



City of Meniffee

Personnel Rules & Regulations

June 2016

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SECTION: 1 – INTRODUCTION

1. ADOPTION OF PERSONNEL SYSTEM

In order to establish a uniform procedure for dealing with personnel matters, the personnel system set forth in these Rules and Regulations (hereinafter “rules”) is hereby adopted by the City of Menifee ‘City’. These rules supersede any prior rules and regulations and may be changed only upon approval of the City Council.

In the event of an emergency, any part or all of these Rules and Regulations may be suspended by order of the City Manager and such suspension shall remain in effect until the City Manager’s order is withdrawn.

2. APPLICABILITY OF RULES

The provisions of these Rules shall apply to all offices, positions and employees of the City, except as otherwise indicated within a specific provision of these Rules.

With the exception of the City’s EEO policy at rule I.C., Complaint Procedure at Rule VI.F., and Reasonable Accommodation Policy at rule VI.G., these rules do not apply to the following offices and positions outside the competitive service:

- a. Elected officers;
- b. Members of appointed boards, commissions and committees;
- c. Persons engaged under contract to supply expert, professional, or technical services for a definite period of time;
- d. Volunteer personnel
- e. City Manager;
- f. City Attorney;
- g. Department Directors; and
- h. Temporary and seasonal employees.

3. EQUAL EMPLOYMENT OPPORTUNITY

This Equal Employment Opportunity “EEO” policy applies to all City employment applicants, permanent, temporary and seasonal employees, independent contractors, elected officers, officials and volunteers, without exception.

The City strictly prohibits discrimination against any employee or applicant for employment because of the individual's race, color, religion, gender, national origin, age, marital status, disability, sexual orientation, gender identity or expression, veteran's status or any other basis protected by law. Affirmative action will be taken to ensure that all employment decisions, including but not limited to those involving recruitment, hiring, training, promotion, transfer, discipline, and termination, are free from unlawful discrimination. The City prohibits and will not tolerate unlawful discrimination.

The City will provide reasonable accommodation to otherwise qualified individuals with a disability consistent with the law. What constitutes a reasonable accommodation depends on the circumstances and thus will be addressed by the City on a case-by-case basis.

Individuals who believe they have experienced unlawful discrimination are encouraged to report it immediately to their supervisor or the Human Resources Department so that the City can investigate the report and take any necessary corrective action.

4. AMERICANS WITH DISABILITIES ACT

Applicants, employees and other individuals may raise concerns and make reports without fear of reprisal. The City prohibits and will not tolerate retaliation against any individual who initiates a complaint of or inquiry about discrimination or other unlawful harassment.

The City of Menifee is committed to complying with all applicable provisions of the Americans with Disabilities Act ("ADA"). It is the City's policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual's disability or perceived disability so long as the individual can perform the essential functions of the job. Consistent with this policy of non-discrimination, the City will provide reasonable accommodations to otherwise qualified individuals with a disability, as defined by the ADA, consistent with the law, provided that such accommodation does not constitute an undue hardship on the City. What constitutes a reasonable accommodation depends on the circumstances and thus will be addressed by the City on a case-by-case basis.

Employees with a disability who believe they need a reasonable accommodation to perform the essential functions of their job should contact the Human Resources Department. The City encourages individuals with disabilities to request reasonable accommodations if needed to perform the essential functions of their job. See Section VI.H for procedures to request a reasonable accommodation.

All City of Menifee officers, managers and supervisors share in responsibility of implementing and adhering to all components of this policy. This may include, but is not limited to, providing reasonable accommodations for individuals with a disability, as defined by the ADA, to enable them to perform the essential functions of their positions, in recruiting, hiring, training, termination, benefits, compensation, and in other terms, conditions and privileges of employment; and in access to services, programs and activities. All services, programs, communications, and activities are to be accessible to persons with disabilities.

Any acts of unlawful discrimination should be promptly reported to your supervisor, department director or the Human Resources Manager so that the City can investigate the complaint and take necessary appropriate corrective action if it determines that unlawful discrimination occurred.

Employees, job applicants, and persons applying for City of Menifee services or use of facilities will be protected from any type of coercion, intimidation, interference or discrimination or retaliation should they file a complaint or assist in the investigation of such a complaint in conjunction with upholding this Policy. The City prohibits and will not tolerate unlawful discrimination or retaliation against any individual who initiates a complaint of or inquiry about discrimination.

The City of Menifee remains fully committed to equal employment opportunity and non-discrimination in its employment practices.

- Any person who believes that the City of Menifee is not in compliance with the ADA may make a complaint with the Human Resources Manager.
- Complaints must be submitted in writing by the complaining party or by his/her designated representative. If complainant is unable to write or obtain a representative, he/she may receive assistance in filing his/her complaint by contacting the Human Resources Manager and requesting assistance.
- The ADA does not require the use of this complaint procedure before seeking any other remedy under the ADA. The filing of a complaint under this procedure does not limit, extend, replace, or delay the right of a complainant to file a complaint with any federal, state agency or court.
- The City of Menifee does not enforce ADA requirements for non-municipal facilities nor for private sector employees or programs. Concerns regarding the accessibility of non-municipal and private sector services, programs, facilities and or activities should be directed to the specific employer, business, property owner or vendor responsible for those services for remedy or to the Department of Justice, ADA Enforcement Division.
- The Human Resources Manager is responsible for administering this policy
- Department Directors, Managers and Supervisors are responsible for timely communication with the Human Resources Manager regarding ADA-related issues and concerns, and for ensuring that their employees follow this policy.
- All employee responsible for compliance with this policy, including:
 - Demonstrative sensitivity and respect to fellow employees and the public;
 - Assist with identifying ADA problems or concerns.

5. HUMAN RESOURCES MANAGER

The City Manager shall appoint the Human Resources Manager. The City Manager may delegate to the Human Resources Manager any of the powers and duties conferred upon him/her under these or other City rules, regulations, resolutions or ordinances. The Human Resources Manager, or his/her designee, shall be responsible for the administration of these Personnel Rules.

6. DEFINITION OF TERMS

Words and terms used in these Rules and in any ordinance or resolution dealing with these Rules and any other personnel policies or procedures are defined in the Rule to which they apply or as follows:

- “Acting appointment” means the appointment of an employee to a classification in the City service on an interim basis during which that person continues to occupy the position from which he/she was appointed. Acting appointments are not considered temporary appointments.
- “Actual hours worked” means all hours in which the employee actually performed work and does not include any paid or unpaid leave time, including but not limited to vacation and sick leave.
- “Advancement” means a salary increase within the limits of the pay range established for classifications provided by resolution.
- “Appointing Authority” means the City Manager or the City Manager’s designee.
- “Appointment” means the employment of a person in a position.
- “Base Salary” means the salary range and step established in the compensation Plan, exclusive of any overtime, shift differential, incentive or other excludable pay an employee may receive.
- “Classification” means a group of positions sufficiently substantially similar in duties, authority, responsibilities, and minimum qualifications of employment to permit combining them under a single title and the application of common standards of selection and compensation.
- “Classification plan” means the designation by resolution of the City council of a title for each classification together with the specifications for each classification as prepared and maintained by the Human Resources Departments.
- “Compensatory time off” means paid time off from work in lieu of overtime pay.
- “Day” means calendar day unless otherwise noted.

- “Demotion” means the voluntary or involuntary reduction of an employee from a position in one classification to a position in another classification having a lower maximum salary rate.
- “Discharge” means the involuntary separation of an employee from City service.
- “Eligibility list” means a list of names of persons who have successfully completed the examination process for a position in the competitive service, pursuant to Rule II (Classification Plan and Selection Process).
- “FLSA” means Fair Labor Standards Act, which prescribes standards for basic minimum wage and overtime pay. Under the FLSA, non-exempt employees are entitled to be paid overtime wages at 1.5 times their regular rate of pay for all hours worked in excess of forty (40) in a workweek.
- “FLSA-exempt” refers to all employees who meet one or more of the duties test exemptions from overtime under the FLSA (e.g. executive, administrative, and professional) and who are paid on a salary basis as defined below.
- “Full-time position” means employment in which the employee is regularly scheduled to work at least forty (40) hours per week.
- “Hourly basis” means compensation paid according to the number of hours an employee actually works.
- “Hourly position” means employment in which the employee normally works less than 40 hours per week or no more than one thousand (1,000) hours per fiscal year.
- “Lay-off” means the termination of an employee from City service for reasons of economy, efficiency or other non-disciplinary reason, pursuant to the Rule IV.D (Lay-Offs) of these Rules.
- “Merit salary increase” means the performance-based advancement of an employee’s salary to a higher salary level within the established salary range for the employee’s classification.
- “FLSA non-exempt” refers to employees who are entitled to FLSA overtime, regardless of whether they are paid on a salary or hourly basis. Non-exempt does not include employees primarily performing exempt duties (more than 50% of the time) under a temporary or acting appointment to an exempt-designated position.
- “Overtime” means all hours worked by a non-exempt employee in excess of forty (40) hours in the employee’s designated workweek, or as otherwise designated for employees on a flexible work schedule, or as specified by the FLSA.

- “Position” means a combination of duties and responsibilities assigned to a single employee and performed on either a full-time or part-time basis.
- “Probationary appointment” means employment for a probationary period as part of the selection process, during which a new or promoted employee is required to demonstrate satisfactory or better performance of the position’s duties. During the probationary period, employees have no property interest in continued employment, and are subject to termination at any time, with or without cause.
- “Promotional appointment” means the advancement of an employee from a position in one classification to a position in another classification having a higher maximum salary range.
- “Reclassification” means the reassignment of a position to another classification due to the material change of a position, pursuant to Rule II.A. (Classification Plan) of these Rules.
- “Regular appointment” means the employment of a person in an authorized full-time position following successful completion of a probationary period in a full-time authorized position.
- “Rejection” means the discharge from the competitive service of an employee who has not successfully completed the initial probationary period.
- “Reinstatement” means the reappointment of an employee to a position in the same or a comparable classification within twelve (12) months of his/her separation in “good standing” pursuant to Rule IV.F. (Reinstatement) of these Rules.
- “Resignation” means the voluntary separation of an employee from the City service.
- “Salary basis” means compensation in a predetermined amount that is not reduced, regardless of the quality or quantity of work actually performed, except as required by the City’s principles of public accountability for partial –day absences, or as otherwise set forth by FLSA.
- “Salary evaluation date” means the date on which a probationary or regular employee’s performance is evaluated and the date upon which the employee is eligible, on the basis of job performance for a prescribed period for a merit salary increase within the established salary range.
- “Seniority” means the employee’s number of continuous years in competitive service following the employee’s service anniversary date. Seniority in classification means the number of continuous years of service an employee has worked for the City in the present or higher classification.

- “Separation” means the voluntary or involuntary termination of employment from City service.
- “Service anniversary date” means an employee’s original date of hire with the City of Menifee for purposes of accruing benefits and determining years of service with the City.
- “Suspension” means the temporary separation without pay of an employee from the competitive service for disciplinary reasons.
- “Temporary appointment” means an appointment to a regular position for a period of no more than six (6) months, unless extended, in writing, by the City Manager.
- “Transfer” means the reassignment of an employee from one position to another position in the same classification or another classification having the same maximum, salary range, involving the performance of basically similar duties, and requiring substantially the same minimum qualifications.
- “Workweek” means, for purposes of overtime determination, a consecutive, seven-day period that begins at 12:00 a.m. on Saturday and ends at 11:59 p.m. on Sunday, or as otherwise designated for employees on a flexible work, or as designated under the FLSA for safety employees.
- A "9/80 schedule" means that on 4 days per week you work 9 hours, and on the 5th you either work 8 hours or you have a day off. So for example, you may work 9-hour days Monday through Thursday, and on Fridays, you either work an 8-hour day or take the day off. 9/80 means that you work 80 hours over 9 days, instead of the traditional 10
- “Y-Rated” means the employee’s existing salary is frozen until adjustments to the employee’s salary causes it to fall within the new salary range.

SECTION: 2 - CLASSIFICATION PLAN AND SELECTION PROCESS

1. CLASSIFICATION PLAN

(a) IMPLEMENTATION OF THE CLASSIFICATION PLAN

The Human Resources Manager, after consultation with directors of affected departments, shall recommend a classification plan for all classifications in the competitive service that includes, but is not limited to, the following information for each classification:

- i. The classification title;
- ii. A description of typical duties and responsibilities;
- iii. The functions of the classification;
- iv. A statement of the desirable training, experience and other qualifications of applicants for the classification;
- v. Whether the classification or any of its duties are safety-sensitive.

The Human Resources Manager shall ensure that all positions within the same classification are substantially similar with respect to duties, authority, character of work, and schedules of compensation.

(b) ADOPTION BY CITY COUNCIL

The classification plan, or any amendment thereto, will become effective only upon adoption by resolution of the City Council. Upon adoption, the classification plan or any plan amendment will take immediate effect.

2. NEW POSITIONS AND VACANCIES

New positions and permanent vacancies of regular positions in the competitive service may be filled by reinstatement, transfer, demotion, or from an eligibility or promotional list, as deemed appropriate within the sole discretion of the Human Resources Manager.

3. JOB ANNOUNCEMENTS

Vacant funded positions in the competitive service will be publicized by (1) distributing announcements to the affected City divisions and (2) distributing announcements to City or other publications, as deemed advisable and appropriate within the sole discretion of the Human Resources Manager after consultation, where appropriate, as determined by the Human Resources Manager, with the applicable Department Director. When the City seeks only promotional candidates, distributions regarding the available promotion will be limited to internal sources.

Additionally, when distribution of a job announcement would detrimentally delay the filling of a position, the City may, in its sole discretion, instead opt to fill the position temporarily from immediately available sources. In the event a job announcement is distributed, it will specify the following information:

- Title and pay range of the classification for which the examination is announced;
- Nature of the work to be performed;
- Desired skills and experience;
- Dates, time, place and manner of making applications;
- Closing date for receiving applications;
- Minimum requirements for the position;
- Manner and method by which vacancies will be filled, including passing scores for tests, if applicable; and
- Other pertinent information in the discretion of the City.

4. APPLICATION FORMS

Applications for vacant positions shall be made on forms provided by the Human Resources Manager. All applications must be signed by the applicant.

5. DISQUALIFICATION

The Human Resources Manager may reject any application for a position in the competitive service for reasons including, but not limited to, the following:

- The applicant did not properly complete the application;
- The applicant indicated on the face of the application that he/she does not possess the minimum qualifications for the position;
- The applicant is unable to perform the essential functions of the position sought, with or without reasonable accommodations;
- The applicant is currently using illegal drugs;
- The applicant was convicted of a crime that may have an adverse impact on the applicant's ability to perform the job for which the applicant is applying;
- The applicant is not legally permitted to work within the United States;

- The applicant has made a false statement of any material fact or practiced or attempted to practice deception or fraud in making an application for employment; or
- For any material, non-discriminatory cause which, in the sole determination of the Human Resources Manager, would render the applicant unsuitable for the position, including a prior resignation from City service, termination from City service, or significant disciplinary action.

The Human Resources Manager will mail a notice of any application rejection by mailing the notice to the mailing address provided by the applicant on the application. Improperly completed applications may be returned to the applicant with notice of the defect, provided the time limit for receiving applications has not expired.

6. SUBJECT AND METHOD OF EXAMINATIONS

The Human Resources Manager, after consultation with the affected Department Director, as he/she deems appropriate, will determine the applicant pool and manner and method by which examinations shall be given. All examinations and background checks will be job-related and consistent with business necessity, as set forth in Rule II.C.

Examinations shall be competitive and may consist of written tests, oral tests, performance tests, evaluations of prior training and performance, experience and education, interviews, style assessments, file review, or any combination thereof.

7. QUALIFYING GRADE AND RATING EXAMINATIONS

For all examinations, the determination regarding the minimum permissible grade to render the applicant eligible for consideration for the applicable position is based upon all factors in the examination, including educational requirements, experience, and other qualifying elements, as contained in the candidate's application or in other verified information. Failure in one part of the examination may be grounds for declaring the applicant as failing the entire examination, or as disqualified for subsequent parts of an examination.

8. ELIGIBILITY LISTS

Eligibility lists will be established and certified by the Human Resources Manager or his/her designee following all applicable examinations. The eligibility list will consist of the names of applicants with passing composite scores.

The Department Director will make his/her final selection from any applicant among the top three candidates listed on the eligibility list. The City Manager, as the appointing authority, or his/her designee, will confirm the selection. When there are less than five (5) qualified applicants, the eligibility list shall be invalid, and the Human Resources Manager will announce a new recruitment and examination period.

Eligibility lists shall be valid and in effect for a period of one year. The effective period for an eligibility list may be extended upon the recommendation of the Department Director and by action of the Human Resources Manager for an additional six-month periods, but in no event shall a list remain in effect for more than two years.

9. REMOVAL OF NAMES FROM ELIGIBILITY LIST

Names may be removed from an eligibility list for any of the following reasons:

- If an eligible candidate requests orally or in writing that his/her name be removed;
- If an eligible candidate fails to accept an offer of employment within seven (7) calendar days following the forwarding of such offer;
- If an eligible candidate on a promotional list resigns from the competitive service;
- If an eligible candidate is physically or mentally unable to perform the essential functions of the job, with or without reasonable accommodation;
- If eligible candidate leaves no forwarding address;
- Any other lawful reasons.

10. NOTIFICATION OF RESULTS

Every applicant participating in the examination process shall be provided written notice of the results of the examination. Any applicant's claim of error in rating or grading must be submitted to the Human Resources Manager no later than ten (10) days after the effective date of the eligibility list, to be considered for correction. Applicants shall be provided timely access to all information reasonably necessary to determine if an error in rating or grading has occurred.

11. RELATIVES WORKING FOR THE CITY

To minimize the potential for adversely impacting the safety, security, morale or efficiency of supervision of other employees, or in which there may be a potential conflict of interest, the employment of relatives with the City is governed by the following.

No person who is a relative of any City Council Member, City Commissioner; the City Manager; any Department Director or other officer having appointive power shall be appointed to a position with the City organization.

This policy applies to all permanent, seasonal and temporary full-time and hourly/part-time City employees. It does not apply to volunteers.

(a) RULES

- i. It is the policy of the City not to discriminate in its employment and personnel actions with respect to its employees and applicants on the basis of marital or familial status. However, the City retains the right to refuse to appoint or promote an individual to a position in the same department, division, or facility where a relative is employed if such appointment or promotion has the potential for creating an adverse impact on supervision, safety, security or morale, or involves a potential conflict of interest or where there is a supervisor-subordinate relationship.
- ii. If a City employee marries, enters into a consensual personal relationship, a domestic partnership, or resides in the same household with another individual employed by the City within the same department, both employees shall be allowed to retain their respective positions provided that a potential adverse impact on supervision, safety, security, morale, or a potential conflict of interest is not created by the relationship. During the period of employment, no supervisory relationship shall exist between these two (2) employees.
- iii. When two existing employees marry or enter into a relationship as described in section II.I, and a determination has been made that the potential for creating adverse impact as described in Section II.K.2 above exists, the Department Director, together with the Human Resources Manager or the Human Resources Manager's designee, shall attempt to transfer one of the employees to a similar classified position in another department. Although the wishes of the involved parties as to which employee shall be transferred will be given consideration by the City, the controlling factor in determining which employee is to be transferred shall be the positive operation and efficiency of the City. If any such transfer results in a reduction in salary or compensation, the same shall not be considered disciplinary in nature and shall not be the subject of any form of administrative appeal. If the City is unable to transfer one of the employees, then the Department Director will notify the two employees that one of the employees must separate from City employment within 30 days. The choice of who shall separate from City service will be the employees' decision. In the event that the two employees do not agree with respect to which one shall resign, the City will make that determination based on the needs of the City.
- iv. The Department Director shall have the authority and responsibility for determining whether a potential for adverse impact exists or does not exist. The Human Resources Manager, or designee, shall review and must concur with the Department Director's determination before a personnel action is made.
- v. Employees who violate this Policy will be subject to appropriate disciplinary action, up to and including termination of employment.

(b) DEFINITION OF TERMS

- “Relative” means a connection between individuals by blood, marriage, adoptions, domestic partnership, or consensual personal relationship, including individuals who reside in the same household. It includes but is not limited to: spouse, child (natural or adopted), step child, foster child, parent, step-parent, grandparent, grandchild, brother, sister, half-brother, half-sister, step-brother or sister, uncle, aunt, niece, nephew, in laws, award of the State, or any other individual related by blood or marriage.
- “A Supervisory relationship” means any employee, regardless of job description or title, having authority, directly or indirectly, in the interest of the employer to affect another employee’s duties and responsibilities, wages, hours, request for time off, benefits, career progress, work assignments, resolving disputes, and other terms and conditions of employment.

(c) PROCEDURE

- i. The employee is responsible for immediately notifying the Department Director or Human Resources Manager of the existence of or an impending marriage, domestic partnership, or consensual personal relationship with another employee in the same department. Failure to promptly notify the Department Director or Human Resources Manager of the existence of a Relative relationship as defined in Section II.I shall be grounds for disciplinary action.
- ii. The Department Director shall be responsible for ensuring that work assignments are made so as to avoid conflict of interest or violation of this Policy.
- iii. If no conflict of interest exists because employees do not exercise supervisory or evaluative control over one another, no action shall be necessary.
- iv. If an actual or potential conflict exists, The Department Director may, at his/her discretion, after consulting with the Human Resources Manager, reassign one employee to another position or work location within the department or within other City departments. If no appropriate alternative placement is identified, one of the employees will be separated from City service or given the option to resign within thirty (30) days.

Factors that may be considered when determining possible alternatives to non-appointment or termination include, but are not limited to, the position each employee holds, the education and experience each employee possesses, the City’s ability to recruit a replacement for each employee, vacancies available, and the employee’s ability to succeed in the specified position.

SECTION: 3 – APPOINTMENTS

1. OFFICER OF APPOINTMENT

The City Manager or his/her designee shall effect an appointment by extending a conditional offer of appointment to an applicant. If the applicant accepts the offer of appointment, the appointment shall be deemed completed, subject to a drug/alcohol test and background check, if applicable, as set forth in Rule III.B. If the applicant does not accept the offer of appointment within the time period designated by the Human Resources Manager, the offer will expire and the offer of appointment shall be deemed to have been rejected by the applicant.

2. PRE-EMPLOYMENT MEDICAL EXAMINATIONS

All offers for appointment to a position in the competitive service, where that position is safety or security sensitive, will be contingent upon the appointee passing a drug test to screen for illegal drugs, consistent with business necessity. If the drug test reveals the presence of illegal drugs, the contingent offer of employment shall be deemed withdrawn and the appointee disqualified from consideration for employment.

3. PROBATIONARY APPOINTMENTS

All original and promotional appointments shall be tentative and subject to the successful completion of a probationary period of not less than one year of actual and continuous service. The probationary period will be automatically extended for all approved unpaid leave of absence of five (5) days or more taken during the period for the time equivalent to the length of the leave of absence.

The probationary period shall be part of the testing process and shall be utilized for closely observing the employee's work.

Probationary employees are at-will- employees who have no property or vested rights in their positions with the City.

During the probationary period, an employee may be rejected for non-discriminatory reasons at any time by the appointing authority without cause and without right to appeal, or grievance or hearing. At least two weeks prior to the projected completion of any probationary period, the Human Resources Manager shall notify the Department Director and the probationer of the impending completion date.

If the Department Director determines that the probationary employee's service has been satisfactory, then the Department Director may prior to expiration of the probationary employee's probationary period, file a written recommendation with the Human Resources Manager that the employee receive a regular appointment. Alternatively, upon the recommendation of the Department Director, the Human Resources Manager may also opt to extend an employee's probationary period up to a maximum of six (6) months following the conclusion of the initial probationary period. The Department Director recommending extension of the probationary

period must file his/her recommendation in writing with the Human Resources Manager prior to the expiration of the probationary period. The Human Resources Manager will notify an employee of either recommendation prior to the expiration of the probationary period.

An employee shall be granted permanent status unless he/she is notified in writing of an extension of probation or rejection prior to the end of probation.

4. REGULAR FULL-TIME APPOINTMENTS

Following successful completion of a probationary period in a full-time authorized position, an employee shall be classified as a regular full-time non-management, non-exempt employee.

5. EXECUTIVE FULL-TIME APPOINTMENTS

All Department Directors, are at will and may be dismissed by the City Manager at any time, for any or no reason and without prior notice or right of appeal.

6. MANAGEMENT FULL-TIME APPOINTMENTS

An employee who is exempt and is regularly scheduled to work forty (40) hours or more during a workweek.

7. TEMPORARY APPOINTMENTS

When the service demands of the City are such that an open competitive recruitment process is not practical and/or in the absence of an eligibility list, the appointing authority may make a temporary appointment. All temporary appointments are subject to the following requirements.

- Any person appointed to temporary status must meet the minimum qualifications for the position to which he/she is being appointed.
- No temporary appointment may exceed a period of (6) months, unless authorized in writing by the City Manager.
- Temporary employees who are regular City employees at the time of temporary appointment continue to accrue leave time and any additional benefits at the pay rate of their temporary appointment. Prior to being appointed to regular status for the temporary appointment position, a temporary appointee shall successfully complete the competitive recruitment process, if any.

8. ACTING APPOINTMENTS

Whenever the needs of the City so require, due to vacancy, extended illness or other extenuating circumstances, the Human Resources Manager may appoint, on an acting basis, a regular employee from a lower classification to perform the duties of the vacant higher position. The affected

Department Director shall indicate in writing to the Human Resources Manager the need for an acting appointment and any recommended employee(s) to serve in the appointment.

To be eligible for an acting appointment, the employee must be a regular City employee and must possess the minimum qualifications of the higher classification, as determined by Human Resources Manager and as recommended by the affected Department Director.

The employee assigned to perform the duties of a higher classification shall not serve in that position for more than ninety (90) working days without the position becoming subject to the announcement and selection process set forth in Rule II.

If the employee appointed on an acting basis is subsequently promoted from acting capacity into that position in a regular capacity, the period of time of service in the acting capacity may be credited to the required period of probation for the regular appointment.

9. PROMOTIONAL APPOINTMENTS

Promotional appointees are subject to a six (6) month probation period. In the event a promotional appointee does not pass probation, the City shall return the employee to his/her prior position or shall appoint the employee to a position in the same or lower classification as the prior position, at its sole discretion. If the employee is returned to his/her prior position, or to a position in the same or lower classification, the employee shall not serve a new probationary period.

The effective date of a promotional appointment shall determine the employee's new salary evaluation date. Promoted employees may be evaluated after six (6) months of service and shall be evaluated annually thereafter.

10. EMERGENCY APPOINTMENTS

To meet the immediate requirements of an emergency condition, such as major fire, flood, earthquake, or other public calamity that threatens public life or property, an appointing authority may employ such persons as may be needed for the duration of the emergency without regard to the personnel ordinance, these rules, or any other rules and regulations affecting appointments. As soon as practicable, such appointments shall be reported to the City Manager. Such employees are at will and serve at the will of the City Manager and may be dismissed without cause and without any right of appeal, grievance or hearing.

SECTION: 4 - CHANGES TO POSITIONS

1. TRANSFERS

After notice to the Human Resources Manager and approval by the City Manager, an employee may be transferred to another department by their Department Director(s) at any time and for any reason, from one position to another position in the same or comparable classification, and without loss of compensation. Employees who desire a transfer may submit a request for transfer to their Department Director for consideration. The Department Director may deny the transfer request at his/her sole discretion.

If an employee voluntarily transfers to another position in the same or comparable classification and is not successful in that position, the employee may return to his/her former position.

The employee's salary evaluation date shall remain the same as it was before the transfer.

2. RECLASSIFICATION

Should the Human Resources Manager determine, pursuant to Rule II.A., that the job duties of a position in the competitive service have materially changed at the direction of the City, and not because the employee voluntarily assumed or declined duties, the Human Resources Manager, in his/her discretion, may reassign the position to another classification.

An employee may be reclassified without competitive exam if the Human Resources Manager determines that the employee has met the minimum qualifications of the new classification and has performed the duties of the reclassified position for a minimum period of six (6) months. Reclassification shall be not used for the purpose of avoiding competitive selection processes.

The employee's salary evaluation date shall not change as a result of the reclassification.

3. DEMOTIONS

An employee may be demoted for cause pursuant to the Disciplinary Action policy at Rule VII., or for organizational reasons, pursuant to the Layoffs policy at Rule IV.D.

A demoted employee shall be required to serve a probationary period in the lower classification unless the lower classification is in the same job series or the employee completed probation in the lower classification. In the event the demoted employee does not pass probation, the employee will be terminated from employment.

The effective date of a demotion shall establish a new salary evaluation date.

4. LAY-OFFS

Should the City Council determine reductions in force to be necessary due to lack of work or for financial reasons, he/she may initiate lay-offs.

In determining the order of lay-offs, a combination of factors shall be considered, including but not limited to: seniority with the City; productivity; general performance; and the needs of the City. Variations from the order of lay-offs and recall from lay-off may occur when the City deems such variations appropriate under the circumstances.

The factors the City, in its sole discretion, may use to determine the order of lay-offs include, but are not limited to, the following:

- Probationary and temporary employees shall be laid off before regular employees in the same classification;
- Between two regular appointees in the same classification, the employee with lesser seniority shall be laid off first. If equal seniority exists between two employees in the same classification, then performance evaluation scores will determine the order of employee lay off;

5. BUMPING

“Bumping” means the displacement of an employee from his/her position by an employee in a higher classification who formerly held and passed probation in the same position, or a position in the same job family, and has been subject to a lay off.

A laid-off employee shall be entitled to bump an employee in the same position previously held by the laid-off employee, or a position in the same job family, in accordance with the criteria specified in paragraph 2 of this rule. The laid off employee must be able to perform the essential job functions of the former position, with or without accommodation, and possess the minimum qualifications of the position, as specified by the job classification specification.

The City will notify laid-off employees of any positions available for bumping. Following receipt of such notification, and within three (3) calendar days of receipt of such notification, the employee must notify the Human Resources Manager in writing of his/her intent to exercise his/her bumping rights , and the position and classification in to which he/she intends to bump. Failure to provide such notification will be deemed a waiver of bumping rights by the employee.

Where there is more than one laid-off employee entitled to bump an employee in the same position held by the laid-off employees, or a position in the same job family, factors in paragraph 1 of this Rule shall control the order of priority in which the laid-off employees may exercise their bumping rights.

Any displaced employee shall be considered as laid-off for the same reason as the person who displaced them, and shall in the same manner, be eligible to displace, or “bump”, another employee based on the criteria specified in paragraph 2 of this Rule.

6. REINSTATEMENT FROM LAY-OFF

Following lay-off from City employment, laid-off employees may be reinstated to employment with the City upon the recommendation of the Department Director and with the approval of the Human Resources Manager, to the position from which they were laid off based on their qualifications, availability, and the needs of the organization pursuant to the Reinstatement policy at Rule IV.H. of these Rules.

7. SEPARATIONS

All employees who separate from City service, that is, whose employment with the City terminates through separation for cause, layoff, resignation, or retirement, must:

- Return all City property to the Human Resources Manager or their immediate supervisor.
- Make arrangements to repay any existing financial obligations owed to the City.
- In addition, employees who resign or retire must also adhere to the following procedures before they will be deemed to have terminated in good standing:
 - Submit a written notification stating your intent to terminate, and the proposed effective date of your termination to their immediate supervisor.
 - If at all possible, provide the City with a minimum two weeks advance notice of separation. The City encourages employees who become aware of their pending separation from the City to let the Human Resources Manager know as far in advance as possible.

8. REINSTATEMENT

At the recommendation of the Department Director, and with the approval of the Human Resources Manager, employees who (1) resigned, retired, or were laid-off and (2) were in good standing at the time of termination of their employment, may be reinstated to their former position, if vacant, or to a vacant position in the same classification within twelve (12) months of their resignation, retirement or lay-off, without being subject to the application and conditional appointment requirements of Rule II.

A reinstated employee shall serve a probationary period as defined in these Rules and Regulations, unless otherwise approved by the City Manager. If reinstated, credit may be granted for prior service in terms of benefit accrual rates and seniority, at the discretion of the Human Resources Manager and in consultations with the Department Director; provided, however, that Employees reinstated following lay-offs shall receive credit for prior service the City.

SECTION: 5 – COMPENSATION

1. COMPENSATION

(a) COMPENSATION SYSTEM PRINCIPLES

The City is committed to maintaining fiscal integrity and high standards of accountability to the public in the expenditure of funds provided by taxpayers. Accordingly, the City establishes its compensation system in accordance with the principles of public accountability.

(b) COMPENSATION PLAN

The Human Resources Manager shall prepare a Compensation Plan that includes the following:

- i. The salary ranges for all classifications in the competitive service, showing the minimum and maximum rates of pay for each position;
- ii. A designation of each position as full-time, hourly, or temporary;
- iii. A designation of each position as paid on an hourly or salary basis.

(c) REVIEW OF COMPENSATION PLAN

The Human Resources Manager shall determine whether any modifications to compensation are necessary due to changes to positions or classifications, including changes to exempt or non-exempt status, resulting from his/her periodic review of the Classification Plan.

The City Manager shall submit any modified Compensation Plan in proposed form to the City Council for adoption.

2. SALARY UPON APPOINTMENT

Initial appointments shall normally be made at the first step of the salary range for the particular classification in which the appointment is made. When, in the judgment of the Department Director, the education, training, and/or experience of a proposed employee are such that a salary in excess of the first step is justified, the City Manager may authorize an appointment to a position at a higher step in the salary range.

3. SALARY UPON HOURLY APPOINTMENT

Hourly employees receive only legally mandated benefits or compensation other than the hourly rate of pay. An hourly employee shall be compensated on an hourly basis at the hourly rate to which his/her classification has been allocated or shall be paid an hourly rate equivalent to the pro-rata share of the monthly salary to which he/she would be entitled were he/she a full-time employee.

4. SALARY UPON ACTING APPOINTMENT

Commencing fourteen (14) continuous calendar days from the date of the acting appointment, the employee shall receive the salary rate of the higher classification in which the employee is performing the required duties. The employee shall receive at least five (5%) or the first step of the new salary range, whichever is higher, but no case more than the top step of the new salary range. Said higher pay shall be received by the employee for the remaining duration of the acting appointment.

A person appointed in an acting capacity shall be eligible to receive merit increases in his/her regular position during the acting appointment but shall not be entitled to merit increases in the position which is held in an acting capacity.

5. SALARY UPON PROMOTION

An employee who is appointed to a position in a classification allocated to a higher salary range than the employee's present classification shall receive at least five (5%) or the first step of the new salary range, whichever is higher, but in no case more than the top step of the new salary range, unless the City Manager grants specific approval in writing. Payment in such new salary range shall commence at the beginning of the pay period in which the appointment becomes effective.

6. SALARY UPON TRANSFER

An employee who is transferred from one position to another in the same classification, or to another position in a classification having the same salary range, shall be compensated at the same step in the salary range as previously received.

7. SALARY UPON RECLASSIFICATION

(a) UPWARD RECLASSIFICATION

An employee whose position is reclassified to a job classification with a higher salary range, and who meets the qualifications and requirements for the new classification, shall be compensated at the closest step within the new salary range that will provide a minimum increase of five percent (5%). A new probationary period is not required and the performance review date shall not change.

(b) DOWNWARD RECLASSIFICATION

An employee whose position is reclassified to a job classification with a lower salary range shall:

- i. Retain his/her current salary if the current salary is the same as a step within the salary range of the new classification;

- ii. Be placed at the closest step within the salary range of the new classification that approximates the current salary if the current salary is between steps with the new salary range; or
- iii. Be assigned a Y-rate designation to hold the employee at the current salary rate, without increases, until such time as the salary range for the new classification is the same or exceeds the amount of the Y rating. A Y rating requires approval of the City Manager.

8. SALARY UPON DEMOTION

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 reduced to a step in the salary range for the classification to which the employee has been demoted. The Department Director, with the approval of the City Manager, shall determine the step within the range in which the demoted employee will be placed. An employee demoted pursuant to a lay-off shall be compensated at the nearest lower monthly salary rate in the salary range for the classification to which he/she has been demoted to the demoted employee's salary rate prior to layoff.

9. MERIT SALARY INCREASES

(a) ELIGIBILITY FOR MERIT INCREASE

Merit increases are based solely upon job performance; they are not automatic; and there is no annual entitlement to them. Employees are eligible for a merit increase each year based upon the evaluation of their performance. Only regular appointees are eligible for merit increases, and no employees will receive an advancement that exceeds the maximum rate established for their classification. In order to receive a merit increase, employees must receive at least a rating of "Meets Expectation" or above. Any such increase will be applied retroactively to the employee's most recent salary anniversary date.

(b) POSTPONEMENT OF A MERIT INCREASE

Rather than recommend a merit increase at the time of the performance evaluation, the Department Director, in his/her sole discretion, may opt to postpone the decision pending further review of the employee's job performance for a period not to exceed six (6) months. The Department Director shall include the reasons for the postponement in any such recommendation. If, during or at the conclusion of the period of postponement the Department Director recommends a merit increase, the increase will take effect in the pay period that immediately follows the pay period in which the recommendation is made.

(c) MERIT INCREASES FOR EXCEPTIONAL CIRCUMSTANCES

Upon written recommendations of a Department Director, the City Manager may, in his/her sole discretion, authorize a merit increase outside of a regularly-scheduled performance evaluation. An

increase for exceptional performance shall not exceed the top step in the employee's current salary range.

10. OVERTIME COMPENSATION

(a) OVERTIME COMPENSATION

As a matter of general policy, the City does not permit employees to work overtime unless there are exceptional circumstances. The City generally will provide adequate staff to handle normal operations as needed.

Exempt employees may be required, and are expected, to perform, overtime work as necessary. Exempt employees accrue 40 hours of Admin Time Off annually as a benefit for these extra hours worked. This does not mean that a department head can or should abuse an Exempt employee by having them work extra hours in lieu of a Non-Exempt employee.

All overtime work must have the approval of the appropriate Supervisor prior to actual performance of the work. Failure to obtain such approval in advance shall be justification for discipline, up to and including termination. The employee will be paid for all overtime hours worked regardless of disciplinary actions.

All non-exempt employees shall be compensated at one and one-half times their regular hourly rate for overtime hours either as paid overtime or compensatory time off (CTO). Employees will be compensated for time over forty (40) hours at time and one-half even when the basic forty (40) hours includes holiday time, vacation time, sick time and jury duty time during which the employee has not actually worked.

Overtime hours worked include but are not limited to: responding to City business using personal or City provided cell phones, desk phones, tablets, laptops, desktop computers and iPads for conducting City business. Employees regular time off spent volunteering for City events and/or responding to city e-mail is also considered time worked and subject to the overtime compensation rules. Meal periods are not included as work time.

The City does not permit an employee, supervisor, manager or department head to “flex” the employee’s work week.

The employee has the option of either receiving paid overtime or CTO at his or her election. No more than eighty (80) hours of CTO may be accrued per fiscal year.

(b) COMPENSATORY TIME-OFF

Employees may opt to accrue compensatory Time-Off (“CTO”) in lieu of cash payment for overtime worked if the requirements of this rule have been met.

CTO shall accrue at the rate of one and one-half (1 ½) hours for each overtime hour worked in accordance with the requirements of the FLSA. No employee may accumulate CTO in excess of eighty (80) hours unless provided by a City Council approved Resolution. CTO will be

compensated in pay only after 80 hours of CTO have accumulated. Use of compensatory time-off earned shall be granted provided that: 1) its use does not unduly disrupt the operations of the City; and 2) the request is made to the employee's Department Director no later than five days prior to the time when the employee desires to use the leave. All accrued but unused CTO shall be paid upon separation from employment.

11. STANDBY PAY

Standby time is defined as any time an employee is assigned by management and when an employee is under such direction and control that he or she must respond to calls. Standby duty is defined as hours worked after the regular hours are completed and is not an extension or continuation of a regular shift.

The City agrees that all of the following Standby employees who physically respond to City locations to remedy problems will be paid from the time staff leaves home until he/she returns at current pay rate and for a minimum of two (2) hours for each incident requiring a round trip. Employee shall be able to respond within 30 minutes of notification to respond.

(a) Street Maintenance Workers

The City shall agree to establish a Standby Pay policy for Street Maintenance Workers and shall pay compensation in the amount of \$175.00 for the week long Standby assignment plus \$20.00 if a holiday falls within the 7-day timeframe.

12. ERRORS IN COMPENSATION

Each employee shall review each of his or her paychecks to ensure the employee was paid correctly. If the employee believes an error or irregularity has occurred in the payment of his/her wages, the employee must immediately call it to the attention of his/her supervisor, who shall in turn notify the Finance Department of the potential error or irregularity. The Finance Department shall then review the potential error or irregularity and address any pay discrepancies.

SECTION: 6 - GENERAL EMPLOYMENT MATTERS

1. HOURS OF WORK

Daily hours of work (or shifts) for employees within departments shall be assigned by the Department Director as required to meet the City's operational requirements. The Department Director may, at his/her sole discretion, change an employee's work period, week, or hours at any time to meet the requirements of the City.

Any foreseeable absence or deviation from regular working hours desired by an employee shall be cleared in advance through the employee's supervisor, and such absences shall be noted on the employee's time sheet.

With the approval of the Department Director, an employee may be assigned to flexible work schedule totaling forty (40) hours within a one-week period as long as the needs of the public and the City are being met. The start and stop of the workweek for employees on a flexible work schedule will be designated at the time the flexible work schedule is assigned to the employee.

2. MEALS AND BREAK PERIODS

These procedures do not apply to “exempt” employees. Human Resources will determine what positions are exempt.

California law does not require employers to ensure meal breaks are taken, but rather requires employers to provide employees the opportunity to take them.

(a) REST PERIODS

Employees are entitled to a rest period (break) if they work over three and a half hours in a day. These breaks must be given in the middle of each four-hour work period as is practicable, and must be at least 10 minutes in length and no more than 15 minutes in length. Employees are to remain on City Hall Campus during such breaks.

(b) MEAL BREAK AFTER FIVE (5) HOURS

All employees must receive a 30 minute meal break if they work in excess of five hours during a work day. During this time, the employee must be relieved of all duties. Working lunches are not permitted. While the law provides for a 30 minute lunch break, it is the City’s policy that lunch breaks are 60 minutes in length. With the concurrence of the employee’s supervisor, the 60 minute lunch hour may be reduced to 30 minutes; however, the lunch break may not be less than 30 minutes.

If the work day is less than six hours, the employee can agree to waive the time period in writing with Supervisor approval.

(c) NURSING MOTHERS

The City will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for her infant child. The City shall make reasonable efforts to provide the employee with the use of a room or other location, other than a toilet stall, in close proximity to the employee's work area, for the employee to express milk in private.

3. TIMEKEEPING

All employees must sign and accurately record all hours worked and any leave taken on their timesheets. Employees must submit their timesheets on a bi-weekly basis to their supervisor. Employees must immediately report any errors on a timesheet that has already been submitted to their supervisor.

4. ATTENDANCE

Employees are expected to report to work as scheduled, on time, and prepared to start work. Unauthorized tardiness and absences cause disruptions in coverage of work assignments and City operations. Employees are also expected to remain at work for their entire scheduled shift, except when required to leave on authorized City business or some other authorized leave. All departments shall keep daily attendance records on employees, which shall be reported to the Finance Department on the employee's timesheet.

Employees who anticipate an absence from all or portion of their regular work schedule and wish to request a form of accrued leave time or unpaid leave time should follow the procedures provided in these Rules for the particular type of leave that they are requesting.

Employees who are unexpectedly unable to report to work as scheduled on any particular day must call their immediate supervisor no later than their scheduled start time, or as otherwise required by the Department. If the employee's immediate supervisor is not available, then the employee must notify the Department Director or his/her designee. Employees must inform their supervisor of the expected duration of any late arrival or absence. Employees who call later than their scheduled start time for their assigned shift will be deemed to have an unauthorized tardy or absence in violation of this attendance policy. Abuse or misrepresentation of any form of accrued or unpaid leave time will be grounds for discipline, up to and including termination.

Failure on the part of an employee who is absent without notification or authorization to return to duty within twenty-four (24) hours after a notice to return to duty has been delivered to their last known telephone number/or address will constitute disciplinary action up to and including termination. If, within 10 days of said notice, the employee can show good cause for the failure to return to duty, the Human Resources Manager, in his/her sole discretion may, after consultation with the Department Director, reverse any disciplinary action.

5. EMPLOYEE PERFORMANCE EVALUATION

A report of performance of each employee shall be made by respective Department Directors or their designees after completion of a probationary period and annually thereafter. Unless changed in accordance with these Rules and Regulations, these evaluation dates shall constitute the employee's salary evaluation date for purposes of eligibility for a merit salary increase; provided, however, the employee shall continue to receive performance evaluations on said date even after the employee has reached the top of the applicable salary range. In addition, a performance evaluation may be prepared at any other time at the discretion of the employee's supervisor.

Each performance evaluation shall be discussed with the employee. The performance evaluation will address areas of successful performance and areas that need improvement. The employee will have the opportunity to comment regarding work performance, either in a written statement attached to the report or orally. The employee shall sign the performance report to acknowledge that the employee is aware of its contents and has discussed the report with the evaluator. The employee's signature does not necessarily indicate agreement with the contents of the report. In the event that an employee refuses to sign the evaluation following his/her review of the evaluation, such refusal will be so noted by the evaluator on the evaluation form.

The employee will receive a copy of the performance evaluation, and the original, along with any written comments submitted by the employee, will be in the employee's personnel file.

6. POLICY AGAINST HARASSMENT AND RETALIATION

The City is strongly committed to prohibiting: 1) harassment as defined below; and 2) retaliation against those who report or oppose harassment. This policy applies to and protects applicants for City employment; part-time, full-time and temporary employees; elected City Officials; City officers; and those who work or have worked on City contracts.

(a) PROHIBITION AGAINST HARASSMENT

It is the policy of the City to prohibit any form of harassment, as defined below. To that end, the City provides a Complaint Procedure in Rule VI.F. that applicants, officials, officers, employees or contractors can use to report potential violations. Disciplinary action, up to and including termination, will be taken against an employee, officer or official who is found to have engaged in harassment in violation of this policy. Any elected official or contractor who has been found to have engaged in harassment in violation of this policy will be subject to appropriate sanctions.

(b) PROHIBITION AGAINST RETALIATION

In order to deter harassment and to support the integrity of the Complaint Procedure in Rule VI.F., the City also prohibits retaliation. Any employee found to have retaliated against an applicant, elected official, officer, employee, or contractor because of a complaint of harassment or because of participation in the Complaint Procedure, shall be subject to appropriate disciplinary action or sanction, up to and including termination. Any elected official or contractor who has been found to have retaliated against an applicant, elected official, officer, employee or contractor in violation of this policy will be subject to appropriate sanctions, up to and including termination.

(c) APPLICABILITY

- i. **Protected Classifications:** This policy prohibits harassment because of an individual's protected classification. "Protected classification" includes sex, race, color, national origin or ancestry, religion, disability, medical conditions, marital status, age, sexual orientation or genetic information.
- ii. **Policy Coverage:** This policy prohibits City officials, officers, employees, or contractors from harassing applicants, officers, officials, employees, or contractors because: 1) of an individual's protected classification; 2) of the perception that an individual has a protected classification; or 3) the individual associates with a person who has nor is perceived to have a protected classification.

(d) DEFINITIONS

Harassment: Depending upon the circumstances, a single act of harassment, as defined below, can violate this policy:

- Verbal Harassment – includes epithets, jokes, comments or slurs that identify a person on the basis of his or her protected classification, intimate or other nicknames, and comments on appearance – including dress or physical features – or stories that tend to disparage those with a protected classification.
- Visual Forms of Harassment – includes gestures, posters, notices, bulletins, cartoons, photography, or drawings that tend to disparage those with a protected classification.
- Physical Harassment – includes the following conduct taken because of an individual’s protected classification: assault, impeding or blocking movement, physically interfering with normal work or movement, pinching, grabbing, patting, propositioning, leering, making express or implied job threats or promises in return for submission of physical acts, mimicking, stalking, or taunting.
- Sexual Harassment – includes unwelcome sexual advances, request for sexual favors, or other verbal or physical conduct of a sexual nature that are an express or implied condition of continued employment or other term and condition of employment; also includes pregnancy-based Harassment.

Guidelines for Identifying Harassment: To help clarify what constitutes harassment in violation of this policy, use the following guidelines:

- Harassment includes any conduct which would be “unwelcome” to a reasonable person of the recipient’s same protected classification and which is taken because of the recipient’s protected classification.
- It is no defense that the recipient appears to have voluntarily “consented” to the conduct at issue. A recipient may not protest for many legitimate reasons, including the need to avoid being insubordinate or to avoid being ostracized.
- Simply because no one has complained about a joke, gesture, picture, physical contact, or comment does not mean that the conduct is welcome. Harassment can evolve over time. Small, isolated incidents might be tolerated up to a point. The fact that no one is complaining now does not preclude anyone from complaining if the conduct is repeated in the future.
- Even visual, verbal, and/or physical conduct between two employees who appear to welcome it can constitute harassment of a third applicant, officer, official, employee or contractor who observes the conduct or learns about the conduct later.
- Conduct can constitute harassment in violation of this policy even if the individual engaging in the conduct has no intention to harass. The City recognizes that it is legitimate for those in protected classifications to have heightened sensitivities to

harassment as a result of their life experiences. Even well-intentioned conduct can violate this policy if the conduct is directed at, or implicates a protected classification, and if an individual of the recipient's same protected classification would find it offensive (e.g., gifts, over attention, endearing nicknames).

- A single act can violate this policy and provide grounds for discipline or other appropriate sanctions. Therefore, if you are in doubt as to whether any particular conduct may violate this policy, do not engage in the conduct, and seek guidance from a supervisor.
- Retaliation: Any adverse conduct taken because an applicant, employee or contractor has reported harassment, or has participated in the Complaint Procedure described below, is prohibited. "Adverse conduct" includes: taking sides because an individual has reported harassment, spreading rumors about a complaint, shunning and avoiding an individual who reports harassment. The following individuals are protected from retaliation: those who make good faith reports that harassment occurred, those who are accused of harassment, and those who associate with an individual who is involved in reporting harassment or participating in a harassment complaint procedure.

7. COMPLAINT PROCEDURE FOR DISCRIMINATION, HARASSMENT, AND RETALIATION

An applicant, employee, officer, official, contractor or someone who witnesses harassment, who feels he or she has been discriminated against, harassed, or retaliated against in violation of these Rules should report the conduct immediately and according to the following procedure so that the complaint can be resolved quickly and fairly.

(a) COMPLAINT PROCEDURE

- i. Reporting to the Offending Individual: The City strongly encourages any individual who feels that he or she has been subjected to conduct in violation of this policy to let the offending person know immediately and firmly that the conduct at issue is unwelcome, offensive, in poor taste, and/or inappropriate and must stop. However, this is not a requirement.
- ii. Reporting to Management: If an individual who has been subjected to conduct in violation of this policy prefers not to confront the offending person, he or she need not do so. Instead, the City strongly encourages that individual to immediately report the conduct to any supervisor, Department Director, the City Manager, or to the Human Resources Manager. The individual should provide all details of the incident or incidents, names of individuals involved, and the names of any witnesses. This report can be made orally or in writing.
- iii. Interim Relief: Any official, officer, supervisor or management employee who receives a complaint or learns of a potential violation of this policy must promptly

report the information to the Human Resources Manager, or another in the chain of command, and if necessary, take action to diffuse volatile circumstances.

- iv. Investigation: The City Manager or his/her designee will immediately undertake an effective, discrete, thorough and objective investigation of the allegations at issue. All complaints will be investigated to the extent that the City deems appropriate. The investigation will normally include interviews with the reporting individual, the accused, and any other person who is believed to have relevant knowledge concerning the allegations. The investigator will remind all witnesses to maintain the confidentiality of the content of the interview, and that retaliation against those who report alleged conduct who participate in the complaint procedure is prohibited.
- v. Investigation into Unreported Potential Violations: The City takes a proactive approach to the problem of discriminatory, harassing, or retaliatory conduct and will conduct an investigation if its officers, officials, supervisors, or managers become aware that harassment may be occurring, regardless of whether the recipient or third party reports a potential violation.
- vi. Remedial and Disciplinary Action: If the investigation concludes that conduct in violation of this policy has occurred, the City will notify the offended and offending parties of the general conclusion(s) of the investigation and will take effective remedial action that is designed to end the violation(s). Any employee or officer determined to be responsible for violating this policy will be subject to appropriate disciplinary actions, up to and including termination. Disciplinary action may also be taken against any official, supervisor or manager who condones or ignores potential violations of this policy or otherwise fails to take appropriate action to enforce this policy. Any official or contractor found to be responsible for violating this policy will be subject to appropriate sanctions.

Option to Report to Outside Administrative Agencies: Applicants, employees, officers, official and contractors have the option to report discrimination, harassment or retaliation to the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH). These government agencies offer legal remedies and a complaint process. The nearest DFEH and EEOC offices are listed in the government section of the telephone book or employees can check the equal employment opportunity posters that are located on City bulletin boards for office locations and telephone numbers.

(b) CONFIDENTIALITY

- i. The City recognizes that confidentiality is important to all parties involved in an investigation under this rule. Complete confidentiality cannot occur, however, due to the need to fully investigate and the duty to take effective remedial action. As a result, confidentiality will be maintained to the extent possible.

- ii. An individual who is interviewed during the course of an investigation is prohibited from discussing the substance of the interview, except as otherwise directed by the supervisor or the Human Resources Manager, or as required by law. Any individual who discusses the content of an investigation interview with an unauthorized person, except as required by law, will be subject to discipline.
- iii. The City will not disclose a completed investigation report except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or a court order.

8. REASONABLE ACCOMMODATION POLICY

(a) POLICY

The City will comply with any legal obligation to reasonably accommodate any known protected disability of an employee or applicant.

(b) PROCEDURE

An employee or applicant who desires a reasonable accommodation should make such a request in writing to the Human Resources Manager. The request must identify 1) the job-related functions that need accommodation; and 2) the desired reasonable accommodation.

- i. Following receipt of the request, the Human Resources Manager will respond to the individual and meet with the individual. Before doing so, the Human Resources Manager may first require the individual to undergo a fitness for duty examination to determine whether the individual can perform the essential functions of the job with or without accommodation. The Human Resources Manager may also require that a City-approved physician conduct the examination. Whether a reasonable accommodation can be made and what reasonable accommodation will be provided shall be determined by the Human Resources Manager after engaging in an interactive dialogue with the employee and in consultation with the appropriate Department Director, on a case-by-case basis.

An employee or applicant who believes he or she has been denied a reasonable accommodation may file a complaint with the City Manager or appropriate legal authority for consideration. The City Manager's determination will be final with respect to the City.

9. FITNESS-FOR-DUTY EXAMINATIONS

When an employee is having difficulty performing one or more of his/her essential job functions or for other good cause that is job related and consistent with business necessity, the Human

Resources Manager or the Department Director, with the express approval of the City Manager, may require the employee to undergo a fitness-for-duty examination to determine whether the employee can perform the essential functions of the job, with or without accommodation. The Human Resources Manager may require that a City-approved physician conduct the examination. The City will pay for fitness for duty examinations it initiates under this Rule.

The employee shall be provided with a written statement as to the reason for the fitness-for-duty examination, including specific examples of difficulty performing essential job functions. Fitness-for-duty examinations shall be conducted while the employee is on paid status.

10. POLICY AGAINST DRUG AND ALCOHOL ABUSE

The City, its employees and their representatives, and prospective employees have a vital interest in maintaining safe, healthful, and efficient working conditions. Being under the influence of drugs or alcohol while on the job may pose serious safety and health risks not only to the user, but to co-workers and the public. The unauthorized possession or use of alcohol while on duty, or the possession, use, or sale, or other exchange of an illegal drug, poses unacceptable risks for safe, healthful, and efficient operations, and is prohibited. Additionally, you should notify your employer if you are taking any medication, prescription or non-prescription, which may impair your ability to perform your essential job duties.

(a) APPLICATION

- i. Employees. This policy applies to all employees or applicants for a position with City, unless otherwise expressly indicated in this policy or in writing by the City Manager.
- ii. Alcohol. This policy applies to the use of alcoholic beverages or substances, including any medication or food containing alcohol, such the blood alcohol concentration of 0.020 or higher - the level prohibited by the United States Department of Transportation guidelines, a or as otherwise noted in this Policy. Alcohol is defined as the intoxicating agent in beverage alcohol, or other low molecular weight alcohols, including methyl or isopropyl alcohol.
- iii. Drugs or Controlled Substances. This policy applies to any substance which, in the opinion of competent medical professionals, causes or may cause significant impairment of job performance or which causes or may cause behavior that is a threat to the safety of the affected employee or others and includes all substances listed in any federal, state or local controlled substance acts or regulations, including, but not limited to, illegal marijuana use, amphetamines, opiates, phencyclidine (PCP) and cocaine.
- iv. Drugs or Controlled Substances. This policy applies to any substance which, in the opinion of competent medical professional, causes or may cause significant impairment of job performance or which causes or may cause behavior that is a threat to the safety of the affected employee or others and includes all substances

listed in any federal, state or local controlled substance acts or regulations, including, but not limited to, illegal marijuana use, amphetamines, opiates, phencyclidine (PCP) and cocaine.

(b) PROHIBITIONS

All employees are prohibited from:

- i. Reporting to work or performing any job duties while their ability to perform job duties is impaired due to on or off-duty alcohol or drug use;
- ii. Possessing, manufacturing, or using alcohol or impairing drugs, including illegal drugs and prescription drugs without a prescription, during working hours, on breaks, during meal periods or at any time while on City property;
- iii. Directly or through a third party, selling, manufacturing, or providing drugs or alcohol to any person, including any employee, while either or both employees are on duty, or on City property;
- iv. Failing to notify his/her supervisor, before beginning work, when taking any medications or drugs, prescription or non-prescription, which may interfere with the safe and effective performance of duties or operation of City equipment;
- v. Failing to provide, within 24 hours of request, bona fide verification of a current valid prescription for any potentially impairing drugs or medication identified when a drug screen-test is positive. The prescription must be in the employee's name;
- vi. Refusing to immediately submit to any aspect of an alcohol, drug, or controlled substance test required by this Policy, or any tampering, obstruction of or interference with testing procedures;
- vii. Consuming alcohol, drugs, or controlled substances during the eight hours immediately following an accident in which the employee was involved, or until the employee undergoes a post-accident alcohol or drug test, whatever comes first;
- viii. Refusing to notify the City of any criminal drug statute conviction, in accordance with the Drug-Free Workplace Act of 1988, of a violation that occurred in the workplace no later than five days after such conviction.

(c) ALCOHOL AND DRUG TESTING

In carrying out and enforcing this policy, the City may require the following types of testing:

- i. Pre-employment Testing. Following an offer of employment, the City will require all applicants to a test for illegal drug use as a condition of employment. Any, who receives a verified positive result, will be disqualified from City employment.

- ii. Employees taking over-the-counter or prescription medication must inform their supervisor or Department Director if they believe they will be impaired or need a reasonable accommodation because of their use of this medication.
- iii. Reasonable Suspicion Testing. If a manager or supervisor reasonably suspects that an employee is under the influence of alcohol, drugs, or controlled substances while performing job duties or operating City equipment, the manager or supervisor must immediately notify the Human Resources Manager, or if the Human Resources Manager is not available, a Department Director. The Human Resources Manager or Department Director will meet with the employee and ask if he/she has a medical condition or disability that would cause him/her to exhibit the characteristics leading to a suspicion of drug or alcohol use. If the employee answers affirmatively, the City should discuss certain accommodations that might aide the employee in job performance. If the employee indicates he/she does not have a disability or medical condition causing him/her to exhibit the relevant characteristics of alcohol or drug use, the employee may be required to submit to an alcohol and/or drug test. An employee's refusal to submit to such a test is cause for discipline, up to and including termination.

“Reasonable Suspicion” is a belief based on objective facts sufficient to lead a reasonably prudent supervisor to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform the essential functions of the job is impaired, including a reduction in the employee's ability to perform his/her job safely.

- iv. Indicators which may lead to a reasonable suspicion that an employee is under the influence of alcohol, drugs, or controlled substances include, but are not limited to, direct observation of the following:
 - Slurred speech;
 - Glassy or bloodshot eyes;
 - Odor of alcohol;
 - Unsteady walking and movement;
 - A near accident or other safety violation;
 - Physical or verbal altercation;
 - Possession of alcohol, drugs, controlled substances, or drug paraphernalia;
 - Sleeping on the job;
 - Pattern of abnormal or erratic behavior;

- Information either provided by reliable and credible sources or independently corroborated;
 - Conviction for a drug-related offense;
 - Tampering with a previous drug test;
- v. Post-Accident Testing: Unless the City determines that the employee's performance was not a contributing factor, any employee involved in a reportable accident may be subject to an alcohol test within two (2) hours following the accident, and to a drug test within 32 hours following the accident. Not only may the operator of any involved vehicle be tested, but so may any other employee whose performance may have contributed to the accident, such as the employee who maintains the vehicle or worksite where the accident occurred.
- vi. An accident is considered reportable if it occurs while in a City vehicle, on City property, or when performing any City-related business and involves any of the following: 1) a fatality; 2) a shooting or other serious incident; 3) damage to City property; or 4) the issuance of a citation by law enforcement to the employee for a moving traffic violation arising from the accident which resulted in either bodily injury demanding immediate medical treatment away from the scene of the accident or vehicular damage so that the vehicle must be towed away from the scene of the accident, even after simple repairs on the scene.
- vii. Return-to-Duty Testing: An employee who has violated this Policy may be subject to a return-to-duty test and to twelve unannounced drug/alcohol tests during the first twelve months back to work. The results must indicate blood alcohol concentration of less than .02, or in cases of a drug test, must indicate a verified negative result. This testing is separate from any random testing obligation.

(d) TESTING PROCEDURES

- i. Testing Administrators. The drug and alcohol testing of applicants or employees shall be performed only at laboratory and by a physician or health care professional qualified and authorized to administer and determine the meaning of any test results under Department of Transportation guidelines.
- ii. Testing Procedures. The procedures regarding alcohol and drug testing, including analytical urine controlled substance testing and breath testing for alcohol, will be those set out under Department of Transportation guidelines, specifically 49 CFR Part 40.1, et.seq.

(e) CONSEQUENCES OF FAILING AN ALCOHOL AND/OR DRUG TEST

Employees with positive drug or alcohol test results will be removed from their duties or positions for a period of time to be determined by the Human Resources Manager. Employees who are

removed from their position under this policy will not be paid during removal times. The City, in its discretion, may offer alternatives, such as alcohol dependency treatment and/or last chance agreement.

(f) CONFIDENTIALITY

The City is obligated to maintain records of the administration, including violations, of this Policy for a period of five (5) years. However, laboratory reports and test results shall not appear in an employee's general personnel file. Information of this nature will be contained in a separate confidential medical folder that will be kept securely under the control of the Human Resources Manager.

The reports or test results may be disclosed to City management on a strictly need-to-know basis and to the tested employee, upon request. Disclosures without employee consent may also occur when the information:

- i. Is compelled by law or by judicial or administrative process;
- ii. Has been placed at issue in a formal dispute between the employer and employee;
- iii. Is to be used in administering an employee benefit plan;
Is needed by medical personnel for the diagnosis or treatment of the patient who is unable to authorize disclosure.

(g) VIOLATIONS OF POLICY

- i. Removal from worksite. Employees reasonably believed to be under the influence of alcohol, drugs, or controlled substances shall be immediately prevented from engaging in further work and shall be detained for a reasonable time until they can be safely transported from the work site.
- ii. Discipline. All applicants and employees covered by this policy should be aware that violations of this policy may result in discipline, up to and including termination, or for applicants, not being hired. Discipline may be imposed regardless of whether or not an employee is charged with and/or convicted of any crime related to any violation of this Policy. Any violation of this Drug and Alcohol Policy that may constitute criminal conduct or violation of the Department of Transportation regulations may be reported to the appropriate law enforcement agencies and/or subject the employee to civil penalties.

11. SMOKING

The purpose of this Policy is compliance with Assembly Bill 13, State Labor Code 6404.5 which prohibits smoking in enclosed places of employment.

This policy applies to all full-time and hourly/part-time City employees, officials, contractors and volunteers.

The City is committed to providing a healthful and safe working environment for employees. To maintain this commitment, smoking is NOT permitted inside or within 40 feet of any building entrance, City public area, office, or building. Smoking is also prohibited in all City vehicles.

All City employees and visitors are required to comply with this policy. Employees are responsible to inform visitors of this policy. Signs are posted to designate that City facilities are “Non-Smoking” and/or “Smoke Free Environment”. Signs are posted to designate permissible “Smoking Areas” outside of City facilities.

(a) DEFINITION OF TERMS

- “*Smoking*” includes smoking cigarettes, pipes, cigars, all tobacco products, and plants of any kind.
- “*Non-Smoking Areas*” are defined as all areas located within 40 feet of any building entrance or an enclosed City facility, including but not limited to City Hall, Council Chambers, Hallways, Restrooms, City owned buildings and all City Vehicles.
- “*Smoking Areas*” are defined as areas located outside of the enclosed City facilities. Signs are posted to designate these areas.

12. SAFETY AND HEALTH

(a) GENERAL POLICY

It is the objective of the City to ensure a safe and healthful workplace for its employees. In keeping with this goal, the City has established an Injury and Illness Prevention (IIP) program to explain its safety policies and procedures, a copy of which is available in the Human Resources Department.

(b) EMPLOYEE DUTIES IN EVENT OF EMERGENCY

In the event of a local, regional, state, or national emergency, all employees shall be required to report for work in accordance with their department’s emergency preparedness plans. Assigned duties may vary from normal duties. In such an emergency, provisions of these Rules may be expressly waived by action of the city Manager.

13. OFF-DUTY CONDUCT

(a) GENERAL CONSIDERATIONS

Full-time employees are expected to devote full time to assigned duties as a City employee. An employee shall not engage in any employment, activity or enterprise which is inconsistent, incompatible or in conflict with City job duties, functions or responsibilities, nor shall an employee engage in any outside activity which will directly or indirectly contribute to the lessening of effectiveness as a City employee. No employee shall engage in any type of activity relation to an

employee organization during such time an employee is on duty, except as expressly provided in these Rules, or by law.

(b) OUTSIDE EMPLOYMENT

i. Purpose -

To set forth guidelines to ensure that employees are not involved in any outside employment or activity that will affect the quality or quantity of their work at the City, create a conflict of interest, or create an appearance of impropriety.

ii. Applicability -

This Policy applies to all full-time City employees.

iii. Policy -

A City employee shall not engage in any employment, enterprise, or outside activity which is in conflict with the duties, functions, responsibilities, or the department by which the employee serves, nor shall the employee engage in any compensatory outside activity which will directly, or indirectly, contribute to the lessening of the employee's effectiveness.

The employee's position with the City is of priority consideration in making a determination as to the consistency or inconsistency of outside activities. The Department Director shall consider, among other pertinent factors whether, the activity involves:

iv. Procedure -

A "Request for Authorization to Engage in Outside Employment Form" must be completed and submitted to the Department Director through the proper chain of command prior to commencing outside employment.

The Department Director shall notify the City employee in writing of the final decision within five (5) working days after receiving a request for such approval from the City employee, including the justification for disapproval. The form shall require such information as is needed by the Department Director to make a determination pursuant with this section. The Department Director may make any restrictions on outside employment consistent with the operation of the department.

A copy of the "Request for Authorization to Engage in Outside Employment Form" shall be forwarded to the Human Resources Department to be filed in the employee's personnel file.

- *An employee who is denied an opportunity for outside employment may file a request for review in writing within five (5) working days to the Human Resources Manager or designee.*
- *Upon notification of the request for review, the Human Resources Manager or designee shall meet with the employee, the employee's supervisor and/or Department as necessary or review of the documentation.*

- *The Human Resources Manager or designee shall make the final determination to approve or disapprove the request for outside employment within five (5) working days.*

Outside employment shall cease when, in the opinion of the Department Director, the outside work is interfering with performance of the employee's City job, or if the employment appears to generate a conflict of interest.

Any violation of the provisions herein contained respecting outside employment or activity and use of property shall constitute sufficient grounds for disciplinary action, up to and including termination of employment.

v. **PROHIBITED OFF-DUTY CONDUCT**

Employees may not engage in any employment or activities that create a conflict of interest, is unethical, or otherwise interferes with their city employment. In making a determination as to whether an activity creates a conflict or ethical questions, the appointing authority shall consider, among other pertinent factors, whether the activity involves:

- Receipt or acceptance by the employee of any money or other consideration from anyone other than the City for the performance of an act that the employee would be required to expected to render in the regular course of city employment.
- The performance of an act or work which may later be directly or indirectly subject to the control, inspection, review, audit or enforcement by such employee or other City employees.
- Conditions or factors which might, directly or indirectly, lessen the efficiency of the employee in regular city employment or conditions in which there is a substantial danger of injury or illness to the employee;
- The use for private gain or advantage of City time, facilities, equipment and supplies, prestige, influence, or information obtained through one's city office or employment. No city-owned facilities, equipment or supplies, including autos, trucks, instruments, tools, supplies, machines, badges, identification cards or other items which are the property of the City shall be used by an employee for personal or non-City business reasons except upon approval of the City Manager.
- The solicitation of future employment with a firm or individual doing business with the City over which the employee has some control or influence in the course of performing official duties.

14. CELL PHONE USE

The City of Menifee entrusts employees with communications equipment to enhance productivity and safety. It is the employee's responsibility to use the equipment prudently to ensure the safety of themselves, their co-workers and the general public.

Cell phones provided by the city are the property of the City and are to be used to conduct business.

Employee's responsibilities for use of City-owned cell phone include:

- Protecting the City-owned cell phone from theft, loss or damage.
- Immediately reporting loss or theft to supervisor or department director.
- As cell phone calls are not secure, using discretion while making sensitive or confidential calls.
- Immediately returning the cell phone to supervisor or department head if it is determined that the phone is no longer necessary, or upon leaving City employment.

The City reserves the right to monitor the use of all City-owned cell phones. Cell phone use in violation of any local, state, or federal law is prohibited. Cell phone use in violation of department work policies or for the purpose of personal financial gain is prohibited.

Upon resignation or termination of employment or at any time upon request, the employee may be asked to produce the cell phone for return or inspection. Employees unable to present the phone in good working condition within the time period requested may be expected to bear the cost of replacement.

(a) PERSONAL USE OF CITY CELL PHONES

City-issued cell phones are issued for work-related activities. While it is understood that occasional personal calls of short duration may be necessary when no other immediate means of communication is available, personal calls, incoming and outgoing must be kept to a minimum and must be incidental to business use. Employees should use good judgment when making personal calls and should recognize that detailed phone call billing statements and records are subject to public records requests.

(b) DRIVING WITH CELL PHONES

Under no circumstances are employees allowed to place themselves or others at risk to fulfill business needs.

Employees whose job responsibilities include regular or occasional driving and who are issued a cell phone for business use are expected to refrain from using their phone while driving, except with the use of a hands-free device and in accordance with applicable laws. Every effort should

be made to pull to the side of the road to a safe location prior to answering or initiating cell phone calls. In situations where job responsibilities include regular driving and accepting of business calls the City will provide hands-free equipment. This rule also applies to use of privately-owned cell phones during business hours.

Employees whose job responsibilities do not specifically include driving as an essential function, but who are issued a cell phone for business use, are also expected to abide by the provisions above.

Employees who are charged with traffic violations resulting from the use of their cell phone while driving will be solely responsible for all liabilities that result from such actions.

15. WORKPLACE APPAREL AND GROOMING

This policy applies to all employees, regardless of classification, and is consistent with community standards. Individual departments may have more specific policies in place based on department needs.

The general public frequently forms its initial impression of professional credibility based on employee appearance. The appropriateness of apparel and personal grooming as seen by the general public has a bearing on how other agencies and departments view employee professionalism and, ultimately, on working relationships.

The City of Menifee is a professional organization. All employees will present a professional, clean and neat appearance in order to promote a positive image to customers.

This policy is intended to provide guidelines on apparel and appearance and is not meant to address all situations. There may be differences in some departments apparel guidelines depending on the nature of the work performed, involvement with the public, required uniforms, or other circumstances as defined by the Department Head.

The standards in this policy apply when an employee has officially reported to work.

An employee's religious beliefs or medical conditions, as defined by applicable law, that require deviation from the standards set forth herein, will be considered on an individual basis.

Employees may wear clothing in compliance with this policy, regardless of whether it seems gender-appropriate.

Each new employee will receive a copy of this policy during orientation. All employees will be required to sign an acknowledgement verifying that the policy has been read and understood. Existing employees will be allowed up to thirty (30) calendar days from the date of adoption of this policy to become compliant. On a case-by-case basis, in the event of a financial hardship, an employee should contact his or her Department Head to request an extension for compliance with this policy.

Supervisors are responsible for explaining and enforcing the Workplace Apparel and Grooming Policy. Employees who report to duty and are non-compliant with the policy may be sent home to change, without compensation for lost time. Failure to comply with, and repeated violations of this policy will be cause for disciplinary action, up to and including dismissal.

Consistent with this policy, exceptions can be made at the departmental level by the Department Head (or designee) due to the nature of the work, special events, and departmental clean up days.

Issues or disagreements arising out of the enforcement of this policy and departmental apparel and grooming policies shall be reviewed by the Human Resources Manager.

(a) CLOTHING

- i. Employees who wear uniforms are expected to be on time, dressed and ready for work in their departmentally assigned uniform. Uniforms are expected to be clean, pressed (not wrinkled,) and tucked inside pants or shorts. Additional standards may be communicated at the departmental level.
- ii. Employees who are not required to wear uniforms are expected to wear business casual clothing appropriate to the position held. Attire is expected to be clean, pressed (not wrinkled,) and properly fitting. Denim jeans are acceptable on casual Friday.
- iii. Acceptable attire for women includes dresses, skirts, Capri-style suits, or slacks / trousers worn with blouses, sweaters, and / or jackets. The length of dresses or skirts should be no shorter than two (2) inches above the knee when standing.
- iv. Acceptable attire for men includes suits, slacks / trousers worn with collared shirts, collared sport shirts, dress shirts, polo shirts, sweaters, and / or jackets. When deemed appropriate, neckties should be worn.
- v. Except as noted herein or approved by the Department Head (or designee), employees may not wear the following:
 - Overalls or coveralls (unless specified by job classification)
 - Shorts of any type (unless specified by job classification)
 - “Skorts,” dresses, or jumpsuits that look like shorts
 - Tee shirts or jerseys with graphics, including logos related to team sports, unless part of a City uniform

- Tee shirts, shirts, jerseys, blouses, tops, jackets, or hats that display political, vulgar or inappropriate messages either in writing or by use of symbols
- Gym attire or sweats, workout attire, or uncovered spandex pants or leggings
- Shirts or dresses with spaghetti straps, unless covered by a jacket, blouse, or other outer garment
- Shirts with cut-outs; or shirts or skirts that expose the stomach or midriff area
- Halter tops (top without over the shoulder strapping); tube type shirts; or see-through or fishnet tops
- Low-front or low-back attire
- Clothing that fits artificially low so that one's undergarments are visible
- Excessively tight or revealing clothing
- Oversized (baggy) garments
- Sunglasses are not to be worn inside City Hall. Medical conditions, as defined by applicable law, that require deviation from this standard will be considered on an individual basis

This list is an example only and may not include all items deemed inappropriate.

(b) MAINTENANCE AND FIELD PERSONNEL

- i. Maintenance and personnel working in the field are to present a neat, professional appearance at all times, ensuring that uniforms are complete. All clothing must be clean and not wrinkled at the start of each shift.
- ii. Employees wearing a City-issued uniform are responsible for returning stained, torn, or worn-out uniforms to their respective departments. Each department will keep an inventory list of items checked out to City staff. Upon return of these articles, departments will issue new uniforms to employees (unless otherwise specified by employee's department).
- iii. Employees shall wear only those hats which have been approved by their Department Head (or designee). Moreover, hats shall be worn appropriately, i.e. not backwards, sideways, etc. No pins may be attached to hats unless they have been approved by the Department Head (or designee).
- iv. Employees who are required by the employee's department to wear safety footwear shall be reimbursed for one pair of boots up to \$150.00 per fiscal year.

- a. The footwear must meet ASTM or other industry-approved standards appropriate for the employee's work assignment and classification, as determined by the Department Director and the Human Resources Manager.
- b. The Human Resources Manager shall determine the specific classifications and positions that are eligible for boot reimbursement. General categories of eligible employees include:
 - Code Enforcement Officers
 - Street Maintenance Workers
 - Landscape/Parks Maintenance Specialists

(c) FOOTWEAR AND ACCESSORIES

- i. All footwear is expected to be appropriate to the employee's position. Shoes are to be neat, clean, and in good repair. Heels should not be more than four inches high. Sandals of any material which are commonly referred to as "flip flops" or "thongs" are prohibited for all employees.
- ii. No bandanas or baseball caps are allowed except those issued by the City of Menifee or approved by the Department Head (or Designee).

(d) TATTOOS, SCARIFICATION, AND BRANDING

Except as noted or approved by a Department Head, the City requires that all tattoos, scarifications, or brandings be covered.

- i. Consideration may be given as follows:

In cases where it is not possible to completely cover existing tattoos, scarifications, or brandings.

During periods of very warm weather when it is too hot for field personnel to wear long sleeves for the purposes of covering up tattoos. Although the City would certainly prefer that all tattoos, scarifications, and brandings be covered, it is recognized that there may be times when safety-related considerations like an increased risk of heat exhaustion make full compliance impractical.

The following includes, but is not limited to, the types of tattoos, scarification, or brands that are prohibited by this policy. The City Manager reserves the right to insist that these must be covered at all times – without exception:

- Depictions of nudity or violence;
- Sexually explicit or vulgar art, works, phrases, or profane language;

- Symbols that might incite a strong reaction in the workplace, i.e. swastikas, pentagrams, or similar symbols; or
- Initials, acronyms, or numbers that represent criminal or historically oppressive organizations, e.g. “AB,” “KKK,” “SS,” “MM,” “BGF,” “HA,” “666”, or any street gang names, numbers, and / or symbols.

(e) PIERCINGS AND JEWELRY

- i. All facial piercing such as nose piercing, tongue piercing, eyebrow piercing, lip piercing, or any other facial piercing jewelry is prohibited, as these are distracting.
- ii. Plug earrings (earrings designed to stretch one’s earlobes by enlarging the piercing) are not permitted. Other earlobe piercing and earrings are acceptable.
- iii. All jewelry worn by employees must be appropriate so that it does not detract from a professional appearance.

(f) GROOMING AND PERSONAL HYGIENE

- i. Employees are expected to maintain appropriate and professional hairstyles. Beards, sideburns, and mustaches must be clean and neatly groomed. Hair must be properly restrained for its length and job assignment. Hair coloring should be within range of natural hair colors.
- ii. Personal hygiene is essential. Therefore, it is necessary that all employees maintain a clean, presentable appearance. Personal hygiene includes a regular bath or shower, use of deodorant, and appropriate oral hygiene.
- iii. Strong odors caused by perfumes, scented hair sprays, and aftershave lotions can be offensive and are to be used in moderation out of concern for the comfort of others.

(g) DEFINITIONS

- Branding – The act of intentional burning of the skin for the purpose of creating a design, form, or figure of art.
- Piercing - The act of creating a hole in any part of the body with jewelry inserted into the hole.
- Scarification – The act of intentional cutting of the skin for the purpose of creating a design, form, or figure of art.
- Tattoo – The act or practice of marking the skin with indelible designs, forms, figures, art, etc. by making punctures in the skin and inserting pigment.

16. WORKPLACE VIOLENCE

Workplace Violence Policy, methods for defusing hostile or potentially threatening situations, awareness of basic behavioral indicators that could lead to violent acts, communication procedures for reporting potentially violent situations or individuals, methods for assessing security in the workplace and awareness of Employee Assistance Programs.

Specific training may include: awareness of crime areas, awareness of specific higher risk work activities, personal safety, location and operation of alarm systems, communication procedures for securing assistance from emergency escape routes.

(a) RESPONSIBILITIES

Employees are responsible for notifying his or her immediate supervisor or manager or the Human Resources Department if that employee believes that he/she or someone else may be a potential victim of Workplace Violence. Reportable conduct shall include, but is not limited to, the following:

- Striking, punching, slapping or assaulting another person.
- Fighting or challenging another person to fight.
- Grabbing, pinching or touching another person in an unwanted way whether sexually or otherwise.
- Engaging in dangerous, threatening or unwanted horseplay.
- Possession, use, or threat of use, of a gun, knife or other weapon of any kind on City of Menifee property, including parking lots, other exterior premises, City of Menifee vehicles, or while engaged in activities for the City of Menifee in other locations, unless such possession or use is a requirement of the job.
- Threatening harm or any action or conduct that implies the threat of bodily harm.
- Threat or actual destruction of City of Menifee or individual's property, including acts of sabotage.
- Engaging in a pattern of unwanted or intrusive behavior against another (e.g., stalking, spying).

Human Resources is responsible for assisting in the prevention of violence in the workplace by providing advice and counsel to managers, supervisors, and employees when faced with real or potential threats or situations that have a potential for violence. Human Resources shall assist all City of Menifee department in implementing appropriate personnel practices that support and foster the zero-tolerance policy. Human Resources shall also assist, as appropriate, in the investigation of threats of violence and address related issues of legitimate concern to employee.

Managers and Supervisors shall be responsible for implementing and maintaining safe workplace practices, including this policy, and for communicating this policy to

subordinates. Managers and supervisors must take all reports of potential violence seriously, investigate promptly, and take appropriate actions to minimize and eliminate the potential for violence in the workplace.

(b) INVESTIGATION

Management must take any report of a potentially violent situation or potentially violent individual seriously, and conduct an immediate investigation to assess the potential for violence. Investigation shall include:

- Reviewing all previous incidents.
- Visiting the scene of an incident as soon as possible.
- Interviewing involved employees and witnesses.
- Examining the workplace for security risk factors associated with the incident, including any previous reports of inappropriate behavior by the perpetrator.
- Determine the cause of the incident.
- Taking corrective action to prevent similar incidents from occurring.
- Recording the findings (Attachment A) and ensuring corrective actions are taken.
- Obtain any records completed by law enforcement.

(c) EMERGENCY PROCEDURES

Emergencies are considered those situations where actual violence has occurred or the threat of violence, including the threat of bodily harm or destruction of property, is immediate and requires a police response.

Employees:

Ensure personal safety; do not take unnecessary risks in aiding others or confronting violence prone individual(s).

Call the Policy or 911 immediately

Managers and Supervisors:

Notify staff of immediate danger and to take precautionary measures such as: securing/locking entrances, re-routing office/worksites traffic and other steps which appear appropriate for the circumstances.

Immediately contact Management Team and Human Resources to coordinate actions and resources in response to incidents of Workplace Violence.

Maintain lines of communication on a need-to-know basis among staff to minimize misinformation, panic, and confusion.

Human Resources:

Consult with mental health/EAP resources as appropriate, regarding necessary notifications and the need for onsite mental health intervention. Consideration should be given to critical incident defusing and/or debriefing as indicated for the affected employee(s).

In coordination with the City of Menifee's media spokesperson, gather information as to what happened, who was involved, who may be affected and begin a process of determining what information may be shared immediately with involved and the affected employee(s) to reduce anxiety and misinformation.

Address issues of temporary reassignment, time off, or other appropriate accommodations with the affected workforce as recommended by mental health resources and as requested by the employee(s).

d. NON-EMERGENCY PROCEDURES

Employees

Shall inform immediate Supervisor, Manager, or Human Resources with details of incident(s) along with all information that can be used to address the issue immediately.

Supervisors

Immediately contact Department Manager and/or Director with details of incident.

Conduct a preliminary investigation and document all pertinent information, i.e. time, date, who, when, what transpired, etc. Submit a written report (Attachment A) to Department Manager and/or Director within 24 hours of reported incident with a file copy to Human Resources. All information is considered confidential.

Managers and/or Directors

Determine if incident/complain can be resolved at the departmental level, and, where appropriate, seek advice and assistance in the coordination of resources should additional follow up be necessary.

Prepare final report for submittal to Human Resources with specific recommendations on resolution of incident(s) and/or special arrangements made to monitor and report on the situation as circumstances require.

Human Resources

Advise and consult with Department Director on recommended actions relating to investigation, administrative leave, disciplinary processes, and post-incident counseling.

When appropriate, consult with the Police Department and City of Menifee Attorney's Office and other in seeking resolution of the matter. City of Menifee Attorney shall advise on recommended actions having to do with Restraining Orders, termination or other legal remedies in working toward resolution or monitoring of incident.

a. **CRITICAL POST-INCIDENT FOLLOW UP**

Short Term:

Contact each affected employee two days, one week, and then two weeks after the incident, whether or not the employee is on or off duty, inquire regarding his/her current status and need for mental health intervention, and to assess the need for work accommodation or work site adjustment.

Through mental health counselors, provide critical incident debriefing to affected and potentially affected employees within two days of the incident.

Offer an opportunity for follow-up critical incident debriefings for affected employees within one to two weeks of the incident.

Assign a liaison to provide emotional support to victims' families and to assist in City of Menifee matters.

Long Term:

Ensure that the progress of the most affected personnel is monitored.

Orient Managers and Supervisors to be sensitive to employees' grief reactions around anniversaries of the event, holidays and criminal justice/civil proceedings.

Consider the need for follow-up debriefing.

Consult with the appropriate mental health professionals regarding employees who continue to report difficulties in coping two weeks post incident.

Establish a liaison to assist victims and their families in obtaining the City of Menifee resources and benefits to which they are entitled.

Conduct a post event assessment of the department's response to the incident. Discuss any modifications to the procedures with appropriate City of Menifee staff and incorporate beneficial changes into the Post Critical Incident Plan.

SECTION: 7 - DISCIPLINARY ACTION

1. POLICY ON DISCIPLINE

No employee who holds a regular appointment shall be disciplined without cause. Probationary employees are at-will and are subject to termination without cause. For purposes of this Article, disciplinary action shall be defined to include one or more of the following: oral warnings, written reprimands, suspensions, demotions, reductions in pay and discharge. Oral and written reprimands may be initiated at the supervisor/division manager level. Disciplinary action more serious than a written reprimand must be initiated at the Department Director level.

2. NOTICE OF PROPOSED DISCIPLINE

Except in emergencies, or as authorized by law, suspensions, demotions, reductions in pay, or discharge, shall not be put in effect until the employee has received written notice advising the employee of the proposed action, the reason(s) therefore, the facts giving rise thereto, the proposed effective date, access to written material that formed a basis for the proposed action, and the opportunity to respond to the Department Director orally or in writing within five (5) working days, of receipt of such notice. If deemed necessary by the Department Director or the Human Resources Manager, an employee may be placed on administrative leave with pay pending investigation of allegations that may lead to discipline.

3. APPEAL OF DISCIPLINARY ACTION

If a disciplinary action consists of a suspension of forty (40) hours or more; a reduction in pay equal to a forty-eight (48) hour or more suspension; demotion, or discharge, the employee may appeal the proposed disciplinary action prior to its implementation, in accordance with the Third Level of the Grievance Procedure. Any such appeal must be filed within ten (10) working days of the notice of the disciplinary action.

4. CAUSES FOR DISCIPLINE

Examples of causes for discipline action include, but are not limited to:

- Dishonesty;
- Incompetence;
- Inefficiency;
- Neglect of duty;
- Negligence which affects the safety of the employee or others;
- Violation of any City policy, rule or requirement;
- Unauthorized absences (including tardiness) or abuse of sick leave or any other leaves;
- Violation of these Rules, or other rules, regulations or orders established by a supervisor, department, or City Council;
- Conviction of a crime that interferes with employment;
- Discourtesy to the public or fellow employees;
- Misuse or abuse of City property or equipment;
- Substandard job performance;
- Insubordination;
- Any activities, including outside employment that create a conflict of interest with City employment and are not specifically authorized by the Department Director;
- Falsification of any City report or record (including job application);
- Other acts which are incompatible with service to the public including, but not limited to, any conduct or behavior, either on or off duty, which causes discredit or would reasonable tend to cause discredit to fall upon the City, its officer, agents or departments;
- Documented verbal and/or physical abuse/harassment of co-workers and/or the general public;
- Working overtime without authorization.

SECTION: 8 – GREIVANCE PROCEDURE

This grievance procedure is intended to ensure that every reasonable effort will be made to resolve problems as near as possible to the point of origin. Definitions of grievances are as follows:

1. DEFINITIONS

- Complaint – A concern of an employee, which arises from the application of a term of existing City Rule(s), Regulation(s) or Policy(ies) regarding working conditions.
- Grievance – A written allegation by an employee that there has been a violation, misapplication, or misinterpretation of a specific term(s) of existing City Rule(s), Regulation(s) or Policy(ies) regarding working conditions.
- “Grievant” – A regular or probationary employee who alleges in a grievance that the employee has been directly wronged by a violation of specific terms of existing City Rule(s), Regulation(s) or Policy(ies) regarding hours, wages, and terms and conditions of employment.
- Immediate Supervisor – The appropriate supervisor or manager to whom the employee is accountable.
- Response and File – Personal delivery or deposit in the U.S. mail, postage prepaid. If mail delivery is used, it shall be by certified, return receipt requested mail and the certified receipt date shall establish the date of response or filing. If personal delivery is used, the calendar date of delivery shall establish the date of response or filing.

2. LEVEL ONE – INFORMAL REVIEW

An employee shall have the right to present a complaint and to have the complaint considered by the immediate supervisor no later than fifteen (15) working days after the event giving rise to the

complaint, or no later than fifteen (15) working days after the employee knew or reasonably should have known of the event giving rise to the complaint.

The employee, whenever possible, shall attempt to resolve the complaint informally with his/her supervisor.

The immediate supervisor shall provide and answer to the employee no later than fourteen (14) working days after the Level One meeting. Such response shall be provided orally.

A resolution of the complaint at the informal level shall be precedent setting.

3. LEVEL TWO - FORMAL REVIEW

If the complaint is not resolved through Level One informal discussions, the employee may file a Level Two grievance with the Department Director no later than ten (10) working days after the response from the immediate supervisor at Level One. The grievant shall state the following clearly and concisely on a grievance form provided by the City: (Appendix B)

- The specific term(s) of the City Rule(s), Regulation(s) or Policy(ies) regarding working conditions, which have been violated;
- The action grieved, including names, dates, places and times and how it violated a specific term(s) of the City Rule(s), Regulation(s) or Policy(ies) regarding working conditions;
- The remedy sought;
- The name and classification of the grievant and his/her signature;
- The name of the representative, if any;
- The date of submission.

The Department Director shall hold a meeting with the grievant at a mutually acceptable time and location no later than ten (10) working days after the receipt of the grievance. The Department Director shall respond in writing to the grievant within ten (10) working days of the Level Two meeting.

4. LEVEL THREE

In the event the grievance is not settled at the Level Two, the grievant may file a Level Three grievance with the City Manager no later than ten (10) working days after the Level Two response. The grievant shall include in the grievance a written statement indicating the reason that the

proposed settlement at Level Two was unsatisfactory. The City Manager may hold a meeting with the grievant at a mutually acceptable time and location. The City Manager shall respond to the grievant no later than ten (10) working days after the receipt of the Level Three grievance.

The grievant shall present at Level Three all issues and written evidence known or which could have been reasonably known. No additional issues may be presented by the grievant after Level Three, except by mutual agreement.

Amendments and/or modifications to the grievance shall not be made by the grievant after the Level Three filing date, except by mutual agreement. This provision does not preclude either party from presenting new evidence should either party discover it at a later date. Each party shall make an effort to share evidence with the other upon discovery of said evidence.

If the grievance has not been settled at Level Three, then within ten (10) working days after receipt of the Level Three written decision or the expiration of the time limits for making such decision, upon request of the grievant, the grievant may request arbitration by giving notice to that effect, by certified mail, return receipt requested, directed to the Human Resources Department.

5. LEVEL FOUR – ARBITRATION

The arbitration procedure shall be conducted in accordance with the rules of the American Arbitration Association.

The arbitrator shall be selected by mutual agreement of both parties from a list of arbitrators submitted by the American Arbitration Association or the State Mediation Conciliation Services.

The cost of any arbitration proceeding shall be divided equally between the City and the Grievant.

Failure on the part of the City representative or grievant to appear in any case before an arbitrator, without good cause, shall result in the forfeiture of the case and responsibility for payment of all costs of arbitration. “Good Cause” shall be defined as a circumstance(s) beyond control of the party failing to appear. Any cancellation or postponement fee shall be borne the responsible party.

A final decision of award by the arbitrator shall be made within thirty (30) calendar days after the close of the hearing. Such decision or award shall be subject to the approval of the City Council. Both parties shall be given the opportunity to submit their arguments before the City Council with regard to the Arbitrator’s “Findings of Facts,” prior to such approval.

Expenses for witnesses shall be borne by the party who calls them.

The standard of review for the arbitrator is whether the City violated a specific term(s) of the City Rules(s), Regulation(s) or Policy(ies) regarding working conditions.

If an arbitrator question exists, the arbitrator shall determine the arbitrator questions prior to hearing the formal presentations of the parties on the merits of the grievance.

6. GENERAL PROVISIONS

Failure of the grievant to comply with the time limitations of this Article shall render the grievance null and void. Failure by the City representative to timely respond under this Article shall permit the grievance to be filled at the next level.

Time limits set forth in this Article may be extended by mutual agreement.

No punitive action shall be assessed against an employee for utilizing the grievance procedure.

Employees shall be granted release time not to exceed one (1) hour for the purposes of discussing a potential grievance with their representative or preparing for a grievance which has been filed at Level Two. Such release time for pre-grievance consultation or grievance preparation is applicable per grievance and its scheduling shall not interfere with departmental operations.

- The parties may consolidate at any level grievance on similar issues.
- Grievance records shall be filed separately from an employee's personnel file and shall be considered confidential.
- A grievant may withdraw a grievance at any time. The grievant shall not file any subsequent grievance on the same alleged incident.
- A decision by the grievant to submit a grievance to arbitration shall automatically be a waiver of all other remedies except as provided otherwise by statute.
- No individual City Council member may be approached concerning the grievance at any time the grievance is being processed.
- Organizational channels shall be utilized at all times and participation in the grievance and the discussion of information related thereto shall be limited to the parties to the grievance except when such other persons are identified and/or called as witnesses.
- In the event of a disciplinary action involving a suspension, reduction in pay or demotion, or termination, where a pre-disciplinary meeting has already been held, Levels One through Three of the grievance procedure shall be eliminated and Level Four shall be utilized.
- A group of employees may file one grievance rather than individual grievances, as long as the following conditions are met:
 - Each employee in the "group" grievance is individually named.
 - The grievable matter is exactly the same for each employee cited in the grievance.

- The City is not obligated to conduct grievance hearings or provide grievance responses to each individual, but only to one of the employees involved who represents the group filing the grievance.

7. AUTHORITY OF THIRD PARTY

Each issue decided by a third party neutral shall stand on its own merits and shall not be used as precedent by any other third party neutral in deciding any issue before him or her.

8. NO RETALIATION

Employees will not be penalized or retaliated against in any way for using the grievance procedures, testifying as a witness in a grievance proceeding or assisting with a grievance.

SECTION: 9 – LEAVE OF ABSENCE

1. ELIGIBILITY FOR PAID LEAVE OF ABSENCE

In order to be eligible for City payment of the paid leave of absence outlined herein or subsequently granted by the City, an employee must be a full-time employee and either a regular appointee or a probationary appointee.

2. VACATION

(a) RATE OF ACCRUAL

- Every full-time probationary and regular employee shall earn vacation as follows:

Years	Hours	Bi-Weekly Accrual
0-3	80	3.08
4	120	4.62
5	160	6.15

- Vacation accrues bi-weekly on a pro rata basis.
- Employees may freeze up to 80 hours of vacation during medical leave of absence.

(b) SCHEDULING VACATIONS

An employee may take vacation leave at any time, subject to approval by the employee’s Department Director or his/her designee. Approvals will be based upon work load, staffing coverage, seniority, timing of the request, and any other work-related factors appropriate for consideration by the Department Director. At no time will Sick leave be used to extend vacation time off.

(c) VACATION PAY UPON TERMINATION

Any employee terminating from the City service will be paid at his/her regular rate of pay for all earned vacation, if any, accrued up through termination.

3. HOLIDAYS

Every full-time probationary and regular employee shall be entitled to the following paid holidays each calendar year and such other days as may be designated by action or the City Council. A Holiday for pay or accrual purposes is the actual hours regularly scheduled to be worked on that Holiday.

- January 1 (New Year's Day)
- The third Monday in January (Martin Luther King)
- The third Monday in February (President's Day)
- The last Monday in May (Memorial Day)
- July 4th (Independence Day)
- The first Monday in September (Labor Day)
- The second Monday in October (Columbus Day)
- November 11 (Veteran's Day)
- Thanksgiving Day
- The Friday after Thanksgiving Day
- December 24 (Christmas Eve)
- December 25 (Christmas Day)
- December 31 starting at noon (New Year's Eve)
- Floating Holiday (determined by employee)

If the holiday falls on Saturday, Friday shall be designated as the holiday, and if the holiday falls on Sunday, Monday shall be designated as the holiday.

Employees who are required to work on a holiday will receive compensation for hours worked in addition to holiday pay.

4. FLOATING HOLIDAY

Full-time probationary and regular employees shall receive one floating holiday each fiscal year as granted by City Council and/or City Manager. The floating holiday must be used on or before June 30th of each year. Should employee not use the floating holiday prior to June 30th the City will not cash out or carry over to the following year. The floating holiday must be taken as a full day and is subject to Department Director approval. In the event of termination, employees will receive payment for unused floating holiday up to 8 hours.

5. SICK LEAVE

To keep the City and each department therein running smoothly and efficiently, it is important that every employee be on the job on time regularly. For this reason, careful attention is given to promptness, absence record and overall dependability.

The City recognizes, however, that an employee may occasionally be disabled by injury or illness. As a result, the Sick Leave Policy is designed to provide protection to employees against loss of income during unavoidable illness or injury.

(a) ACCRUAL OF SICK LEAVE

All full-time probationary and regular employees are eligible to accrue four (4) hours of sick leave per pay period. There is no limit on the total amount of accrued sick leave.

An employee shall not receive payment for unused accumulated sick leave upon termination of employment or retirement (either disability or service retirement). An employee may not use sick leave to extend a vacation, retirement (either disability or service retirement) or termination date.

(b) USE OF SICK LEAVE

To be eligible for sick pay, employees unable to report to work due to illness must telephone their supervisor directly, each day of the illness, as far in advance as possible, but no later than one hour before their scheduled start time. If the supervisor is not available, the employee should contact the Human Resources Department to report his/her absence due to illness. If an employee is unable to make the call personally, a family member or friend should contact the supervisor or Human Resources Department. This policy must be followed unless an exception has been made for a particular absence, and a written memo to this effect has been sent to the Human Resources Department.

(c) PROOF OF ILLNESS

If the Department Director has questions about an employee's absence due to illness, he/she may request, at his/her sole discretion, that the employee produce a certificate issued by a licensed physician or licensed health care professional after 3 consecutive days off before paid sick leave is granted.

(d) USE OF SICK LEAVE FOR FAMILY

In cases of illness of a family member, an employee's sick leave entitlement for the year can be used to attend to the illness of a spouse, domestic partner, parent, or child.

6. FAMILY AND MEDICAL LEAVE

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

(a) DEFINITIONS

- “12-Month Period” means a rolling 12-month period measured backward from the date leave is taken. Each time an employee takes eligible leave, the remaining leave entitlement is based on the amount of family and medical leave taken during the immediate preceding 12 months.
- “12 workweeks” means twelve weeks of leave based on the employee’s regular schedule. For example, if an employee works 20 hours per workweek, he or she would be eligible to take 12 weeks times 20 hours, for a total of 240 hours of family medical leave.
- “Child” means a child 1) under the age of 18 years or 18 years and older who is incapable of self-care because of a mental or physical disability; 2) for whom the employee has actual day-to-day responsibility for care; and 3) for whom the employee is a parent.
- “Parent” means a biological, adopted, foster, or individual who is a legal guardian.
- “Spouse” means a husband or wife as defined or recognized under California State law for purposes of marriage.

(b) ELIGIBILITY

An employee is eligible for leave if the employee:

- i. Has been employed for at least 12 months (which need not be consecutive); and
- ii. Has worked for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave. The Fair Labor Standards Act (FLSA) “hours worked” principles apply in determining whether an employee meets the “at least 1,250 hours” requirement.

(c) REASONS FOR LEAVE

- i. Leave may be taken for any one, or for a combination of, the following reasons;
- ii. The birth of the employee’s child or to care for the newborn child;
- iii. The placement of child with an employee for adoption or foster care or to care for the newly placed child;
- iv. To care for the employee’s child, parent (but not in-law) or spouse with a serious health condition; and/or
- v. The employee’s own serious health condition makes the employee unable to perform one or more of the essential functions of his/her position. “Serious health condition” means an illness, injury impairment, or physical or mental condition that

involves inpatient care or continuing treatment by a health care provider. It includes:

- Pregnancy or prenatal care;
- Hospital Care – an inpatient stay at a hospital, hospice, or residential medical care facility; or
- Incapacity of three or more days and medical treatment – incapacity that lasts more than three consecutive days;
- Incapacity plus two or more treatments – treatment of two or more times by a health care provider;
- Incapacity plus continuing treatment – at least one treatment by a health care provider that results in a regimen of continuing treatment;
- Incapacity from a chronic condition – incapacity from a chronic serious health condition such as asthma, diabetes, or epilepsy;
- Incapacity from a long-term condition – incapacity from a longer or permanent condition for which treatment may not be effective, such as Alzheimer’s disease; or
- Absences for treatment- to receive or recover from multiple treatments by a health care provider, such as chemotherapy, physical therapy, or kidney dialysis.

(d) AMOUNT OF LEAVE

i. Total Leave Entitlement -

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

ii. Limitations on Leave -

- Leave to care for a newborn or newly placed child must conclude within twelve (12) months after the birth or placement of the child.
- When both parents are employed by the City, they are together entitled to a combined total of twelve (12) workweeks of FMLA leave within the designated 12 month period for the birth, adoption or foster care placement of a child with the employees, for aftercare of the newborn or newly placed child, and to care for a parent (but not in-law) with a serious health condition. Each spouse may be entitled to additional FMLA leave for other FMLA qualifying reasons (i.e., the difference between the leave taken

individually for any of the above reasons and 12 workweeks, but not more than a total of 12 workweeks per person).

iii. Minimum Duration of Leave -

- Serious health condition: subject to compliance with the medical certificate requirements of this Rule, there is no minimum duration for leave associated with a serious health condition of the employee or the employee's child, parent, or spouse.
- Child-bonding: if leave is requested for the birth, adoption or foster care placement of a child of the employee, the minimum duration of such leave is two weeks, with the exception of up to two occasions when an employee may take leave in a smaller increment of time.

(e) INTERMITTENT OR REDUCED WORK SCHEDULE LEAVE

Intermittent leave is leave taken in separate blocks of time. A reduced work schedule leave is a leave schedule that reduces an employee's usual number of hours per workweek or hours per workday.

An employee may request intermittent or reduced work schedule leave from his/her supervisor. The City will make every effort to accommodate the employee's request consistent with business necessity.

If an employee takes leave intermittently or is on a reduced work schedule basis, he/she must, when requested, attempt to schedule the leave so as not to unduly interrupt the City's operations. When an employee takes intermittent or reduced work schedule leave for foreseeable planned medical treatment, the City may temporarily transfer the employee to an alternative position with equivalent pay and benefits for which the employee is qualified and which better accommodates recurring periods of leave.

(f) BENEFITS WHILE ON LEAVE

- i. Compensation. Leave under this policy is unpaid.
- ii. Accrued leaves. While on leave, employees do not accrue vacation, sick, or other paid leave time, and their performance evaluation dates may be adjusted, to the same extent as other unpaid leaves, as provided in Leave of Absence, Without Pay, Rule IX.I.
- iii. Health benefits. While on leave an employees will continue to be covered by the City's group health insurance to the same extent that coverage is provided while the employee is on the job.
- iv. Other benefits. Employees will not be covered by any other benefits while on leave, including but not limited to life insurance, short-term or long-term disability

insurance, retirement plans, and supplemental benefits plans, as any other unpaid leave.

Employees may elect to continue coverage of these other benefits on their own by authorizing payroll deductions or by making direct payments made to these plans. The City will inform employees whether the premiums should be paid to the carrier or to the City. Coverage by a plan may be dropped if employees are more than 30 days late in making a premium payment. The City will provide notice at least 15 days before coverage is to cease. Employee contribution rates are subject to any change in rates that occurs while the employee is on leave.

If an employee fails to return to work after his or her leave entitlement is exhausted or expires, the City will have the right to recover premiums through deduction from any sums due the City (e.g. unpaid wages, vacation pay, etc.).

(g) SUBSTITUTION OF PAID ACCRUED LEAVE

Employees must exhaust all sick leave, concurrently with FMLA/CFRA leave with the exception:

- i. Employee is eligible for SDI and is coordinating benefits.

(h) EMPLOYEE NOTICE OF LEAVE

Employees must submit requests for leave in writing to the Human Resources Manager. Although the City recognizes that emergencies arise which may require employees to request immediate leave, employees are required to give as much notice as possible of their need for leave. If the leave is foreseeable, at least 30 day notice is required. In addition, if an employee knows that leave will be needed in the future, but does not know the exact date(s) (e.g. for the birth of a child or take care of a newborn), the employee shall inform the Human Resources Manager as soon as possible that such leave will be needed. Whenever the Human Resources Manager is notified of a request of leave under this policy, the Human Resources Manager will notify the requesting employee's Department Director or designee. The Human Resources Manager will also notify the Department Director of any determination to grant or deny the request.

If the Human Resources Manager determines that an employee's notice is inadequate or the employee knew about the requested leave in advance of the request, the Human Resources Manager may delay the granting of the leave until, in his or her discretion, adequate coverage is found for the employee's position.

(i) MEDICAL CERTIFICATION

Employees who request leave for themselves or to care for a child, parent or a spouse must provide written certification of the eligible individual with a serious health condition.

- **Timing of Certification.** Medical certification should be provided with the employee's request for leave, in accordance with the same time requirements for notice under this Rule at paragraph 7. When this is not possible, the employee must

provide the requested certification to the Human Resources Manager within the time frame requested by the Human Resources Manager, unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.

- **Recertification.** If the Human Resources Manager has reason to doubt the validity of a certification, the City may require a medical opinion of a second health care provider chosen and paid for by the City. If the second opinion is different from the first, the City may require the opinion of a third provider jointly approved by the City and the employee, but paid for by the City. The opinion of the third provider will be binding.
- **Certification for Intermittent Leave or Reduced Schedule.** If an employee requests leave intermittently (a few days or hours at a time) or on a reduced leave schedule to care for an immediate family member with a serious health condition, the employee must provide medical certification that such leave is medically necessary. "Medically necessary" means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule.

(j) REINSTATEMENT UPON RETURN FROM LEAVE

- **Right to Reinstatement.** Upon expiration of leave, an employee is entitled to be reinstated to the position of employment held when the leave commenced, or to an equivalent position with equivalent employment benefits pay, and other terms and conditions of employment. Employees have no greater rights to reinstatement, benefits and other conditions of employment than if the employee had been continuously employed during the FMLA/CFRA period.
- **Fitness for Duty Certification.** As a condition of reinstatement of an employee whose leave was due to the employee's own serious health condition, which made the employee unable to perform his/her, job, the employee must obtain and present a fitness-for-duty certification form from the health care provider that the employee is able to resume work. Failure to provide such certification may result in denial of reinstatement.

7. PREGNANCY DISABILITY LEAVE

(a) ELIGIBILITY

Any employee who is disabled because of pregnancy, childbirth, or a related medical condition may be entitled to pregnancy disability leave (PDL).

For employees who are also eligible for FMLA/CFRA leave, PDL is not counted as time used for CRFA leave, but does run concurrently with available FMLA leave.

(b) REASONS FOR LEAVE

PDL is for any period(s) of actual disability caused by pregnancy, childbirth or related medical conditions up to four (4) months per pregnancy. PDL does not need to be taken in one continuous period of time but can be taken on an as-needed basis. Time off needed for prenatal care, severe morning sickness, doctor-ordered bed rest, childbirth, and recovery from childbirth are all covered by PDL.

(c) AMOUNT OF LEAVE

Employees may take up to four months (or 88 workdays for a full-time employee) of PDL.

(d) BENEFITS WHILE ON LEAVE

- i. Benefits. PDL is unpaid. However, employee may use accrued leave as if on FMLA and will receive benefits pursuant to Rule IX.E. (Family and Medical Leave) up through exhaustion of the employees' available FMLA leave.

Employees who are not eligible for FMLA leave or employees who continue taking PDL after they have exhausted their available FMLA leave, will receive benefits only to the same extent as other similarly-situated employees on leave for a disability.

Accrued leaves. While on leave, employees do not accrue vacation, sick, or other paid leave time, and their performance evaluation dates may be adjusted, to the same extent as any other unpaid leaves, as provided in Leave of Absence Without Pay, Rule IX.I.

(e) SUBSTITUTION OF PAID ACCRUED LEAVES

Employees taking PDL may concurrently use any available sick leave. Employees may also use any accrued vacation or other accrued time off as a part of their PDL before taking the remainder of their leave as an unpaid leave.

(f) EMPLOYEE NOTICE OF LEAVE

To the extent possible, employees requesting PDL should follow the authorization procedures for leaves of absence without pay, as provided in Leaves of Absence Without Pay, Rule IX.I.

(g) MEDICAL CERTIFICATION

The City may require employee requesting PDL or a related transfer to obtain a certification from your health care provider of your pregnancy disability or the medical advisability for a transfer. The certification should include:

- i. The date on which you became disabled due to the pregnancy or the date of the medical advisability for the transfer;

- ii. The probable duration of the periods of disability or the periods for the advisability of the transfer; and
- iii. A statement that, due to the disability, you are unable to work at all or to perform any one or more of the essential functions of your position without undue risk to yourself, the successful completion of your pregnancy or to the other person or a statement that, due to your pregnancy, the transfer is medically advisable.

(h) REINSTATEMENT UPON RETURN FROM LEAVE

- i. Reinstatement to position. Upon expiration of leave, an employee is entitled to be reinstated to the position of employment held when the leave commenced, or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. Employees have no greater rights to reinstatement, benefits and other conditions of employment than if the employee had been continuously employed during the PDL period.
- ii. Fitness for Duty Certification. As a condition of reinstatement or a re-transfer, the employee must obtain and present a fitness-for-duty certification from the health care provider that the employee is able to resume work in the position sought. Failure to provide such certification may result in denial of reinstatement.

8. JURY DUTY AND WITNESS LEAVE

All employees in the competitive service who are required to serve jury duty or as a witness in court shall be entitled to regular compensation for up to ten (10) working days of service with full pay. If an employee is required to serve more than ten working days, then the City Manager, at his/her sole discretion, may grant an extension of this leave period.

If summoned to jury duty or as a witness, employees should immediately notify their supervisor.

The Jury Duty Service form, as well as the compensation received for the court must be surrendered in order to receive a payroll check for the time period covering the days away on jury duty. The employee may retain any travel, parking and meal allowance granted by the court.

9. MILITARY LEAVE

Military leave with pay shall be granted in accordance with the provisions of the Military and Veteran's Code of applicable State and Federal law. An employee entitled to military leave shall give his/her Department Director an opportunity within the limits of military regulation to determine when such leave shall be taken. Prior to taking such leave, an employee shall present a copy of his/her military orders to the Department Director. The Department Director shall advise the Human Resources Manager of such military orders promptly. The employee's work schedule may be temporarily changed by the Department Director to accommodate the leave and department workloads. Benefits shall continue to accrue to the employee to the extent required by law.

10. BEREAVEMENT LEAVE

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

Immediate family as used in this policy shall be defined as the spouse, registered domestic partner, children, step-relations, parents, brothers, sisters, grandparents, or in-laws.

11. LEAVE OF ABSENCE WITHOUT PAY

At the sole discretion of the City, an employee may be granted a leave of absence without pay upon recommendation of the Department Director and approval of the City Manager. The city may fill the position with a temporary or provisional employee during the term of the leave of absence or undertake any other appropriate measures to address workloads needs.

(a) AUTHORIZATION PROCEDURE

Employees requesting a leave of absence without pay must submit the request in writing to their Department Director, and the request should state the reason for the request and the anticipated beginning and ending dates of the leave. The Department Director will submit the request along with his or her recommendation to the City Manager who will make a decision in writing and transmit the decision to the employee. The decision of the City Manager shall be final and is not subject to grievance or appeal. The City Manager's determination will include consideration of the following factors:

- i. Any history of excessive unauthorized absences or leave abuse;
- ii. Any detrimental effect on the operation of the department/division; and
- iii. The reason for the leave of absence.

Examples of reasons that may be considered are:

- Illness or disability;
- To take a course of study that will increase the employee's usefulness or effectiveness to the City;

- Other approved personal reasons. Use of the leave of absence for a purpose other than that requested may be cause for forfeiture of reinstatement rights or disciplinary action, up to and including dismissal.

(b) LENGTH OF LEAVE AND EXTENSION

Leaves of absence without pay must not exceed one year, provided that the City Manager may extend a leave of absence for an additional period not to exceed one year. Employees requesting a leave of absence extension must submit a request in accordance with the procedures of paragraph 1 of this Rule no later than fourteen (14) calendar days prior to the approved expiration of the original leave of absence.

(c) RETURN FROM LEAVE

When an employee intends to return from an authorized leave of absence without pay, either before or upon the expiration of such leave, the employee shall contact the Department Director at least fourteen (14) days prior to the planned day of return. The Department Director shall promptly notify the Human Resources Manager of the employee's intention. Failure of an employee to abide by this notification procedure or to report for work promptly at the date of leave expiration shall be grounds for discipline up to and including termination.

Employees returning from a leave of absence without pay because of illness or disability must first submit to the Human Resources Manager a release to work from their treating physician that satisfactorily certifies the employee can perform the essential functions of the position to which he or she desires to return, with or without accommodation. Further, the employee may be subject to an examination by a City-approved physician to ensure that the employee can perform the essential functions of the position with or without accommodation.

(d) ADJUSTMENT TO ACCRUAL OF BENEFITS

Sick leave, holiday, and vacation leave will not accrue during any unpaid leave absence.

(e) ADJUSTMENT TO DATE OF PERFORMANCE EVALUATION

Any unpaid leave of absence that exceeds five (5) consecutive calendar days will result in a proportionate adjustment to the employee's performance evaluation date for all purposes, including, consideration of a merit salary increase.

12. EXECUTIVE LEAVE

To provide executive leave and set forth pay and leave practices to be followed for employees employed as an "FLSA-Exempt Employee". These employees are exempt from overtime pay under the Federal Fair Labor Standards Act (FLSA).

This policy applies to all FLSA-exempt employees of the City of Menifee.

- FLSA-exempt employees are not eligible for overtime pay.
- All FLSA –exempt employees will be granted 40 hours (5) days of executive leave each fiscal year.
- New FLSA-exempt employees will receive a pro-rated amount to the first of the following month.
- FLSA-exempt employees must schedule and receive approval for use of executive leave in accordance with department policies.
- Executive leave may be used for any reason.
- Executive leave must be used in the fiscal year granted and shall not be carried into the next fiscal year.
- In the event of termination/separation of employment, employees will receive payment for any unused Executive leave.

13. ADMINISTRATIVE LEAVE

The City manager, in his/her discretion, may place an employee on administrative leave with pay. During such leave, the employee remains subject to Employee Handbook and all City Policies. Employee must be available to work at all times.

14. DONATED LEAVE

To afford the City of Menifee employees (“donors”) the opportunity to assist fellow employees (“recipients”) who have experienced personal and/or family catastrophic illness or injury which may result in the loss of income. The City provides employees with a generous leave package and encourages employees to plan and prepare for unforeseen emergencies by accruing sick leave.

This policy applies to all City employees who have completed their initial probationary period.

Full-time employees may donate vacation or floating holiday hours to an employee whose absence from work is caused by the necessity to care for an immediate family member who has a serious medical condition and who lives in the home of the employee or is directly and intimately dependent upon the employee for daily care giving. In such cases, the intent of this provision is not to provide the employee with time off to visit with the family member or serve the conveniences of the family member, but rather, to provide direct care and sustenance to that family member precipitated by the medical condition.

All regular full-time City employees who have completed their initial probationary period are eligible to receive catastrophic leave donations from fellow regular full-time City employees. The recipient qualifies by: (1) having been diagnosed (or an immediate family member having been diagnosed) with a catastrophic medical condition; and (2) submitting a doctor’s certificate with a

request form. The recipient shall not be receiving Disability Insurance full-pay salary continuation, or any other leave provided benefit. Employees are eligible to receive catastrophic donations if they are in a reduced pay status due to a Workers' Compensation injury (i.e. receiving only temporary disability payments).

Recipients will be eligible to receive leave donations only if they have exhausted all accrued sick leave, vacation time, floating holiday, executive leave and compensatory leave, and be facing a financial hardship.

Recipients may receive a maximum of 320 hours of leave donations in any twelve (12) month period.

Donating employees must donate in whole hour increments of vacation leave, administrative leave, compensatory leave or holiday accrual and will not be penalized for donating time. However, the donor's own total accrued time balance may not be reduced below 80 hours. Donor leave time is coded as catastrophic leave.

All medical documentation submitted to or otherwise obtained by the City of Menifee shall be made part of the employee's confidential HIPAA medical file in the Human Resources Department, and shall thereafter be covered by the Privacy Act. The City of Menifee and all agents shall protect privacy and confidentiality pursuant to Federal and State laws. (Federal Privacy Act of 1974, 5 U.S.C.A. 552 a, or Cal. Civil Code Section 1798 et seq., the Information Practices Act of 1977.) However, a recipient who chooses, at his/her discretion, to make such fact or any other medical fact known to others, that the City of Menifee's guarantee of confidentiality is then compromised; and the City cannot be liable for failure to maintain such privacy and confidentiality.

A request for donations may be initiated by the employee in need, immediate family member (in case recipient is incapacitated), or any other person designated by the employee. The following process shall be followed:

(a) APPLICATION PROCEDURE:

i. Employee -

- Applies for a Leave of Absence without Pay prior to exhausting all accrued leaves.
- Contacts the Supervisor, Department Director, or the Human Resources Department and obtains the Employee Request Donation of Leave Form.
- Meets eligibility requirements.
- Has qualifying illness of self or immediate family member.
- Provides documentation of medical diagnosis form a qualified health provider.
- Submits the Employee Request Donation of Leave form to Supervisor or Department Director.

ii. Supervisor -

- Reviews and if appropriate approves the Leave of Absence without Pay and processes the appropriate paperwork.
- Review the Employee Request Donation of Leave form for completeness and forwards it to the Human Resources Department.
- Announces need for donations to all employees during staff meetings (No individual soliciting) once Human Resources approved the request.
- Posts the Request for Donation notice (email by Human Resources) of the recipient's need for donation. Supervisors are requested to post the notice for those employees who do not have access to a computer.
- If the employee submits the donation form to the Department, ensure forms are forwarded to the Human Resources Department as soon as possible for processing.

iii. Human Resources Department -

- Verifies that employee has been placed on a Leave of Absence without Pay.
- Determines the employee's eligibility for catastrophic leave donations.
- Verifies the donor's eligibility.
- Initiates a written communication (email message) to recipient's department and to all departments announcing the need for donations.
- Submits proper documentation to the Finance Department.
- Notifies recipient of determination.

iv. Finance Department -

- Works with the department to credit the recipient each pay period with the necessary hours in order of donations from the Voluntary Donor Employee Form.
- If recipient does not utilize all donations, those donations not used will be credited to the recipient's accrual hours.

v. Leave Donor -

- Any regular full-time employee who has passed his/her initial probations may donate vacation, administrative leave, compensatory leave or holiday accrual to an eligible recipient.
- Donors will be permitted to donate a minimum of eight (8) hours of vacation, administrative leave, compensatory leave or holiday accrual; as long as the donor's combined remaining balance is 80 hours or more.
- Donor names will be kept confidential.
- The donated time shall be converted to dollars at the hourly rate of the donor. The dollars shall then be converted to sick leave at the hourly rate of the recipient of the donation. The appropriate hours of sick leave will then be credited to the recipient for use during the catastrophic leave.
- As needed, pledged hours shall be debited from the donor's leave balance and credited to the recipient's useable accrual balance. Once credited, the

donation becomes irrevocable. If donated hours have not been credited, the donor may rescind the donated hours at any time.

- In the event that an employee receives catastrophic leave donations related to the filing of a workers compensation claim that is delayed or denied but is later deemed to be compensable and the employee's time off is converted to salary continuation or temporary disability, the City shall return such catastrophic donations, in all or part to the donors in the inverse order that the hours were applied.

vi. Leave Recipients -

- Shall provide a doctor's certification with the request form.
- Donated time will be converted from the donor's rate of pay to the recipient's rate of pay.
- Leave donations may not exceed 320 – hours in any twelve (12) month period.
- Recipients who have had a lapse in donations and have not been receiving pay for one (1) or more months will be eligible to receive payment ONLY for any donations received as follows:
 - The donation cap has not been reached.
 - The recipient will receive payment ONLY for donations.
 - Payment of donations will commence from the time donations arrive; and be paid on the next regular pay date.
 - A reduced leave schedule or intermittent use of accrued donated time may be utilized to accommodate a light duty schedule during extended treatment. A light duty schedule will be considered on an individual basis and must be approved by the Department Director or designee.
- Donated time will be applied according to current City rules and regulations. Employees will comply with the appropriation leave of absence without pay provisions once they have exhausted all donated time.

The City of Menifee Human Resources Department reserves the right to evaluate each request. Each employee must meet the minimum requirements for this program. The intent of this Policy is not to supersede City rules and regulations regarding employment, or any Bargaining Unit Agreement / MOU.

Donations will be processed in the order of the date the application form was submitted. If one (1) or more donors donate time on the same date, the donations will be drawn in alphabetical order of the donor's last name.

15. DEFINITIONS

- **Catastrophic illness or injury:** A serious illness or injury which is expected to incapacitate the employee or immediate family member for an extended period of time and which creates a financial hardship because the City employee has exhausted all accumulated leave. Catastrophic illness or injury for these purposes is further defined as a debilitating illness or injury of an immediate family member, which will result in the employee being required to take time off from work for an extended period to care for the ill family member. As a result, the employee may suffer financial hardship having exhausted accumulated leave.
- **Child:** An unmarried child under 18 years of age, or an unmarried child 18 years of age or older who is incapable of self-care because of a mental or physical disability.
- **Donor:** A regular full-time City employee who has passed his/her initial probation and has completed a voluntary request to transfer leave to a fellow employee.
- **Immediate Family Member:** A spouse, registered domestic partner, children, step-children, foster children, and parents.
- **Pledged hours:** Vacation, sick leave, executive leave and/or compensatory leave which an employee agrees to donate to another employee on catastrophic leave.
- **Recipient:** A current regular full-time city employee who has passed their initial probation and otherwise qualifies for catastrophic leave.
- **Regular full-time employees:** Current full-time employees who have passed their initial probationary period.
- **12-Month Period:** A 12 month period measured forward from the date an employee first receives donated hours.

SECTION: 10 – WORKERS’ COMPENSATION

1. REPORTING PROCEDURE

Any employee who is injured while on duty must immediately report the injury to his or her supervisor, who shall in turn promptly report the injury to the Human Resources Manager. In the event the employee is physically incapacitated in such a manner as to prevent submission of a report (DWC1), the Supervisor shall promptly complete and forward the required report (DWC1) the Human Resources Manager within twenty-four (24) hours following the injury.

The Supervisor or Human Resources Manager may authorize medical treatment for the employee at the City’s industrial medical clinic, the employee’s personal physician (if one has been previously designated and is on file in the Human Resources Department in accordance with Labor Code 4600) or; if necessary, a local emergency medical facility.

2. EMPLOYEES

(a) USE OF PAID ACCRUED LEAVE

Whenever any employee is compelled by direction of the City’s physician or the employee’s treating physician, where the City has not appointed one, to be absent from duty on account of injury arising out of and in the course of City employment, the employee will be paid full compensation for the first 3 days after the date of injury for time absent from work due to injury.

If the employee is determined to have a temporary disability and is ordered to be off work for period of more than fourteen (14) days, the temporary disability payment as required by the Worker’s Compensation Act, will go back to the date of the injury.

An employee may elect to apply pro-rated accrued sick leave, vacation leave, or comp-time to such absence and to receive compensation equal to the difference between the compensation to which the employee is entitled under the workers' compensation Act and his/her regular City salary, not to exceed the amount of earned leave time. If the employee does so elect and has applied accrued leave to such absence, then he/she shall be entitled to receive compensation for absences following and related to the occurrence of a specific injury until sick leave is exhausted. Such compensation shall be in an amount equal to the difference between compensation to which the employee is entitled under the Workers' Compensation Act and his/her regular City salary.

(b) **BENEFITS**

Any injured employee shall continue to accrue vacation leave, holidays, and sick leave and to earn eligibility for consideration for merit salary increases during an absence resulting from an on-the-job injury so long as employee receives compensation payments under the provision of the Workers' Compensation Act. A probationary employee shall be entitled to the same benefits as a regular employee, except such employee shall not continue to earn eligibility for consideration for merit salary increases or regular status.

Medical care and payment for permanent disability incurred in the course of City employment shall be as prescribed by the Workers' Compensation Act.

3. MODIFIED DUTY

When a City employee is being treated for a work or non-work-related injury or illness, and the City-approved treating physician determines the employee is fit to return to work on a temporary basis with modified duties or tasks, the City will make every attempt to accommodate the request to return the employee to work on a modified duty status, provided such accommodations do not impose an undue hardship and unduly interfere with the City's business operations. All such modified duty work assignments are to be within the limitations described by the City approved-physician who is qualified to render an opinion on the worker's physical abilities.

4. CHECK-IN PROCEDURES

During the period of time that an employee is off work due to an industrial injury, the employee should contact the Human Resources Manager on a regular basis, which at a minimum means every 30 days, regarding his/her work status. Such reporting shall include an update from the employee's treating physician regarding the employee's expected return-to-work date (if known), any necessary accommodations, and the length of time the employee shall remain off work due to the industrial injury prior to the next report.