees who 1) are offered and refuse re-employment; 2) do not respond to a written offer of re-employment; or 3) do not report for work within fourteen (14) days of accepting an offer of re-employment shall be removed from the re-employment list and shall be deemed to have waived all rights to re-employment. Offers of re-employment shall be served on the employee by certified mail at the most recent address listed in the City's personnel records. It's the employee's responsibility to inform Human Resources of any address changes they have after layoff.
- C. Upon re-employment from layoff, prior service will be counted for purposes of accruing sick leave, vacation, and seniority for determining probationary status and merit salary increase. Unused sick leave that was not paid out shall be reinstated upon the re-employment of the employee.

322. Holidays

The City recognizes the following holidays:

New Year's Day	January 1
Martin Luther King Jr. Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving	Fourth Thursday in November - and the following Friday
Christmas Day	December 25

Holidays occurring on a Saturday will be observed on the preceding Friday. Holidays occurring on a Sunday will be observed on the succeeding Monday. An employee may not use a designated holiday as their last day of employment. The employee must be in paid status for the entire subsequent working day after the holiday to qualify for holiday pay.

323. Leaves

Information about leaves are summaries based on current laws. If any subsequent laws or policies provide greater protection or benefit to employees, they will supersede these Rules.

323.1 Notice of Leave Requirements

A. Foreseeable Leave

If the need for leave is foreseeable, the employee must give their supervisor written notice at least thirty (30) days prior to the start of the leave. If thirty (30) days advance notice is not possible because the situation has changed or the employee does not know exactly when a medical leave will be required, the employee must provide notice of the need for leave as soon as practical (generally, the same day or next business day upon learning of the need for leave).

When the employee has no reasonable excuse for not providing at least thirty (30) days advance notice, the City may delay the leave by whatever amount of time that the employee delayed in notifying the City.

In the case of leave for a “qualifying exigency” related to a covered Armed Forces member, as defined by FMLA and CFRA, the employee must give notice of the need for such leave as soon as practical, regardless of how far in advance the leave is needed.

For personal leave or non-urgent planned medical treatment, the employee must consult with their supervisor to try and schedule the leave for a time that is least disruptive to City operations.

B. Unforeseeable Leave

When the need for leave is unexpected, such as for an acute illness or injury, or personal emergency, the employee must provide notice to the City as soon as practical using the department’s usual and customary notice requirements (such as call-in procedures).

C. Required Information

When providing notice of any leave, the employee must include sufficient information for the City to determine if the leave may qualify for a protected leave, such as FMLA, CFRA, Pregnancy Disability Leave (PDL), etc. Sufficient information may include that the employee has a “serious health condition,” as defined by FMLA/CFRA, is unable to perform job functions, the employee needs to provide care for a family member who is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA/CFRA leave was previously taken or certified. Employees are not required to provide a diagnosis or information about the type of treatment.

323.2 Leave and Insurance Coverage

Except as otherwise required by law, the City shall not continue to pay its portion of any group health, dental, vision, or other insurance programs for employees on an unpaid leave of absence or suspension. Employees may, at their own expense, continue to participate in the City’s health, dental, vision, and other insurance programs.

When required by law (e.g., FMLA, CFRA, PDL), the City shall continue to pay its customary portion of any group health, dental, vision, and other insurance benefits during a protected leave of absence, so long as the employee pays the portion for which they are personally responsible.

If an employee is continuing insurance benefits while on leave, when possible, Payroll will deduct any premiums due from the employee’s paycheck. If the employee is not receiving a paycheck or the amount of the paycheck is insufficient to cover the insurance premiums, to continue coverage, employees shall remit the amount of premiums to Payroll by the end of the month when such contributions are due.

The City may recover any portion of the premiums paid by the City if the employee fails to return from leave under the circumstances described in Government Code Section 12945(a)(2)(A).

323.3 Vacation/PTO Leave

Every regular employee shall accrue vacation/PTO leave with pay as set forth in the respective MOU, Resolution, or contract covering the employee's classification. New employees shall be eligible to use accrued vacation/PTO leave as specified in the MOU, Resolution, or contract covering the employee's position and upon approval of the department director. Accrued vacation/PTO leave may not be used until the pay period following the one in which the time was accrued.

Vacation leave shall be accrued from the employee's hire date. Upon termination of employment for any cause, the employee shall be paid for any unused vacation/PTO hours accumulated, up to the maximum amount permitted to be accumulated.

The City recommends that employees use their accrued vacation each year. All vacations shall be taken at times approved by the department director, who is responsible for ensuring that the employee is eligible for the vacation requested. No employee shall be allowed vacation in excess of that actually accrued at the time taken. All vacation/PTO shall be taken at such times during the calendar year as may be approved by the department director.

323.4 Sick Leave Use

Employees in classifications covered by an MOU, Resolution, contract, or as prescribed by law, will accrue paid sick leave at the rate provided in their respective agreement or law and are subject to permitted use of sick days in that agreement.

Any employee who is not covered by an agreement as listed above and is not a CalPERS retired annuitant will be provided the appropriate sick leave as required by law. Employees may not be terminated or retaliated against for using or requesting the use of this accrued leave.

Paid sick leave may be used for the diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee or an employee's "family member"; or for an employee who is a victim of domestic violence, sexual assault, or stalking for the purposes described in California Labor Code Sections 230(c) and 230.1(a).

"Family member" in this Rule 323.4 - Sick Leave Use, is defined as a child (biological, adopted, foster child, stepchild, legal ward, or child to whom the employee stands in loco parentis) of any age or dependency status; a parent of the employee, the employee's spouse or the employee's registered domestic

partner (biological, adoptive, foster parent, stepparent, or legal guardian) or a person who stood in loco parentis when the employee was a minor child; a spouse; a registered domestic partner; a grandparent; a grandchild; a sibling; or designated person.

Employees who use more than three (3) consecutive days of sick leave may be required to provide a medical note indicating any period of incapacity, job-related restrictions, and eligibility for leave protected by law.

The City may request information in order to aid in the determination of whether an employee's sick leave use is appropriate. If such documentation is to be required, the employee shall be notified prior to the employee's return to work.

If inappropriate use of sick leave is suspected, the City may make whatever reasonable investigation that is deemed warranted and permissible under applicable law, and shall take appropriate action based on the results of the investigation.

The department director shall have the discretion to place employees on sick leave when the presence of the employee at work would endanger the health and welfare of other employees or where the illness or injury of the employee interferes with the performance of the employee's duties. In such cases, the employee's sick leave accrual balance will be reduced by the time away from work.

Unless required by MOU, Resolution, or contract, compensation is not provided for any accrued, unused sick days upon termination, resignation, retirement, or other separation from employment.

If a regular employee separates and is rehired within one (1) year from the date of separation, previously accrued, unused, and uncompensated sick days shall be reinstated.

Employees entitled to disability retirement under CalPERS (either at their own request or as a result of City action) shall not be entitled to use sick leave to defer the effective date of retirement, as provided by Government Code Section 21163.

323.5 Family Medical Leave Act and California Family Rights Act

The state's CFRA is very similar to the federal FMLA. To be eligible for FMLA and CFRA, an employee must be employed with the City for at least twelve (12) months, which does not need to be consecutive, and must have worked for at least one thousand two hundred fifty (1,250) hours in the twelve (12) calendar months immediately preceding the leave.

FMLA and CFRA allow eligible employees up to twelve (12) weeks of unpaid, job-protected leave within a (12) month period rolling backwards. When eligible for both FMLA and CFRA, these leaves will generally run concurrently, unless otherwise specified by law.

CFRA and FMLA may be used for the following reasons:

- A. To bond with a new child, whether that child is a newborn or for placement of a child with the employee for adoption or foster care.
- B. The employee's own serious health condition that makes the employee unable to perform the essential functions of their job.
- C. To care for an eligible close family member with a serious health condition:
 1. FMLA-covered family members are the employee's spouse, child (biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is either under 18 years of age or is 18 years of age or older and incapable of self-care because of a mental or physical disability at the time FMLA leave is to commence), or parent.
 2. CFRA-covered family members, in addition to those covered by FMLA, include registered domestic partner, child of any age, child of a domestic partner, parent-in-law, sibling, grandparent, grandchild, or designated person (limited to one designated person per 12-month period).
- D. For any qualifying exigency arising out of the fact that a spouse (or domestic partner, for CFRA leave only), son, daughter, or parent is a military member on covered active duty or called to covered active-duty status.
- E. An eligible employee may also take up to twenty-six (26) workweeks of leave during a single 12-month period (beginning the first day leave is taken) to care for a covered military servicemember with a serious injury or illness.

FMLA and CFRA leave may be taken intermittently or by working reduced hours, except for bonding with a new child, which must be taken in blocks of at least two (2) weeks (with the requirement that exceptions to this rule be allowed on two occasions; the Director of Administrative Services may approve requests for more than two exceptions).

Certification supporting the need for leave is required within fifteen (15) days of requesting the leave. If unable to obtain certification within this period for reasons beyond the employee's control, Human Resources must be notified and certification provided as soon as possible. Failure to provide the requested certification in a timely manner may result in delay of leave until the required documentation is provided. The City may require the employee to obtain and present certification from the employee's health care provider regarding the employee's ability to resume work.

While on leave for FMLA/CFRA, employees must use paid leaves (accrued and/or paid disability leave) concurrently, unless otherwise excepted by their MOU/Resolution or by law (see Rule 323.22 - Leave of Absence Without Pay).

For continuous FMLA or CFRA leave, if a holiday falls during the employee's leave period, the holiday counts against the employee's 12-week FMLA/CFRA leave entitlement. For intermittent leave, the holiday will only count against the FMLA/CFRA leave entitlement if the employee would have been required to work on the holiday.

The City will continue the employer's contribution toward health coverage and other insurance benefits by making its customary premium payments during the employee's approved FMLA/CFRA period of leave.

Under most circumstances, the employee will be reinstated to their original or equivalent position. The City will not interfere with, restrain, or deny the exercise of any right provided under FMLA/CFRA; or discharge or discriminate against any person for opposing any practice made unlawful by FMLA/CFRA or for involvement in any proceeding under or relating to FMLA/CFRA.

323.6 Substitution of Paid Leave

For unpaid, protected leaves (e.g., FMLA, CFRA, PDL, etc.), employees on approved family medical leave will be required to first exhaust accrued paid sick time to the extent the reason for the leave qualifies for use of paid sick time, and then exhaust other accrued leaves to the extent permitted by law. Once permitted accrued leaves are exhausted, any remaining family medical leave will be unpaid.

323.7 Return to Work

When an employee on medical leave is deemed well enough to return to work, they must immediately inform their supervisor. The employee must submit a "return to work" release from their health care provider. The City will confirm a return-to-work date with the employee.

323.8 Reinstatement

Under most circumstances, upon return from family medical leave, an employee will be reinstated to their original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. However, an employee has no greater right to a position than if they had been continuously employed rather than on leave. For example, if an employee on family medical leave would have been laid off had they not gone on leave, or if the employee's job is eliminated during the leave and no equivalent or comparable job is available, then the employee would not be entitled to reinstatement.

In granting a leave under FMLA/CFRA, the City is guaranteeing reinstatement to a position, if available, or an equivalent position, if available at the conclusion of the leave. This provision applies unless the employee would not otherwise be employed at the time, or the employee is a “key employee as defined in the statues”, and reinstatement would result in substantial and grievous economic injury. In addition, an employee’s use of family medical leave will not result in the loss of any employment benefit that the employee earned before using family medical leave.

323.9 Reasonable Accommodation/Interactive Meetings

If an interactive meeting to discuss the potential for reasonable accommodations is requested by the returning employee, such meeting will be scheduled in a timely manner. Any resulting agreed upon reasonable accommodations, not creating a hardship for the City, will be made as soon as practicable.

323.10 No Outside Work While on FMLA or CFRA Except for Military or Public Service Requirements

Employees may not perform work for self-employment or for any other employer during an approved leave of absence, except when the work is for military or public service, or when the City has approved the outside employment and the employee’s reason for FMLA or CFRA leave does not preclude the outside employment.

323.11 Pregnancy Disability Leave

- A. Per PDL, an employee disabled by pregnancy, childbirth, or a related medical condition may take up to four (4) months (or 17.3 weeks) per pregnancy of protected leave. This includes time off for prenatal or postnatal care, severe morning sickness, doctor-ordered bed rest, childbirth, recovery from childbirth, loss or end of pregnancy, or any other related disabling medical condition.
- B. While pregnancy and prenatal care are included in the definition of "serious health condition" under FMLA, they are not covered under the leave provisions of CFRA. If an employee is eligible for family medical leave, FMLA-protected family medical leave will run concurrently with PDL. Once an employee is no longer disabled by pregnancy/childbirth, they may apply for up to twelve (12) weeks of leave under CFRA to bond with the newborn child.
- C. If feasible, an employee must provide at least thirty (30) days’ advance notice of the date PDL will start, along with certification from a health care provider confirming the eligibility and estimated duration of the leave. If advance notice is not possible due to a change in circumstances or medical emergency, notice must be given as soon as practical.

- D. Employees are required to use accrued sick leave during any unpaid portion of PDL and may choose to use vacation/PTO or other accrued paid leaves.
- E. Leave does not need to be taken in one continuous period of time and may be taken intermittently.
- F. A pregnant employee may be eligible to transfer to a less strenuous or hazardous position or to less strenuous or hazardous duties, if such a transfer is medically advisable and can be reasonably accommodated. In addition, if it is medically advisable for the employee to take intermittent leave or work a reduced schedule, the City may require a temporary transfer to an alternative position with equivalent pay and benefits that can better accommodate recurring periods of leave. Medical certification of any work restrictions or limitations may be required.
- G. While on PDL, the employee will receive continued paid insurance coverage on the same basis as other medical leave that the City may provide and for which the employee is eligible. In some instances, the City may recover premiums it paid to maintain health coverage if the employee fails to return to work following PDL.
- H. Under most circumstances, upon submission of a medical certification that the employee is able to return to work from PDL, the employee will be reinstated to the position held at the time the leave began or to an equivalent position, if available. An employee returning from PDL has no greater right to a position than if the employee had been continuously employed.

323.12 Bereavement Leave

Bereavement leave is allowed as required by law (currently five working days or the equivalent shift for public safety staff), for leave upon the death of a family member, if the employee has been employed by the City for at least thirty (30) days prior to the commencement of the leave.

Unless otherwise specified by MOU, Resolution, or contract, the leave will be unpaid; however, the employee may elect to use any accrued sick leave, vacation/PTO, management leave, police leave, or fire leave.

Eligible family members are defined by Government Code Section 12945.2, which currently includes the following: child (biological, adopted, foster child, stepchild, legal ward, or child to whom the employee stands in loco parentis) of any age or dependency status; a parent of the employee, the employee's spouse or the employee's registered domestic partner (biological, adoptive, foster parent, stepparent, or legal guardian) or a person who stood in loco parentis when the employee was a minor child; a spouse; a registered domestic partner; a grandparent; a grandchild; a sibling; or designated person.

The bereavement leave shall be completed within three (3) months of the date of death of the family member.

The City may require documentation of the death of the family member within thirty (30) days of the first day of leave.

323.13 Leave Use before Employment Separation

Vacation, PTO, sick leave, management leave, CTO, holidays, police leave, fire leave, or other accrued leave may not be used to extend an employee's resignation or retirement date beyond the employee's last day of actual work unless approved by the City Manager.

323.14 School Visits Leave and Childcare Emergencies

An employee who is a parent, stepparent, guardian, foster parent, or grandparent of, or person who stands in loco parentis to, a child attending kindergarten or grades one (1) to twelve (12), or a licensed childcare provider, are allowed a maximum of forty (40) hours of unpaid leave time per calendar year for either:

- A. To find, enroll, or re-enroll their child in a school or with a licensed childcare provider, or to participate in activities of the school or licensed childcare provider of their child.
 - 1. For the reasons in (A), the time off shall not be more than eight (8) hours per calendar month, per child.
- B. To address a childcare provider or school emergency, which is defined as:
 - 1. The school or childcare provider has requested that the child be picked up or has an attendance policy, excluding planned holidays, that prohibits the child from attending or requires the child to be picked up from the school or childcare provider;
 - 2. Behavior or discipline problems;
 - 3. Closure or unexpected unavailability of the school or childcare provider, excluding planned holidays; or
 - 4. Natural disaster, including but not limited to fire, earthquake, or flood.

Employees must provide their supervisor with reasonable notice for the planned time off by completing the appropriate leave request form.

Employees must provide, upon the City's request, written verification from the school of parental participation specifying the date and time of the activity.

This is an unpaid leave; employees may elect to use available vacation/PTO/management leave or accrued CTO. For scheduled events, employees should provide reasonable advance notice.

Authorized leave is job protected and benefit protected, and the City will not tolerate retaliation against any employee who requests, uses, or returns from this leave.

323.15 Child's Suspension

Any employee who is the parent or guardian of a child facing suspension from school (grades 1 through 12) may take time off if summoned to the school to discuss the matter. The employee must alert their supervisor as soon as possible before leaving work. Authorized leave is unpaid (employee may use accrued vacation/PTO or CTO leave), but is job-protected and benefit-protected, and the City will not tolerate retaliation against any employee who requests, uses, or returns from this leave.

323.16 Jury Duty and Witness Duty

Any regular employee who is summoned to serve on a jury, or subpoenaed, or ordered to be a witness during normal business hours shall notify their supervisor as soon as possible. There shall be no loss of salary, but any juror fees received (excluding mileage) shall be paid forthwith to the City's Finance Division to be deposited in the General Fund of the City.

Employees released from jury duty or from being a witness during their normal duty hours shall report back to their department to finish out their work shift. The employee shall provide to their supervisor evidence of jury service, such as notice for jury duty and any timecards or similar appearance documents issued by the court.

323.17 Voting

If any employee does not have sufficient time outside of working hours to vote, the employee may request up to two (2) hours of paid leave either at the beginning or end of scheduled working hours to enable them to vote. Prior approval by the employee's supervisor is required.

323.18 Victims of Crime and Domestic Violence

If an employee is required to take time off to serve on an inquest jury or jury trial, or if an employee or immediate family member is a victim of a crime, the employee may be entitled to unpaid leave. Eligibility, acceptable reasons for leave, and requirements for leave use are defined in California Labor Code Sections 230 – 230.2.

Rather than taking unpaid time, an employee may use vacation/PTO, CTO, management leave, police leave, fire leave, and in some cases, sick leave, that is

otherwise available. Depending on the reason for leave, use may be limited and covered concurrently by FMLA/CFRA.

If feasible, the employee must notify their supervisor and Human Resources of the requested leave. If advance notice is not feasible, the employee must provide appropriate documentation within a reasonable time after the absence.

The City will provide reasonable accommodations for a victim of domestic violence, sexual assault, or stalking, if the employee requests an accommodation for the safety of the victim while at work.

The City will, to the extent allowed by law, maintain the confidentiality of an employee requesting leave under this provision.

323.19 Military Leave

An employee who is a member of the uniformed services of the United States shall be allowed leave in accordance with the provisions of federal and state law governing such leaves. An employee requesting leave for this purpose shall promptly provide their supervisor and Human Resources with a copy of the military orders specifying the dates, site, and purpose of the activity or mission. Within the limits of such orders, the supervisor may determine when the leave is to be taken and may modify the employee's work schedule to accommodate the request for leave.

323.20 Bone Marrow and Organ Donation

The City provides eligible employees up to sixty (60) business days of leave in a 12-month period to donate an organ to another person. The first thirty (30) business days are paid leave; the employee will be required to use up to two (2) weeks of earned but unused sick leave or vacation/PTO, with the City paying the remaining time. The second thirty (30) business days are unpaid leave; employees may elect to use accrued sick leave or vacation/PTO.

Eligible employees are provided up to five (5) business days of paid leave in a 12-month period to donate their bone marrow to another person. The employee will be required to use up to five (5) days of accrued sick, vacation, or PTO.

To be eligible, employees must have been employed with the City for a minimum of ninety (90) days immediately preceding the start of the leave. The employee must submit a request for leave with as much advance notice as practicable, along with written certification that the employee is a donor and the procedure is medically necessary.

Authorized leave is job protected and benefit protected, and the City will not tolerate retaliation against any employee who requests, uses, or returns from this leave.

323.21 Workers' Compensation Temporary Disability Leave

Workers' compensation is a state-mandated benefit provided to employees who are injured on the job or who become injured as a result of employment. Employees are entitled to medical treatment that is reasonably required to cure or relieve the injury or illness. The City pays the full cost of workers' compensation insurance.

- A. Employees who are injured in a work-related incident will be referred to a medical facility of the City's choice. If the employee has a valid predesignated personal physician on file at the time of injury, the employee may elect to instead be treated by their predesignated physician immediately after the injury.
- B. Eligibility for workers' compensation leave and benefits are determined by the City's workers' compensation third party administrator.
- C. With the exception of temporary disability benefits due under Labor Code Section 4850, workers' compensation temporary disability benefits run concurrently with FMLA and CFRA.
- D. Workers' compensation leave and benefits shall continue as determined by the third-party administrator adjuster, primary treating physician, medical-legal evaluator, and/or interactive process. If the employee declines the City's offer of modified or alternative duty, the employee will not be eligible for workers' compensation leave or temporary disability benefits. Prior to returning to work from a workers' compensation leave, the employee shall submit a written medical release from the treating physician indicating whether the employee has any work restrictions or is able to perform all of their usual and customary duties.
- E. If an employee is unable to perform the essential functions of their job because of a physical or mental disability, the City obligations to the employee may include an interactive process discussion regarding potential reasonable accommodation(s), as governed by the Americans with Disabilities Act and California Fair Employment and Housing Act.

323.22 Leave of Absence Without Pay

Leave of absence without pay may be granted for: 1) temporary disability beyond that covered by protected or accrued leaves; or 2) other personal reasons which do not impair the effectiveness of the City.

To be eligible for a leave of absence for personal reasons, an employee must have received an overall rating of at least "meets expectations" on their most recent performance evaluation, and had no formal disciplinary actions in the twelve (12) months prior to the request.

Terms and conditions of the leave shall be specified in writing.

A. Duration

Leave of absence without pay may be granted by the department director for a period not to exceed ninety (90) days. At the request of the employee, the City Manager may extend a leave of absence without pay up to an additional ninety (90) days. The City Manager will consider the employee's circumstances and balance those needs against the impacts to the City created by the employee's continued absence.

B. Revocation of Leave of Absence

An approved leave of absence may be revoked by the department director upon evidence that the cause for granting the leave of absence was misrepresented or has ceased to exist.

C. Return Upon Expiration of Leave of Absence

Upon return to work from a leave of absence, the employee shall be returned to their former position, if available, or an equivalent position, if available. If neither the former position nor an equivalent position is available, the employee may be reassigned to a vacant position for which they are qualified. The salary for the employee in the reassigned position will be established in accordance with Rule 303.2 - Reclassification. An employee returning from a leave of absence has no greater right to a position than if the employee had been continuously employed.

D. Non-Qualifying Service

An unpaid leave of absence shall not be counted as qualifying service for the purposes of accruing vacation, sick leave, or City seniority. A leave of absence of thirty (30) days or more is not counted as qualifying service for merit salary adjustments. An employee on leave who has exhausted their maintenance of benefits extension granted under FMLA and CFRA may maintain health, dental, vision, and other insurance programs by remitting full monthly premium payments to the City or to the individual carriers if so directed by the City. The City will pay no portion of such premium while the employee is on unpaid leave, after FMLA and CFRA are exhausted.

E. Leave Usage

Unless otherwise limited by law, applicable MOU, Resolution, or contract, all accrued vacation/PTO and CTO must be used prior to the effective date of leave of absence without pay.

323.23 Catastrophic Leave Program

This leave donation program is designed to allow a regular employee to voluntarily transfer accrued vacation or PTO leave to a co-worker in times of exceptional need due to a catastrophic illness or injury of the employee or member of the employee's family.

Such transfer of leave hours shall be limited to situations where the recipient of the transfer, by reason of a personal or immediate family member's catastrophic illness or injury, has exhausted all available leave balances and would otherwise be placed on unpaid leave status.

Catastrophic leave eligibility, conditions, and donation process are determined by the City's Catastrophic Leave Policy. Catastrophic leave requests and donations shall be made on forms provided by Human Resources.

323.24 Attendance/Constructive Resignation

Attendance is an essential function of each position. Employees of the City are expected to report to their work site and perform their assigned duties on a sustained, regular, and punctual basis. The only exception to this requirement shall be those leaves authorized by these Rules and approved by the department director or City Manager.

An employee is deemed to have resigned from their position if they are absent without an approved leave, whether voluntary or involuntary, for three (3) consecutive scheduled workdays/shifts without prior authorization and without notification during the period of the absence.

The employee will be given written notice, at their address of record, of the circumstances of the automatic resignation, and an opportunity to provide an explanation for the employee's unauthorized absence.

A person may, within ten (10) days of the effective date of such separation, file a written request with the City Manager for reinstatement. Reinstatement may be granted only if: 1) the person makes a satisfactory explanation to the City Manager as to the cause of absence and failure to provide notice or obtain leave, 2) the City Manager finds that they are ready, able, and willing to resume the discharge of the duties of the position, and 3) the person receives a favorable recommendation for reinstatement from the respective department director. Any employee so reinstated shall not be paid salary or receive benefits for the period of the absence or separation, or for any portion thereof.

SECTION 4: EMPLOYEE CONDUCT

401. Drug and Alcohol Abuse Program

The City intends to maintain a drug- and alcohol-free workplace, eliminating substance abuse and its effects in the workplace. While the City has no intention of intruding into the private lives of its employees, involvement with drugs and alcohol off the job can take its toll on job performance and employee safety. Employees who think they may have an alcohol or drug usage problem are urged to voluntarily seek treatment, including confidential assistance through the City-provided Employee Assistance Program. The City supports employees who voluntarily seek treatment and will reasonably accommodate an employee who wishes to voluntarily enter and participate in an alcohol or drug rehabilitation program, provided this does not impose an undue hardship on the City. Unless the employee is subject to a law, regulation, policy, MOU, Resolution, and/or contract provision, employees will not be subject to discipline for past drug or alcohol use disclosed by the employee voluntarily entering a drug or alcohol rehabilitation program or requesting an accommodation for disability due to drug or alcohol addiction. As with any disability, the employee must be able to perform their essential job duties, with or without reasonable accommodation.

Regardless of circumstances, the current use of alcohol or illegal drugs while in the workplace, or impairment due to alcohol or drugs while on duty is prohibited and will be subject to discipline.

Full details are available in the City's Legislative Policy No. 11 - Drug Free Workplace.

402. Smoke-Free Workplace

It is the policy of the City to protect the health, safety, and welfare of its employees. Smoking is not permitted at any time by all City employees, volunteers, contractors, visitors, and all other persons occupying City buildings and vehicles. Employees who wish to smoke during work hours may do so only on their regularly scheduled rest and meal breaks. Full details are available in the City's Smoke-Free Workplace Policy.

403. Vehicle Use and Driving Standards

Both City-owned and privately-owned vehicles are used by City employees to accomplish City business transactions. The City's Vehicle Use and Driving Standards Policy sets forth rules regarding the use and operation of vehicles while on official City business. The policy has been developed to protect the City's employees and resources, to ensure compliance with state and federal regulations, and to guard against and reduce potential liabilities from accidents. Full details are available in the Vehicle Use and Driving Standards Policy.

404. Progressive Discipline

Disciplinary procedures do not apply to probationary or at-will employees. However, it is the responsibility of all City employees to observe rules of conduct necessary for the proper operation of City government. The purpose of disciplinary action is to correct deficiencies in employee performance, to seek improvement to meet appropriate standards, and/or to correct performance so that City policies are not violated. The disciplinary process outlined in this Rule 404 – Progressive Discipline has been established to provide general guidelines for a fair method for disciplining employees. Performance appraisals, performance improvement plans, and non-punitive constructive disciplinary actions which are designed to assist an employee to improve his/her performance are excluded from the procedural rights specified in this Rule 404 – Progressive Discipline. Employees who hold non-probationary appointments, and are not at-will, shall not be disciplined without cause. Probationary and at-will employees are subject to termination without cause.

404.1 Grounds for Disciplinary Action

Good cause for disciplinary action exists not only when there has been an improper act or omission by an employee in the employee's official capacity, but when any conduct by an employee brings discredit to the City, affects the employee's ability to perform his/her duties, causes other employees not to be able to perform their duties, or involves any improper use of the employee's position for personal advantage or the advantage of others. Good cause may include non-disciplinary reasons such as, the employee's unwillingness or inability, due to mental or physical disability, to perform the duties of the position for an indefinite period. The type of disciplinary action shall depend on the seriousness of the offense and the relevant employment history of the employee. Employees may be disciplined for, including but not limited to, any of the following causes of discipline:

- A. Violation of any of these Rules; department rules and regulations; and/or City policies, ordinances, or resolutions.
- B. Violation of the City's or department's confidentiality policies or disclosure of confidential information to any unauthorized person or entity.
- C. Any violation of the City's Prohibition of Discrimination, Harassment, Abusive Conduct, and Retaliation Policy.
- D. Excessive absenteeism and/or tardiness.
- E. Making any false representation or statement, or making any omission of a material fact.
- F. Misstatements or omissions of fact in completion of the employment application or to secure appointment to a position with the City.

- G. Unsatisfactory job performance.
- H. Inefficiency, incompetence, carelessness, or negligence in the performance of duties.
- I. Violation of safety rules.
- J. Inattention to duty.
- K. Damaging any City property, equipment, resources, or vehicle; or the waste of City supplies through negligence or misconduct.
- L. Insubordination; or insulting or demeaning the authority of a supervisor or manager.
- M. Dishonesty.
- N. Misuse or unauthorized use of any City property, including, but not limited to, physical property, electronic resources, supplies, tools, equipment, communication systems, vehicles, or intellectual property.
- O. Mishandling of public funds.
- P. Being under the influence of an intoxicating beverage or non-prescription or prescription drugs not authorized by the employee's physician, while on duty or on City property.
- Q. Unauthorized soliciting on City property.
- R. Unauthorized absence without leave; failure to report after a leave of absence has expired; or after a requested leave of absence has been disapproved, revoked, or cancelled; or any unauthorized absence from work.
- S. Conviction of a felony or a misdemeanor involving moral turpitude; or a violation of a federal, state, or local law that has a nexus to the employee's job duties or brings discredit to the City.
- T. Discourteous or offensive treatment of the public or other employees.
- U. Falsifying any City document or record(s).
- V. Fighting, assault, and/or battery.
- W. Working overtime without authorization or refusing to work assigned overtime.
- X. Sleeping on the job, except as specifically authorized for twenty-four (24) hour duty personnel.
- Y. Theft or sabotage of City property.
- Z. Accepting bribes or kickbacks.
- AA. Gambling on the job.

- BB. Engaging in outside employment which conflicts with an employee's responsibilities.
- CC. Intimidation or interference with the rights of any employee.
- DD. Outside work or any other activity or conduct which creates a conflict of interest with City work, which causes discredit to the City, negatively impacts the effective performance of City functions, or is not compatible with good public service or interests of the City service.
- EE. Abusive or intemperate language toward, or in the presence of, others in the workplace.
- FF. Failure to obtain and/or possession of minimum qualifications for a position, including licenses or certificates.
- GG. Any other conduct of equal gravity to the reasons enumerated in this Rule 404.1 – Grounds for Disciplinary Action, as determined by the City.

404.2 Types of Discipline

Any authorized supervisory employee may propose disciplinary action for cause against an employee under his/her supervision in accordance with the procedures outlined in these Rules. In general, the City shall adhere to the principles of progressive discipline.

A. Counseling

Under the Public Safety Officers Procedural Bill of Rights Act and Firefighters Bill of Rights Act, counseling is not considered discipline and not considered punitive action. The two types of counseling are defined below:

1. Verbal Counseling: An opportunity to communicate in a non-punitive fashion that a problem is perceived, and that the supervisor is available to help solve it. This action is not appealable.
2. Documented Counseling: To communicate to the employee in writing that a repeat action may result in discipline. A copy of this counseling is given to the employee and one (1) copy is filed in the supervisor's working file until the employee's next performance evaluation, where such counseling may be noted and then removed from the supervisor's file and destroyed. This action is not appealable.

B. Formal Disciplinary Actions

1. Written Reprimand: A written communication to the employee that an offense has been committed and should be discontinued or corrected. This action can be discussed with the department director, if so requested by the employee. The department director may uphold or

modify the reprimand. An employee has the right to have their written rebuttal attached to the reprimand, which is placed in their personnel file, if a rebuttal is submitted within ten (10) days after the reprimand is received. A copy of this reprimand is given to the employee and one (1) copy is filed in the employee's personnel file maintained by Human Resources. This action is not appealable.

2. Suspension, Demotion, or Reduction in Pay: The City may suspend an employee from their position without pay for cause. Documents related to a suspension shall become part of the employee's personnel file when the suspension is final and documented. Suspension without pay, demotion, or reduction in pay is subject to the Skelly procedures.
3. Dismissal for Cause: The final step in the progressive disciplinary process.

Although one or more of these steps may be taken in connection with a particular employee, no formal order or system is necessary. The City reserves the right to deviate from these Rules when it feels that circumstances warrant such a deviation. The severity of the action depends on the nature of the offense and an employee's record, and may range from verbal counseling to immediate dismissal.

An employee serving an initial probationary period may be discharged without application of the disciplinary process and with no rights of appeal.

404.3 Pre-Disciplinary Hearing/Skelly Process

- A. The following disciplinary actions will be covered under this Rule 404.3 – Pre-Disciplinary Hearing/Skelly Process when requested by the employee or his/her representative: suspension without pay (other than short-term suspension), reduction in pay, demotion, or dismissal.
- B. The employee shall be provided notice of the proposed discipline.
- C. Within ten (10) working days of the notice of proposed discipline, the employee or his/her representative may file a request for a Skelly meeting.
- D. The Skelly Officer shall schedule a pre-disciplinary response meeting with the employee and his/her representative, if any, within ten (10) working days of the receipt of the request for meeting.
- E. The Skelly Officer shall conduct the meeting and shall render a recommendation to uphold, modify, or overturn the proposed action, within ten (10) working days of the date of the Skelly meeting.
- F. Following the Skelly Officer's recommendation, the department director may

uphold, modify, or revoke the proposed action. The department director shall give written notice of the decision to the employee, with a copy to Human Resources.

G. Appeal Process

1. Once a decision has been reached by the department director, the employee may appeal the decision to advisory arbitration by filing a Notice of Request for Advisory Arbitration with Human Resources. The appeal shall contain a full discussion of the reasons which the employee is asserting as justification of the appeal. The request must be received by Human Resources within ten (10) working days after the employee received the notice of decision.
2. Within thirty (30) days of filing the Notice of Request for Advisory Arbitration, the appealing party will obtain from the State Mediation and Conciliation Service (SMCS) a list of seven (7) arbitrators. The selection of the arbitrator from the list shall occur by each party alternatively striking names from the list, with the appealing party striking the first name. The appealing party shall notify SMCS of the arbitrator scheduled.
3. The arbitrator shall conduct an evidentiary hearing in accordance with the American Arbitration Association Voluntary Arbitration Rules. The decision of the arbitrator shall be advisory only. The arbitrator's fees and costs shall be borne equally by the parties. The costs of the arbitrator's transcript, if jointly requested, shall also be borne equally by the parties. All other expenses incurred by either party in the preparation or presentation of its case are to be borne solely by the party incurring the expense. For purposes of this Rule 404 – Progressive Discipline, the parties shall be considered as the City and the respective union, if applicable, or if a grievant is representing himself or herself, the City and the grievant.
4. The arbitrator shall prepare a written advisory decision which shall include a statement of the decision, the facts upon which it was based, and a full description of the remedies or corrections suggested. The arbitrator's decision shall be sealed and filed with the City Manager and appealing party. The City Manager may adopt the advisory decision and order its implementation, may modify and implement the decision and any remedies or corrections suggested, or may reject the decision. The City Manager will provide a copy of the arbitrator's decision to the appealing party with the City Manager's decision within ten (10) working days of receipt of the arbitrator's decision.
5. In the event that the City Manager has a conflict of interest or served

as the original disciplinary authority, the arbitrator's advisory decision shall instead be submitted to the City Council or a designated committee thereof. The City Council or designated committee shall have the same options as outlined in the previous paragraph.

405. Grievance Procedure

405.1 General Policy

In the absence of an applicable MOU or Resolution, this grievance procedure shall apply. This procedure is intended to ensure that every reasonable effort will be made to resolve problems as near as possible to the point of origin.

405.2 Definition

Subject to the exclusions listed in this Rule 405 – Grievance Procedure, a grievance is defined as any dispute involving the interpretation, application, or alleged violation of 1) the specific express terms of a current MOU between the City and a recognized employee organization, or Management/Confidential/Unrepresented Employees Resolution; or 2) a specific term of these Rules.

405.3 Eligibility

Only regular employees in non-probationary appointments who are adversely affected by an act or omission of the City are eligible to file a grievance.

405.4 Exclusions

The following matters are excluded from the definition of a "grievance":

- A. Requests for changes in wages, hours, or working conditions.
- B. The content of employee evaluations or performance reviews, except those that result in a loss of benefits to the employee.
- C. Challenges to reclassification, layoff, transfer, or denial of reinstatement.
- D. Challenges to examinations or appointment to positions.
- E. Challenges to this grievance procedure.
- F. Disciplinary actions.

405.5 Group Grievances

In the event more than one (1) employee is directly involved with an issue, they may, at any step in the grievance procedure, name one (1) of their members to carry the grievance through the procedure as a group grievance and be represented by that employee organization which has been recognized by the City

for that representation unit to which their classification(s) is/are assigned. In a group grievance, that named employee directly concerned shall be personally present at all stages.

405.6 Grievance Process

It is the City's intent to deal with and settle complaints and grievances informally and at the nearest practical organizational level, and as promptly and fairly as possible. Whenever feasible, complaints and grievances will be handled during the regularly scheduled working hours of the parties involved.

The grievance procedure shall consist of the following steps:

A. Informal Level

Within ten (10) working days from the event giving rise to a grievance, or from the date the employee could reasonably have been expected to have had knowledge of such event, the grievant shall orally discuss the grievance with their immediate supervisor. A supervisor shall have seven (7) business days to provide a written response to the employee.

B. Step One-Formal Level

If a grievant is not satisfied with the resolution proposed at the informal level, they may, within five (5) business days of the receipt of such answer, file a formal written grievance with their immediate supervisor which contains a statement describing the grievance; the section of the Rules, regulations, benefits, or policies allegedly violated; and the remedy requested. The grievance shall be signed and dated by the grievant(s). A copy of the written grievance shall also be provided to Human Resources. The supervisor shall, within five (5) business days thereafter, give a written response to the grievant. Upon completion of Step One, an employee whose immediate supervisor is the department director will be deemed to have completed Step Two and be eligible to proceed to Step Three.

C. Step Two-Formal Level

If the grievant is not satisfied with the written response from the supervisor at Step One, they may, within five (5) business days from the receipt of such response, file a written appeal to their department director which contains a statement describing the grievance; the section of the of the Rules, regulations, benefits, or policies allegedly violated; the supervisor's response; why they are not satisfied with the supervisor's response; and the remedy requested. A copy of the written grievance shall also be provided to Human Resources. Within ten (10) business days of the receipt of the written appeal, the department director shall complete an investigation of the

grievance, which may include a meeting with the concerned parties, and give a written response to the grievant.

D. Step Three-Formal Level

If the grievant is not satisfied with the written response from the department director at Step Two, the grievant may, within five (5) working days from the receipt of such answer, file a written appeal to the City Manager which contains a statement describing the grievance; the section of the Rules, regulations, benefits, or policies allegedly violated; the department director's response; why they are not satisfied with the department director's response; and the remedy requested. Within fifteen (15) business days of receipt of the written appeal, the City Manager shall investigate the grievance, which shall include a meeting with the concerned parties, and give a written response to the grievant. The City Manager's decision shall be final and binding.

405.7 General Provisions

- A. A grievant may withdraw a grievance at any level or at any time in the process by making notification in writing to the Director of Administrative Services.
- B. If a grievant fails to carry their grievance forward to the next level within the prescribed time period, the grievance shall be considered settled based upon the decision rendered at the most recent step completed.
- C. If a supervisor or manager fails to respond with an answer within the given time period, the grievant may proceed to the next higher level.
- D. The grievant may be represented by a person of their choice at any formal level of this procedure. The grievant shall be personally present at all stages of the grievance.
- E. Time limits and formal levels may be waived by mutual written consent of the parties.
- F. Notice is deemed given by deposit in the U.S. Mail, postage paid, to the last known address of the addressee, or by personal delivery.
- G. Proof of service shall be accomplished by certified mail or declaration of personal delivery.
- H. All employees shall be free from retaliation or reprisal in any form resulting from use of these grievance procedures.
- I. All material pertaining to employee grievances shall be confidential between the employee and their representative, appropriate supervisory personnel, other directly involved employee(s), and appropriate City management

personnel. Records of grievance complaints and supporting documents shall be maintained in the Human Resources office separately from the employee's personnel files.

- J. At all stages in the formal process, a written appeal must contain the original written grievance, the supervisor's response, the response from each succeeding level, and a statement explaining why the grievant is not satisfied with the response.

406. Security and Privacy

406.1 Policy

Desks, storage areas, work areas, lockers, file cabinets, credenzas, vehicles, computer systems, software, communication systems (including electronic communications), office telephones, modems, facsimile machines, and duplicating machines are City property and must be maintained according to this Rule 406 – Security and Privacy. Because all these items are City property, employees do not have, and should not expect any right of privacy regarding this property or the contents of the property.

406.2 Procedure

A. Neatness

All City property must be kept clean and is to be used only for work-related purposes.

B. Right of Inspection

The City reserves the right within the scope of applicable laws, at all times, and without prior notice, to inspect and search any and all City property for the purpose of determining whether this Rule 406 – Security and Privacy or any other City policy has been violated, or whether such inspection and investigation is necessary for purposes of promoting safety in the workplace or compliance with state and federal laws. Such inspections may be conducted during or after business hours and in the presence or absence of the employee. The employee or their designee may be present when the inspection occurs.

C. Removal of City Property

Prior authorization from the department director must be obtained before an employee removes any City property from the premises.

D. Protection of City Records

Employees may access only files or programs, whether computerized or not, that they have permission to enter. Unauthorized review, duplication, dissemination, removal, damage or alteration of files, passwords, computer systems or programs, or other City property, or improper use of information obtained by unauthorized means, may be cause for disciplinary action, up to and including termination.

407. Internet and Electronic Communication

The City has expended significant resources to provide computers and other electronic devices for the purpose of promoting its legitimate business interests. In order to ensure that all individuals who use the City's computers and resources do so in a lawful, ethical, and proper manner. Full details regarding internet and electronic communications can be found in the City's Electronic Communications Policy.

408. Social Media

The City does not use, nor does it condone the use of social media in the workplace for any purpose other than those directly related to work, and then only by authorized users. Use of Internet-based programs such as Facebook, LinkedIn, or Twitter (this is not meant to be an exhaustive list; if employees have specific questions about which programs the City deems to be social media, they can consult with their supervisor) for any use other than official City business is a violation of City policy and use of these programs during work hours either on City-owned property, a City worksite, or on employees' personal property on the work premises can result in disciplinary action.

Employees can use their own personal devices to engage in social media during non-working times, such as breaks and meal periods; however, all other City policies against inappropriate usage, including the City's no tolerance for discrimination, harassment, or retaliation in the workplace, and protection of confidential or proprietary information, apply.

Nothing in the City's social media policy is designed to interfere with, restrain, or prevent employee communications regarding wages, hours, or other terms and conditions of employment.

409. Dress Code and Appearance

To maintain a professional atmosphere and appearance and to ensure employee safety, all employees, including those who wear uniforms, are expected to maintain the following minimum standards:

- A. Employees must maintain a high standard of personal hygiene. Employees must appear neat, clean, groomed, and have no offensive odors. Employees must wear clothing and footwear appropriate to their employment. Appropriateness may vary,

depending upon the nature of work performed, safety concerns, and the degree of public contact.

- B. Employees must wear clothing that is clean and neat, and not torn or frayed. Employees must avoid clothing that is unduly revealing, immodest, or otherwise inappropriate for a professional office setting or other work environment. Examples of inappropriate clothing and footwear include, but is not limited to, shirts with inappropriate slogans or graphics, crop tops, clothing that reveals undergarments, shorts, pants worn below the waist or hip line, and flip-flops.

410. Safety and Work-Related Injury/Illness Reporting

The City intends to provide a safe and healthful environment for its employees and the general public and strives to eliminate unnecessary hazards by providing specific safety policies and procedures and creating an atmosphere that promotes safety. To that end, the City has developed an Injury and Illness Prevention Program (IIPP) to provide safety and loss control guidelines to protect people from injury or illness; to reduce the risk of loss to real property and business assets; to provide a mechanism to report hazardous conditions and work-related injuries and illnesses; and to meet the regulatory requirements of federal, state, and local government agencies. Full details are available in the City's IIPP.

- A. Employees are required to report to work during each scheduled workday and be able to safely and competently perform their job duties. If employees are unable to safely or competently perform their job duties for any reason, they are required to immediately inform their supervisor. Additionally, employees who observe or experience unsafe working conditions are required to immediately report the unsafe working conditions.

All accidents and injuries involving employees, even those that are not serious, must be reported immediately to their supervisor. Employees who experience a work-related accident or injury will be required to complete the appropriate forms and cooperate with the City in complying with its recording, reporting, and investigation obligations.

Employees will not be penalized in any way for reporting unsafe working conditions or workplace accidents, injuries, or illnesses. Failure to report unsafe conditions could result in disciplinary action.

411. Violence in the Workplace

The City has a zero-tolerance policy for acts of violence and threats of violence in the workplace. Threatening or intimidating behavior, threats, or acts of violence will not be tolerated and may be grounds for immediate termination, arrest and prosecution, or a civil harassment action. Any individual who engages in threatening behavior or violent acts, or who makes comments about inflicting self-harm or harming others, even if in jest, while on City property will be removed from the premises and may not return until the incident

is fully investigated. The City reserves the right to have any such incident assessed by a professional who specializes in threat assessment.

Threats to or intimidation of employees in the workplace by individuals outside the City are also not tolerated and must be promptly reported to the employee's supervisor or City Manager. This may include acts of domestic violence and threats of harm from customers or vendors toward employees or City property.

Possession of any type of weapon while on City premises or at City events shall constitute a threat of violence. Sworn staff are exempt.

If an employee witnesses or receives a threat, or learns that another person has witnessed or received a threat, they must notify their supervisor or the City Manager immediately. Reports must be made of all incidents no matter who was involved or their relationship to each other. If an employee applies for or obtains a protective or restraining order that lists City locations as protected, they must provide a copy to the City Manager. The City understands the sensitivity of such information and uses confidentiality procedures that recognize and respect employees' privacy.

The City Manager shall respond to and conduct any necessary investigation of potential threats of violence.

Specific procedures regarding violence in the workplace shall be promulgated through the IIPP, in accordance with the Division of Occupational Safety and Health requirements.

412. Workplace Security

Employees must secure their desk, office, or vehicle at the end of the day. When called away from the work area for an extended length of time, employees should not leave valuable, confidential, and/or personal articles in or around the workstation/vehicle that may be accessible.

The safety of the worksite as well as the welfare of employees depends upon the alertness and sensitivity of every individual to potential safety risks. Employees should immediately notify management when unknown persons are acting in suspicious manner in or around the office.

413. Use of Personal Items on the Job

The City provides necessary equipment that employees require to accomplish their job and tasks in the most efficient and safe manner. However, employees who want to use their personal items at work may do so with the understanding that they are liable for the property and that it must be safe and used responsibly. The City is not responsible for loss or damage to any personal property or equipment that is brought to a worksite or City function.

414. Cellular Phones

The City has a policy regarding cellular phones (cell phones) for employees that have a regular and recurring need access to a cell phone in order to meet the business needs of the City. The purpose of that policy is to provide uniform and consistent standards for the issuance or partial reimbursement for use of cell phones in order for employees to meet the business needs of the City; establish criteria for the consideration of requests for use of City-owned cell phones or payment for use of employee-owned cell phones for purposes of City business. Full details are available in the City's Cellular Phone Policy.

415. Visitors and Solicitations

To prevent inconvenience and disruption in operations and to ensure efficient operation of City business, it is necessary to control visitations and solicitations on City property.

415.1 Procedure

A. Visitors

All visitors must be met at the reception desk by an employee and escorted to and from an employee's worksite. Personal visits by friends and relatives should be kept to a minimum and be of short duration, preferably during break and meal periods. Visitors who are disruptive to the workplace or its employees should be reported to the supervisor, department director, or City Manager and will be asked to leave.

B. Employee Solicitation

It is against City policy to use City stationery, supplies, or equipment (including bulletin boards, photocopy machines, computers, email, fax machines, interoffice mail, etc.) for solicitation or distribution of other business or charitable items or offers.

Employees may not solicit during working time for any purpose, including union activities outside the provision prescribed in the MMBA and agreement in the MOU. Employees may not distribute literature at any time for any purpose in working areas. Working time includes the working time of both the employees doing the soliciting or distributing and the employee to whom the solicitation or distribution is being directed. Working time does not include break periods, meal periods, or any other specified periods during the workday when employees are not engaged in performing their work tasks.

C. Non-Employee Solicitation

Solicitation or distribution of literature by non-employees of the City is prohibited. Access to working areas is limited to employees, on-site consultants, and authorized personnel.

Individuals from organizations representing outside interests may not conduct their business on City premises unless authorized by the City Manager or designee. This includes service organizations; community and education groups; product and sales organizations; and any other club, group, or organization.

416. Requests for Information/Media Contact

416.1 Policy

It is the policy of the City to provide all information to the public that is not expressly prohibited from disclosure by the Public Records Act. Any request for a public document by a member of the public shall be duly noted, with the date, time, and substance of the request, as well as the name of the person making the request.

If staff has any question that a request is legally protected, they shall address their question to the City Manager, who shall then address the question directly with legal counsel, if necessary. Examples might be personnel records, communications between counsel and representatives of the City, or consultants' reports prepared with the participation of counsel.

If a copy of a document is requested, as opposed to an inspection of a public document, the copy shall be provided as soon as possible.

416.2 Media Contact

Employees may be approached for interviews or comments by the news media. Only people designated by the City Manager may comment to news reporters or other media on programs, projects, policies, or events that have an impact on the City. Otherwise, all media contacts and requests for information or interviews must be referred to the City Manager or designee.

417. Updated Employee Information

Employees are responsible for notifying Human Resources of changes in name, address, telephone number, driver's license status, number of dependents, marital status, beneficiary, education certificates, or any other pertinent information.

418. Verification of Employment

All requests from outside the City for verification of employment concerning any current or former employee must be submitted to the Department of Administrative Services.

Information will be released only if the employee signs an authorization for release of employment information or verbally acknowledges such with Administrative Services staff. Without such, the following limited information will be provided: dates of employment and salary upon departure. Department directors and supervisors should not provide information in response to requests for or verification of employment unless required by law.