

THIS DOCUMENT INCORPORATES

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AS AMENDED BY

Ordinance No. 98-9, adopted on 6/5/89

(Repealed Section 17, paragraph 2, of Rule X, regarding benefits to temporary employees transitioning to regular employment status)

Ordinance No. 91-11, adopted June 10, 1991

(Amended Section 8.3 of Rule VI – Acting Appointments to allow for acting appointments for up to 365 days without Council approval)

Resolution No. 98-3. Adopted January 12, 1998

(Amending Section 2, of Rule XVII – Layoff Procedure)

PERSONNEL RULES AND REGULATIONS

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RULE I GENERAL PROVISIONS

Section 1: AUTHORITY. The following Personnel Rules and Regulations are promulgated under the authority of Article X - Section 1004 of the City Charter of the City of San Buenaventura calling for the establishment of a Personnel Merit System by resolution or ordinance as an integral part of the Administrative Code Ordinance that has been established pursuant to Article X - Section 1000.

Section 2: APPLICATION. The provisions of the Personnel Rules and Regulations shall apply to all offices, positions and employment included in the Personnel Merit System pursuant to Article II, Section 2-3 of the Administrative Code Ordinance.

Section 3: VIOLATION OF PERSONNEL RULES AND REGULATIONS. Violation of the provisions of these Personnel Rules and Regulations shall be grounds for oral admonishment, written reprimand, suspension, demotion, reduction in pay or dismissal.

Section 4: AMENDMENT AND REVISION OF THE PERSONNEL RULES AND REGULATIONS. Amendments and revisions may be suggested to the City Council by any City employee or representative of a recognized employee organization and shall be submitted to the Human Resources Director. Proposed amendments or revisions to these Rules and Regulations by the City shall be publicly posted in every department as well as submitted to and discussed with any affected recognized City employee organizations at least fifteen (15) working days prior to consideration by the City Council. At the time of considerations, any City employee may appear and be heard. Amendments and revisions shall become effective upon adoption by the City Council.

RULE II. DEFINITION OF TERMS

The following terms, whenever used in these Rules and Regulations, shall be defined as follows:

Section 1: ACTING APPOINTMENT. An Acting Appointment is one in which a probationary or regular City employee is appointed to an available vacant position of a higher level than that currently held by the employee, for a temporary period of time.

Section 2: ADVANCEMENT. A salary increase within the limits of a pay range established for a class.

Section 3: ALLOCATION. The assignment of a single position to its proper class in accordance with the duties performed, and the authority and responsibilities exercised.

Section 4: ANNIVERSARY DATE. The date on which an employee is eligible to receive a merit increase.

Section 5: APPEAL. A formalized process which can be used by a regular employee after discharge, demotion or for disciplinary actions involving loss of pay greater than one week's pay.

Section 6: APPOINTING AUTHORITY. The individual or a designee thereof who, in the particular situation, has the final authority to make an appointment to a position or to dismiss an employee from the City service.

Section 7: APPOINTMENT. The offer to and acceptance by a person of a position in City service in accordance with the provisions of the Personnel Rules and Regulations.

Section 8: AUTHORIZED POSITION. Any position appearing in the staffing detail of the current position control register that has been authorized by the City Manager.

Section 9: CLASS. All positions sufficiently similar in duties, authority, and responsibility, to permit grouping under a common title and the application with equity of common standards of selection, transfer, promotion, and salary.

Section 10: COMPENSATION. Direct or indirect salary, wages, fees, allowances or other monies paid to or on behalf of an employee for personal services.

Section 11: COMPETITIVE SERVICE. All positions of employment in the service of the City except those specifically exempted from the Personnel Merit System by ordinance or resolution.

Section 12: DAYS. Means calendar days unless otherwise stated.

Section 13: DEMOTION. The movement of an employee from one class to another class having a lower maximum rate of pay.

Section 14: DISCIPLINARY ACTION. Any action taken against an employee which results in involuntary demotion, suspension, reduction in pay, oral admonishment, or written reprimand.

Section 15: DISCHARGE. The involuntary separation of an employee from City service by an appointing authority for disciplinary reasons.

Section 16: DISPLACEMENT RIGHTS. Those rights accruing to regular City employees only. These rights, commonly referred to as "bumping rights," allow a laid off employee to displace another employee in a lower classification in the manner specified in these Rules and Regulations.

Section 17: ELIGIBLE CANDIDATE. A person whose name may be on a reemployment, promotional or initial appointment list and who may, under these rules, be certified for consideration of appointment to a position in the personnel system.

Section 18: EMPLOYMENT DATE. The date on which the employee began employment with the City.

Section 19: EXAMINATION. Examination shall include all selection procedures used to make employment decisions, including job requirements (physical, education, experience) and evaluation of applicants or candidates on the basis of one or more of the following: application forms; interviews; performance tests; paper and pencil tests; fingerprinting; background examinations; performance and training programs or probationary periods and any other procedures used to make an employment decision.

Section 20: EXEMPT. A position or employee exempted from the Personnel Merit System by ordinance or resolution.

Section 21: EXTRA HELP EMPLOYEE. A person temporarily appointed to a position not to exceed six months or exceeding six months but working less than 1000 hours per fiscal year.

Section 22: GRIEVANCE. Any dispute concerning the interpretation or application of the City's Employer-Employee Relations Resolution or of written personnel rules or regulations or of the interpretation or application of a written memorandum of understanding between the City and a formally recognized employee organization.

Section 23: HE. Shall be interpreted to include both the male and female gender.

Section 24: IMMEDIATE FAMILY. Shall include the employee's spouse; children, including natural, step, adopted, and foster; mother, step-mother, foster mother; father, stepfather, foster father; mother-in-law, father-in-law, brother, sister, grandparents and grandchildren including step grandchildren; spouse's grandparents and all degrees of blood or legal relations not listed above, but living within the household of the employee.

Section 25: IMMEDIATE SUPERVISOR. The most immediate person to whom an employee either reports for work assignments and direction and/or who has direct responsibility for evaluating that employee's job performance, or both.

Section 26: HEARING OFFICER. An outside professional competent in the area of appeals procedures.

Section 27: LAYOFF (REDUCTION IN FORCE). The separation of an employee from the competitive service which has been made necessary by lack of work, or appropriations of monies, or other reasons not related to fault, delinquency or misconduct on the part of the employee.

Section 28: MERIT INCREASE. An increase in salary from one step to another within the same pay range based upon satisfactory performance.

Section 29: MISCELLANEOUS EMPLOYEE. All City employees other than "safety" members as defined by the Public Employees' Retirement System (P.E.R.S.)

Section 30: PERSONNEL ORDINANCE. Ordinance No. 97-2 which establishes a Personnel Merit System for the City.

Section 31: PERSONNEL MERIT SYSTEM. A system based on merit and ability rather than political pressure for the selection, employment, tenure, classification, advancement and discharge of those appointing officers and employees who may be included in the system.

Section 32: PROBATIONARY DISCHARGE. The involuntary separation of an employee from City service by an appointing authority during the probationary period.

Section 33: PROBATIONARY EMPLOYEE. An employee who is serving a probation period and is employed in a regular position.

Section 34: PROBATIONARY PERIOD. A working test period during which an employee is required to demonstrate fitness for the regular position duties to which he is appointed by actual performance of duties as assigned.

Section 35: PROMOTION. The movement of an employee from one class to another class having a higher maximum rate of pay.

Section 36: RECLASSIFICATION. A change in allocation of an individual position by raising it to a higher class, reducing it to a lower class, or moving it to another class at the same level on the basis of substantial changes in the kind, difficulty, and/or responsibility of duties performed in such positions.

Section 37: REDUCTION IN PAY. A salary decrease within the same salary range assigned to a particular competitive position.

Section 38: REEMPLOYMENT LIST. Eligibility list comprised of former City employees laid off due to a reduction in the work force or by other means as provided in these rules.

Section 39: REGRADING. Movement of a classification and/or position pay range from one range to another.

Section 40: REASSIGNMENT. Movement of an employee from one position to another position with the same class within the same department.

Section 41: REGULAR APPOINTMENT. The appointment of a person who has satisfactorily completed his probationary period to a regular position.

Section 42: REGULAR POSITION. An authorized position that is expected to exist for an unspecified, indefinite period of time of not less than 20 hours per week.

Section 43: REGULAR EMPLOYEE. An employee who has successfully completed his probationary period and has been retained as hereafter provided in these rules in a regular position filled by regular appointment.

Section 44: REINSTATEMENT. The reemployment, without examination, of a former regular or probationary employee.

Section 45: REPRIMAND. A statement, oral or written, to an employee by an Appointing Authority or his authorized representative for disciplinary purposes.

Section 46: RESIGNATION. The voluntary separation of an employee from his position with the City.

Section 47: SENIORITY - CITY SERVICE. The total continuous service in regular or probationary City employment including all positions held in the City work.

Section 48: SENIORITY - CLASSIFICATION LENGTH OF SERVICE. The total period of time (does not need to be continuous) an employee has been in a particular classification as a regular or probationary employee.

Section 49: SUSPENSION. The temporary separation from the service of an employee with or without pay, for disciplinary or administrative purposes.

Section 50: TEMPORARY APPOINTMENT. An appointment by the Appointing Authority of a person to a position for a limited period of time.

Section 51: TEMPORARY EMPLOYEE. An employee whose appointment to a position is temporary.

Section 52: TERMINATION. The separation of an employee from his position with the City for other than disciplinary reasons.

Section 53: TRANSFER. A change of an employee from one position to another position in the same or comparable class in another department.

RULE III. RECRUITMENT

Section 1: FAIR EMPLOYMENT. No question in any test, or in any application form, or by any appointing authority, shall be so phrased as to attempt to elicit information concerning race, color, ancestry, national origin, political or religious opinions or affiliations of an applicant. No appointment to or removal from a position in the competitive service shall be affected or influenced in any manner by any unlawful consideration of race, color, ethnic or natural origin, age, sex, marital status, handicap, national origin, political or religious opinion or affiliation.

Section 2: ANNOUNCEMENT. All examinations for positions in the competitive service shall be publicized by posting announcements at least five (5) working days prior to the final filing date in the City Hall, on City departmental bulletin boards, and by such other methods as deemed advisable by the Personnel Officer and shall specify the title and pay of the class for which the examination is announced; the nature of the work to be performed; preparation desirable for the performance of the work of the class; the manner of making applications, and other pertinent information.

Section 3: APPLICATION FORMS. Applications shall be made as prescribed on the examination announcement. Application forms shall require information covering training, experience, and other pertinent information. All applications must be signed by the person applying.

Section 4: QUALIFICATION EVIDENCE. Applicants for positions which are scientific, professional or technical, or the duties of which require special qualifications may be required to provide documentary evidence of a satisfactory degree of education, training and/or experience.

Section 5: DISQUALIFICATIONS. The Human Resources Director shall reject any application which indicates on its face that the applicant does not possess the minimum qualifications required for the position or if the applicant is not a citizen of the United States, if citizenship is required by State law. Applications shall be rejected if the applicant is physically unfit for the performance of duties of the position to which he seeks appointment, has made any false statement of any material fact, or given wrong or misleading information or deleted pertinent information on his application or for conviction of criminal conduct as provided by City Ordinance or resolution. Any applicant hired who has given misleading or wrong information or has failed to give pertinent information on his application may be discharged. Whenever an application is rejected, notice of such rejection shall be mailed to the applicant. Incomplete applications may be returned to the applicant with notice to amend the same, provided the deadline date has not passed.

Section 6: TYPES OF RECRUITMENTS. The determination of the type of recruitment to be conducted shall be made by the Human Resources Director after consultation with the affected Department Head. Recruitments may be conducted in any of the following manners:

- a. Open Competitive. Open competitive recruitments shall be those recruitments in which any individual meeting the requirements of the job is eligible to apply.

- b. Promotional. Promotional recruitments shall be restricted to regular and probationary employees and temporary employees who have been appointed as the result of a competitive recruitment/ examination process as provided in these Rules and Regulations. Insofar as consistent with the best interests of the service, all vacancies in the Personnel Merit System shall be filled by promotion from within the Personnel Merit System, after a promotional job related examination has been given and a promotional list established.

- c. Continuous. Continuous recruitments shall be those recruitments administered periodically for a single class as the needs of the service require. Names shall be placed on eligibility lists, and shall remain on such lists for a period of one year unless removed as provided in these rules. Names on such lists shall be merged with others already on the list.

Prior to certification of any eligibility list, recruitment may be reopened for any type of recruitment. Applications received as a part of the first recruitment shall be included (merged) with applications for the reopened recruitment.

RULE IV. EXAMINATIONS

Section 1: NATURE OF EXAMINATION. The selection techniques used in the examination process shall be impartial, of a practical nature and shall relate to those subjects which fairly measure the relative capacity of the persons examined to execute the duties and responsibilities of the class to which they seek to be appointed. Examinations shall consist of selection techniques which will test fairly the qualifications of candidates such as, but not necessarily limited to, oral interviews, achievement and aptitude tests, physical ability tests, evaluation of daily work performance, work samples, medical tests, or any combination of these or other tests. The probationary period shall be considered as an extension of the examination process.

Section 2: CONDUCT OF EXAMINATION. The City may contract with any competent agency or individual for the preparing and/or administering of examinations. In the absence of such a contract, the Human Resources Director in consultation with the Department Head shall see that such duties are performed. The Human Resources Director shall arrange for the use of public buildings and equipment for the conduct of examinations. Prior to any examination, the Human Resources Director shall review all procedures.

Section 3: SCORING EXAMINATIONS AND QUALIFYING SCORES. A candidate's score in a given examination shall be the weighted average of his scores on each competitive part of the examination. Failure in one part of the examination may be grounds for declaring such applicant as failing in the entire examination or as disqualified for subsequent parts of an examination. The Human Resources Director may include non-competitive tests which are qualifying only as part of the examination.

Section 4: CERTIFICATION. Examinations shall be subject to certification by the Human Resources Director as to the proper administration, conduct and validity of the results.

Section 5: NOTIFICATION OF EXAMINATION RESULTS AND REVIEW OF PAPERS. Each candidate in an examination shall be given written notice of the results thereof, and if applicable, of the final numerical score. In the event that more than one test is given, all applicants shall be notified of whether he has passed or failed the initial portion of the examination, if applicable. Any candidate shall have the right to review his own written examination answer sheet and to challenge questions within ten (10) working days after the notices of examination results are mailed. Any error in computation, if called to the attention of the Human Resources Director within ten (10) days after the results are mailed, shall be corrected.

Individual oral examination rating forms shall be confidential and shall not be made available to persons other than those approved by the Human Resources Director.

If exams are contracted out, special provisions may be provided.

RULE V. ELIGIBILITY, PROMOTIONAL AND REEMPLOYMENT LISTS

Section 1: ELIGIBILITY LISTS. As soon as possible after the certification of an examination, the Human Resources Director shall prepare an eligibility list consisting of the names of candidates who qualified in the examination.

Section 2: REEMPLOYMENT LISTS. Any employee who had achieved regular status prior to any layoff shall be entitled to reemployment with any sick leave benefits which may have accrued prior to said layoff, if the position formerly held is reestablished within a period of two (2) years. Notice of such reemployment shall be given by registered mail to the last known address, and failure to respond within five (5) days shall result in the forfeiture of appointment to the position.

Section 3: PROMOTIONAL LISTS. Promotional lists are defined as: Lists of names of persons who have participated in a promotional recruitment for a class in the Competitive Service and have qualified. The names of persons on promotional lists who resign or who are terminated or discharged from the service shall automatically be dropped from such lists.

Section 4: DURATION OF LISTS. Eligibility lists other than those resulting from a continuous recruitment shall remain in effect for six (6) months, promotional lists and eligibility lists containing the names of any current probationary or regular employees shall remain in effect for one (1) year unless sooner exhausted or abolished by the Human Resources Director. The duration of an eligibility list may be extended prior to its expiration date by action of the Human Resources Director for additional periods, but in no event shall an eligibility list remain in effect for more than two (2) years.

Names placed on an eligibility list as the result of a continuous recruitment shall remain on such list for a period of one (1) year unless removed as provided in these rules. Names on such lists shall be merged with others already on the list. The existence of an eligibility list prepared as a result of an open competitive or continuous recruitment shall not preclude the City from recruiting to establish a promotional list.

Section 5: REMOVAL OF NAMES FROM LIST. The name of any person appearing on any eligibility list may be removed by the Human Resources Director:

- a. If the eligible person requests in writing that his name be removed.
- b. If he fails to respond to a notice of certification mailed to his last known address.
- c. Upon notice from an eligible applicant declining appointment.
- d. Upon written recommendation of the Department Head and written approval of the Human Resources Director after the eligible applicant has been considered for employment and such employment would not be in the best interest of the City.
- e. If three (3) or less eligible applicants remain on the list and the appointing authority requests that the list be abolished and a new list established. This

provision shall not apply to lists containing the names of current probationary or regular employees.

- f. For any of the reasons specified in Rule III, Section 5, Disqualifications, of these Personnel Rules and Regulations.

Current employees shall be notified of the removal of their names by a notice mailed to their last known address.

RULE VI. APPOINTMENT

Section 1: TYPES OF APPOINTMENT. All vacancies in the Competitive Service shall be filled by transfer, reemployment, promotion, reinstatement, or from eligible candidates certified by the Human Resources Director from an appropriate list, if available. The appointing authority may appoint any eligible applicant on an eligibility list regardless of rank or final score. In the absence of persons eligible for appointment in these ways, temporary appointments may be made in accordance with the Personnel Rules and Regulations. Appointments to City service are divided into the following categories:

- a. Regular: Shall be the appointment of a person who has satisfactorily completed his probationary period to an authorized position which is expected to exist for an indefinite period of time.
- b. Probationary: Shall be the appointment to a authorized position in which the employee must serve a probationary period of a certain designated time span to demonstrate fitness for the position.
- c. Temporary: Shall be the appointment in one of the categories listed below of a person to a position intended to be occupied on an intermittent basis to cover emergency workloads of limited duration, necessary vacation relief and other situations involving fluctuating staff to the extent funds are budgeted:
 1. Extra Help Appointments - Any appointment not exceeding six (6) months or exceeding six months, but working less than 1000 hours per fiscal year.
 2. Limited Term Appointments - Any appointment generally for periods of more than six (6) months, but less than 18 months, with the work week being more than 20 hours per week and requiring City Manager approval.
 3. Extended Term Appointments - Such appointments are generally for periods of more than 18 months, but less than 36 months with the work week being more than 20 hours per week and requiring City Manager approval.
 4. Emergency Appointments - To meet immediate needs of an emergency (i.e., civil disaster).
 5. Provisional - Shall be the appointment of a person with the minimum requirements for the position in the class, in the absence of a current employment list. Such appointments shall be for a limited period of time not to exceed six (6) months or until an employment list is established, whichever is shorter.

Employees whose appointments are temporary shall not be covered by the City's health, life, dental, disability, retirement or other benefit programs, except as required by the City's Public Employees' Retirement System (PERS) contract or as specified in the City's Salary or Benefits Resolutions. They do

not accrue vacation, holiday or sick leave benefits, nor are they members of the Competitive Service. While temporary employees are generally hired for a specified duration, employees will not experience a change in status simply because they remain in City service for a longer period.

- d. Exempt: Shall be all officials, department heads, and positions whose appointment, tenure or removal are exempted from the Personnel Merit System by municipal code, resolution or ordinance. Exempt employees serve at the pleasure of the appointing authority and may be discharged without cause and without the right of appeal.

An employee appointed to any of the above categories may be designated as either full-time or part-time. Full-time, in this context, shall mean a position having a standard work week of 40 hours (or 56 hours for fire suppression employees). Part-time shall mean a position having a work week of fewer hours than full-time as defined above.

Section 2: NOTICE TO HUMAN RESOURCES DIRECTOR. Whenever a vacancy in the Competitive Service is to be filled, the appointing authority shall notify the Human Resources Director.

Section 3: CERTIFICATION OF ELIGIBLES. If the appointing authority does not consider it in the City's best interest to fill the vacancy by reinstatement, transfer, or demotion, or if no reemployment list exists, certification shall be made from an appropriate eligibility or promotional list, provided one is available. Insofar as consistent with the best interests of the City, all vacancies in the Competitive Service shall be filled by promotion from within the Competitive Service after a job-related promotional recruitment has been conducted and a promotional list established.

When the appointing authority requests a vacancy be filled by appointment from a promotional list or from an open eligibility list, the Human Resources Director should certify from the specified list the names of all individuals qualified to accept appointment.

Section 4: REGULAR APPOINTMENT FOLLOWING PROBATIONARY PERIOD. All original and promotional appointments shall be tentative subject to a probationary period of six (6) months actual service during which the probationer may be released at any time. In the case of "safety" personnel (as defined by the Public Employees' Retirement System), the probationary period shall be for a period of one (1) year of actual service during which time the probationer may be released at any time. The probationary period for selected classifications may be changed by Memorandum of Understanding, resolution or ordinance of the City Council or as provided in these Rules and Regulations. The Human Resources Department shall notify the appointing authority at least two (2) weeks prior to the termination of any probationary period. If the service of the probationary employee has been satisfactory to the appointing authority, then the appointing authority shall forward the appropriate Personnel Action Form stating that the retention of such employee is desired. The appointing authority may extend the initial probationary period up to an additional six (6) months by written notification to the employee at least two (2) weeks prior to the end of the probationary period. In no case shall the probationary period exceed one (1) year unless as provided in these Rules.

In the event that any employee serving in a probationary period is on an authorized leave of absence, or not performing normal job duties because of medical disability, the probationary period shall be extended to compensate for the extent of this leave or disability.

Section 5: OBJECTIVE OF PROBATIONARY PERIOD. The probationary period shall be regarded as a part of the testing process and shall be utilized for closely observing the employee's work and for securing the most effective adjustment of a new employee to his position. At least two (2) written evaluations must be made during the employee's probationary period with a copy sent to the Human Resources Director after review has been made with the probationary employee.

Section 6: REJECTION OF PROBATIONER. During the probationary period, an employee may be terminated at any time by the appointing authority without cause and without the right of appeal. Written notification of failure to complete the probationary period shall be served on the probationer and a copy filed with the Human Resources Director.

Section 7: REJECTION FOLLOWING PROMOTION. Any employee released during the probationary period following a promotional appointment, shall be reinstated in the same status in the class from which he was promoted unless charges are filed and he is discharged in the manner provided in these Personnel Rules and Regulations for positions in the Personnel Merit System.

Section 8: ACTING APPOINTMENTS. The City's policy regarding acting appointments to City positions shall be and rules applying thereto are:

1. The appointing authority for acting appointments shall be the regular appointing authority subject to the City Manager's or his designated representative's approval.
2. Acting appointments may be made on a temporary promotional basis to fill a vacant position for which no other candidate is immediately available or to provide a replacement for an employee who remains on an approved leave of absence.
3. Acting appointments may not be extended for a period greater than ninety (90) days without special approval of the City Manager or his designated representative and in no case for a period in excess of 180 days without City Council approval, unless the acting appointment is replacing employees on approved industrial leave time. For employees in the Management, Supervisory / Administrative / Professional and Confidential employees groups as defined in the current Salary Resolution, the maximum period of time an acting appointment may extend without Council approval is 365 days.
4. Acting appointments may not be made in excess of authorized strength or budgeted funds without approval of the City Manager or his designated representative.
5. If an employee is appointed in an acting capacity, the employee shall

receive the salary equivalent to an amount which is at least 5% higher than his current salary, providing the salary range of the acting position is at least 5% higher and providing that the employee serves in the higher classification for more than ten consecutive working days. In the case of Fire Department (24-hour) personnel, ten consecutive working days shall mean four (4) consecutive shifts.

6. While working in an acting capacity, employees shall continue to accrue, and have recorded general or normal salary step increases in the employee's regular position. However, such salary increases will be paid only to maintain a minimum five (5) percent differential above the salary to which an employee is entitled in his regular position.

RULE VII. CONDITIONS OF EMPLOYMENT

Section 1: WORK WEEK. Full-time working time per week shall be (56 hours for the Fire Suppression personnel) forty (40) hours with special provisions made in departments that require additional hours to meet existing conditions or emergency contingencies.

Section 2: HOURS OF WORK. The hours during which City offices and departments shall be open for business shall be determined by the City Manager or his authorized representative.

Section 3: ATTENDANCE. Employees shall be at their place of work in accordance with general or departmental regulations. All departments shall maintain daily attendance records of employees and furnish, on forms provided, a biweekly report which are to be forwarded to the Payroll Office.

Section 4: PROBATIONARY PERIOD. Probationary employees shall be subject to provisions stated in Rule VI, Section 4, 5, 6 and 7.

Section 5: OVERTIME. Policy on overtime shall be detailed in the current Salary or Benefits Resolutions or current Memorandum of Understanding.

Section 6: COMPENSATORY TIME OFF. Policy on compensatory time off shall be detailed in the current Salary or Benefits Resolutions or current memorandum or understanding.

Section 7: STANDBY PAY. Policy on standby pay shall be detailed in the current Salary or Benefits Resolutions or current Memorandum of Understanding.

Section 8: OUTSIDE EMPLOYMENT. Any full-time regular or probationary City employee who is now engaged in or wishes to engage in outside employment, shall submit a written notice concerning the outside employment to his Department Head. The written notice shall contain the name of the employer, type of work involved, the hours of employment and the address and phone number of the place of the employment.

The purpose of the written notice is to insure that the employee can be contacted at the place of employment in a case where the City employee may have to assist in a City emergency.

The employee is required to assure the Department Head, in writing, of the following:

- a. The outside employment shall not involve a conflict of interest.
- b. The outside employment will not interfere with the recall to City duty on an overtime basis, in the event of a City emergency.

Section 9: POLITICAL ACTIVITIES. All political activities of City employees shall be governed by applicable state and federal statutes.

Section 10: RESIDENCY REQUIREMENTS. Residency requirements may be established, in accordance with applicable law, in those positions where emergency services may be required.

Section 11: EMERGENCY CALLBACKS TO WORK. In the event of a City emergency situation, all employees who are contacted to return to work on an overtime basis, unless physically incapacitated, must do so. Any employee who is contacted to come back to work on an overtime basis, due to a City emergency situation, who fails to do so due to outside employment, may be subject to disciplinary action.

RULE VIII CLASSIFICATION

Section 1: PREPARATION OF PLAN. The Human Resources Director, or a person or agency employed for that purpose, shall ascertain and record the duties and responsibilities of all positions in the Competitive Service and, after consulting with either the appropriate employees, supervisors or their department heads, shall recommend a classification plan for such positions to the City Manager. The classification plan shall consist of classes of positions in the Competitive Service defined by class specifications; including the title and minimum qualifications, and shall develop and maintain current job descriptions on all positions reflecting the duties, responsibilities and authority within the job. The classification plan shall be so developed and maintained that all positions substantially similar are included within the same class, and that the same schedules of compensation shall be made to apply with equity under like working conditions to all positions in the same class. The Human Resources Department shall notify recognized representatives of the classes being reclassified of the intent to reclassify and shall provide both the employee and the recognized representative a copy of the proposed recommendation at least five (5) working days prior to submission to the City Council for adoption. Upon written request of the affected employee organization, the Human Resources Director shall discuss any proposed classification prior to submission to the City Council.

Section 2: ADOPTION, AMENDMENT AND REVISION OF PLAN. The classification plan shall be adopted and may be amended from time to time by resolution of the City Council under the same provisions of Rule VIII, Section 1. At the time of consideration, any City employee and/or authorized representative may appear and be heard. Amendments and revisions of the plan may be suggested to the City Council by any City employee and/or recognized City employee organization. Any suggestion for change must be submitted in writing to the City Council through the Human Resources Director who shall notify the appropriate department head, bargaining unit and employee. Notice of City Council consideration of the proposed classification plan, amendments or revisions shall be publicly posted at least five (5) days prior to City Council action.

Section 3: NEW POSITIONS. Requests for new positions shall be submitted to the City Manager. Each request for a new position shall include a proposed job title and grade, a statement of purpose, duties and responsibilities, and a detailed justification as to the necessity of the position. The Human Resources Director shall review all requests and recommend to the City Manager after consultation with the department head the appropriate title, classification and pay grade of all new positions.

Section 4: RECLASSIFICATION. Requests for reclassification must be submitted to the Human Resources Director through the budget process or in written form. A reclassification is a change to a different class within the classification plan or to a new class of an individual position on the basis of a substantial change in duties performed in such position. The Human Resources Director shall review all requests for reclassification and recommend approval or disapproval to the City Manager. These requests should include the present and proposed position title, grade, and salary as well as the proposed method of financing and statement of justification.

Section 5: USE OF POSITION TITLE. All positions shall be designated by official position titles as established by the City Council on all official records, payrolls and communications.

RULE IX. SALARY ADMINISTRATION

Section 1: PREPARATION OF PLAN. The Human Resources Director or the person or agency employed for that purpose shall prepare a pay plan covering all classes of positions in the Competitive Service. In arriving at salary rates or ranges, consideration shall be given to working conditions for comparable work in other public employment, to current costs of living, to suggestions of department heads, to the City's financial condition and policies, and to other relevant factors. The Human Resources Director or the person or agency employed for that purpose shall thereafter make such further studies of the pay plan as may be requested by the City Council. The elements of any pay plan are subject to the meet and confer process as designated by State law.

Section 2: ADOPTION OF PLAN. The pay plan shall be adopted as a separate salary ordinance or resolution and amended from time to time by action of the City Council. At the time of consideration any City employee or representative of a recognized employee organization, may appear and be heard. Amendments and revisions of the plan may be suggested to the City Council by any interested party and shall be submitted to the City Council through the Human Resources Director. Notice of City Council consideration of the proposed pay plan, shall be publicly posted in affected departments as well as submitted to all affected City employee organizations at least fifteen (15) working days prior to City Council action. Thereafter, no position shall be assigned a salary not in conformance with the salary schedule for the class as amended in the same manner as herein provided for its adoption.

Section 3: SALARY ON ORIGINAL APPOINTMENT. New employees shall generally be appointed at the entry level (beginning of the salary range) in effect for the particular class of position to which the appointment is made. Advanced appointments in the salary range may be made by the appointing authority when circumstances warrant it, at other than the minimum. Appointment above the middle of the range shall be approved by the City Manager.

Section 4: SALARY ON REINSTATEMENT. A former employee who was previously separated in good standing may be eligible to return at the step or relative position in salary range at which he was on upon separation if reinstated in the same class or in a lower class in the same series. This determination is to be made by the Human Resources Director. Such an employee shall be subject to all conditions of employment as stated in Rule VII of these Rules and Regulations including the requirement of a probationary period.

Section 5: SALARY ON REEMPLOYMENT. The salary paid to an employee who is reemployed into the same classification he held at time of layoff shall be the salary then in effect for the salary range step the employee held at the time of layoff. If the employee chooses to be reemployed in a classification which has a salary range lower than the classification from which he was laid off, then salary placement will be made at the step in the lower range that is closest to his salary immediately prior to layoff, except that if the maximum of the salary range of the classification into which the employee is to be reemployed is lower than the salary received immediately prior to layoff, then the employee shall receive the maximum salary provided in such range.

Section 6: MERIT INCREASES. New employees are eligible for a merit increase after satisfactory completion of six months employment. Thereafter, the employee is eligible for a merit increase at one year intervals until they reach the top of their particular pay range. These increases are based upon satisfactory job performance and are not automatic seniority raises.

Regular part-time employees working more than 20 hours per week shall serve a probationary period and shall be eligible for a merit increase at the end of that time. Thereafter, regular part-time employees will be eligible for merit increases annually.

If the anniversary date of the employee falls within the first seven days of a payroll period, the effective date of the merit increase shall be the beginning of that payroll period. If the anniversary date of the employee falls within the second week of a payroll period, the merit increase shall be effective the beginning of the succeeding payroll period.

Section 7: SPECIAL MERIT INCREASES. A department head may request a special merit increase for any employee to reward unusual or outstanding achievement. Special merit increases require approval of the City Manager.

Section 8: SALARY ON PROMOTION. An employee who is promoted to a position in a class with a higher salary range shall commence work in the higher schedule at a pay level that is at least five percent above the salary he was receiving when promoted provided that such a salary would not exceed the top of that range. Requests for increases above 5 percent shall be subject to approval by the City Manager. Upon promotion, the employee shall serve a probationary period and shall have a new anniversary date which shall be the effective date of the promotion.

Section 9: SALARY ON TRANSFER. When an employee is transferred from one position to another in the same class, or another class with the same salary range, the salary and anniversary date shall not change.

Section 10: SALARY ON DEMOTION. When an employee is demoted for reasons of unsatisfactory performance or disciplinary action, he shall commence work in the lower schedule at a pay level that is at least five percent below the salary he was receiving when demoted. The employee's anniversary date shall be one year from the effective date of the demotion unless the demotion is for less than one year, in which case the anniversary date shall be adjusted by the length of the demotion.

When an employee in good standing is demoted to a position in a lower class for physical disability or for reasons other than unsatisfactory performance, he shall either be "Y" rated or receive the highest salary in the new range that does not exceed his rate of pay immediately prior to demotion and shall retain his anniversary date.

When a probationary employee is demoted to a class not previously occupied by him, he shall commence work at the lowest step in the range for that class and shall be required to serve a full probationary period with change in anniversary date to the effective date of the demotion. A promotional probationary employee demoted to a class he formerly occupied in good standing, shall have the step status, probationary status and anniversary date he would have achieved if he would have remained in the lower class throughout the period of his service in the higher class.

Section 11: "Y" RATE. With approval of the City Manager, an employee may be "Y" rated when his present salary exceeds the last step of the salary range assigned the new classification to which he is being reclassified.

When an employee is "Y" rated, his current salary will remain the same until a step of the salary range assigned to his new classification exceeds the salary he was earning at the time of the establishment of the "Y" rate. The employee's salary may then be increased to the same relative position in the new range as he held previously.

Section 12: SALARY ON REGRADE. When a salary grade for a given class is revised upward or downward, the incumbents of positions in classes affected shall have their existing salary adjusted to the same relative position in the new salary grade and their anniversary date shall not be changed. Classes that are assigned by Ordinance to salary schedules "E", "M" and "S" shall not be subject to this provision.

Section 13: SALARY ON RECLASSIFICATION. The following actions will prevail with each of the following changes:

- a. Downgrade - In the event that a position is reclassified to one having a lower rate of pay, the incumbent shall be either 1) reassigned to another position in the same class or a comparable class if available, or 2) placed in the lower classification with the salary being set at the "Y" step. See Section 11 (above) for an explanation of the "Y" rate. In such case the anniversary date shall not change.
- b. Upgrade - In the event that a position is reclassified to one having a higher rate of pay, the salary and the anniversary date shall be governed by Rule IX, Section 8.
- c. In the event that a position is reclassified to one having the same salary range or grade, the incumbent's anniversary date and relative position within the salary range or grade shall remain the same.

RULE X. EMPLOYEE BENEFITS

Section 1: ANNUAL VACATION LEAVE. The purpose of annual vacation leave is to enable each eligible employee to return to his work mentally and physically refreshed. Vacations shall be taken at the convenience of the City, although every effort shall be made to grant employees specific requests. Each department head shall be responsible for scheduling the vacation period of his employees in such a manner as to achieve the most efficient functioning of the department. No employee will be eligible to take any vacation until after completion of his initial probationary period.

Vacation accrual for any employee shall be allowed based on provisions covered in the current Salary or Benefits Resolutions or Memorandums of Understanding.

Section 2: SICK LEAVE. Sick leave with pay shall be granted in accordance with the Salary or benefits resolutions or Memorandums of Understanding to all probationary and regular employees within the Personnel Merit System except those who work less than 1040 hours a year. Sick leave shall not be considered as a right which an employee may use at his discretion, but shall be allowed only in case of necessity and actual sickness or disability.

Employees may use sick leave for medical and dental appointments upon specific approval of the appointing authority or his designated representative.

In the absence of departmental policies to the contrary, an employee must promptly notify his immediate supervisor in case of illness or disability, which necessitates absence from duty.

The appointing authority may place the employee on leave without pay status if the employee is not in fact sick or incapacitated from performing his duty or if he had engaged in private or other public work activity while on sick leave or if the illness or injury for which sick leave is taken is caused or substantially aggravated by compensated outside employment.

Any employee who is absent due to illness or disability may be required to file a written statement showing type of illness or reason for absence. Should the absence due to illness or disability extend beyond three (3) consecutive work days, the department head may require the employee to file a clearance statement from his or her physician. If an employee is required to be absent from duty due to exposure to a contagious disease and has been under quarantine, a clearance statement from a physician shall be filed upon returning to duty.

Not more than five days (40 hours) sick leave each calendar year may be taken in case an employee's presence is required elsewhere because of sickness or disability of members of his immediate family. In each such case, the appointing authority shall grant such sick leave only when, in his opinion, the relationship of the sick or disabled persons to the employee warrants such use of sick leave.

An employee receiving temporary disability payments under the Worker's Compensation Laws may use accumulated sick leave in order to continue to maintain his regular income. However, all employees receiving full salaries in lieu of temporary

disability payments pursuant to Section 4850 of the Labor Code are entitled to accumulate sick leave during such periods of disability.

When an employee is injured in the performance of his duties, the City shall continue the payment of full salary without regard to, or reduction of, any accrued sick leave for the first 240 hours of salary continuation.

After the first 240 hours of salary continuation, the City will pay from accrued sick leave, compensatory time earned or earned vacation, as authorized by the employee, such amounts as will, when added to payments made to him under the provisions of the Worker's Compensation Law, equal his full salary. The sick leave, compensatory time earned or earned vacation shall be charged at a rate proportional to the City's actual contribution to the full salary. When an employee has used all accrued sick leave, vacation and compensatory time off, he shall be placed on a medical leave of absence without pay until he is able to return to work, or is retired, or otherwise terminated.

Section 3: MILITARY LEAVE. Military leave shall be granted in accordance with the provisions of State and Federal laws.

Any probationary or regular employee who volunteers or is called into active military service, shall be entitled to appropriate reemployment rights under applicable State and Federal laws.

Section 4: MEDICAL LEAVE OF ABSENCE WITHOUT PAY. The appointing authority may grant a regular or probationary employee who is temporarily disabled and unable to work due to a medical condition a leave of absence without pay for a period not to exceed six (6) months. This six month limitation shall not apply to work-related injuries. The term medical condition as used herein encompasses all temporary medical disabilities, including, but not limited to, pregnancy, childbirth, and related medical conditions. No such leave shall be granted except upon written request of the employee, setting forth the reason for the request, and the approval will be in writing. An employee who requests such a leave will be required to provide initially and from time to time, proof of and status of disability in the form of a physician's statement. An employee returning from a medical leave of absence shall be required to provide a physician's statement that indicates that he is able to return to work. Upon expiration of a regularly approved leave, the employee shall be reinstated in the position held at the time leave was granted. Failure on the part of an employee on leave to report to work promptly at its expiration shall be cause for discharge. Such leave without pay shall be reported to the Human Resources Director.

Any employee on a medical leave of absence shall not accrue holiday, vacation and sick leave during the period of the unpaid leave. Health, dental and life insurance ordinarily provided by the City, and for which the employee is otherwise eligible, will be continued during the period of disability. The premium for the employee's health insurance only will be waived for a maximum of four (4) months. The cost of dependent insurance, dental insurance and life insurance will be the responsibility of the employee, as well as the employee's cost for medical premiums after the four months.

Should an employee request to take a medical leave beyond six (6) months, approval will be at the discretion of the City Manager.

Section 5: PERSONAL LEAVE OF ABSENCE WITHOUT PAY. This policy shall be treated separately from the Medical Leave Policy.

The appointing authority may grant regular or probationary employees a personal leave of absence without pay, provided such period shall not exceed six (6) months. The term personal leave as used herein encompasses, but is not limited to, paternal child care, maternal child care, schooling, family emergency and related conditions.

No such leave shall be granted except upon written request of the employee, setting forth the reason for the request, the date such leave will begin, and the expected duration. A personal leave is at the discretion of the Department Head and must be approved in writing. Health, dental and life insurance ordinarily provided by the City, and for which the employee is otherwise eligible, may be continued during the period of the Personal Leave at the employee's expense.

An employee who returns to work at the end of his or her leave of absence will be reinstated to his or her former position held at the time the personal leave was granted. Such an employee will be credited with all service prior to the commencement of his or her leave and for the period of his or her leave, except for PERS service credit.

Requests for extensions of a leave of absence will be considered if received by the employee's Department Head and the Human Resources Department in writing before the expiration of the approved leave, and such request for extension does not cause the total period of absence to exceed six (6) months. An employee who fails to report for work at the end of an approved leave will be subject to discharge.

If an employee chooses to take a personal leave of absence beyond a medical leave the total leave period shall not exceed six (6) months. Policy for each leave shall be treated separately.

Should an employee request to take a leave beyond six (6) months, approval will be at the discretion of the City Manager. In no event shall the total leave period extend beyond one (1) year.

Section 6: BEREAVEMENT LEAVE. When an employee who is eligible to receive sick leave is compelled to be absent from duty by reason of the death of a member of his immediate family, such employee shall be entitled to three (3) working days leave of absence with pay.

The first three days of bereavement leave taken by an employee are not chargeable to accrued sick leave. Any authorized bereavement leave taken in excess of three (3) days is chargeable to accrued sick leave.

An employee may take an additional two days chargeable to accumulated sick leave if in the opinion of the Department Head excessive travel is required in connection with the death of an immediate family member and provided he has the accrued sick leave available in his account.

Section 7: JURY DUTY. An employee summoned to jury duty shall inform his supervisor and if required to serve, shall receive full pay and benefits during the time he is absent from duty. Except for travel, the jury fees shall be remitted to the City.

Section 8: DISABILITY LEAVE. The appointing authority may require an employee whom he believes to be physically or mentally incapacitated for work to be examined by a physician, and/or psychologist of the City's choosing at City expense. If the results of any such examination indicate that the employee is unable to perform his duties, or if performance of his duties will expose others to infection, the employee shall be placed on sick leave, or medical leave without pay after all sick leave has been used, until adequate medical evidence is submitted that the employee is competent to perform his duties or will not subject others to infection.

Section 9: SUBPOENAED ABSENCE. An employee who is subpoenaed or required to appear in court as a witness, may receive his regular pay during his absence if, in the opinion of the appointing authority, the serving as a witness is deemed to be in the best interests of the public. A paid leave of absence shall not be granted for time spent in court on personal matters; in such cases compensatory time off may be used.

Section 10: TIME OFF TO VOTE. An employee requiring time off to vote, as provided in Section 5699 of the Election Code, may be granted not more than two hours at the beginning or end of his shift with pay, provided the appointing authority is notified in writing two working days in advance that such time is required and necessary.

Section 11: HOLIDAYS. When a holiday falls on a Sunday, the following Monday shall be observed. If a holiday falls on Saturday, the preceding Friday will be observed. If a holiday falls on an employee's regularly scheduled time off, compensatory time off shall be granted.

All regular and probationary full time employees shall be entitled to holiday benefits as outlined in the current Salary or benefits resolutions or memorandums of understanding.

Section 12: HOLIDAY SCHEDULE. The holiday schedule shall be set annually.

Section 13: REST PERIODS. If authorized by their immediate supervisors, employees may take two 15-minute rest periods each work day. Such rest periods shall be considered a privilege and not a right, and shall never interfere with proper performance of the work responsibilities and work schedules of each department.

Section 14: TUITION REIMBURSEMENT. It is the policy of the City to encourage employee development and excellence of performance by sharing in the cost of university, college and vocational programs in accordance with administrative regulations.

Section 15: PUBLIC EMPLOYEES' RETIREMENT SYSTEM. All probationary and regular employees working more than one-half time (1040 hours per year) are automatically covered by the City's contract with the Public Employee's Retirement System. Limited term employees are automatically enrolled with the Retirement System after completion of 1000 hours of employment. Detailed information on the retirement system is available from the Personnel Office.

Section 16: GROUP INSURANCE. Group insurance benefits are provided by the City. Details of all benefits are found in documents prepared and available in the Personnel Office.

Section 17: TEMPORARY EMPLOYEES. Temporary employees shall not accumulate vacation time, holidays, sick leave or any other benefits that are allowed regular or probationary employees.

RULE XI. PROMOTION, TRANSFER, DEMOTION

Section 1: TRANSFER. No person shall be transferred to a position for which he does not possess the minimum qualifications. Upon notice to the Human Resources Director, an employee may be transferred by the appointing authority at any time from one position to another position in a comparable class. No such notice is required for a reassignment from one position to another position in the same class and within the same department. For transfer purposes a comparable class is one with the same maximum salary, involves the performance of similar duties and requires substantially the same basic qualifications.

If the transfer involves a change from one department to another, both department heads must consent thereto unless the City Manager orders the transfer for purposes of economy or efficiency. Transfer shall not be used to effectuate a promotion, a demotion, advancement, or reduction, each of which may be accomplished only as provided in these Rules. When an employee is transferred from one position to another in the same class, or another class with the same salary range, the salary and anniversary date shall not be changed.

Section 2: PROMOTION. Insofar as consistent with the best interests of the service, all vacancies in the Personnel Merit System shall be filled by promotion from within the Personnel Merit System, after a promotional job-related examination has been given and a promotional list established. If, in the opinion of the department head with approval of the Human Resources Director, a vacancy in the position could be filled better by an open-competitive recruitment instead of promotional recruitment, then the Human Resources Director shall arrange for an open-competitive recruitment and for the preparation and certification of an open-competitive list.

Section 3: DEMOTION. The appointing authority may demote an employee for any of the following reasons or conditions:

- a. Involuntary Demotion - For disciplinary reasons set forth in Rule XII - Section 3.
- b. Voluntary Demotion - Upon the written request of an employee, and with the approval of the appointing authority, demotion may be made to a vacant position for which he possesses the minimum qualification.
- c. Demotion in Lieu of Layoff - When the need for a position which an employee fills no longer exists as governed by Rule XVII, Section 2.

RULE XII DISCIPLINARY ACTION

Section 1: CAUSE FOR DISCIPLINARY ACTION. Regular employees may be suspended without pay, demoted, reduced in pay, admonished, reprimanded or discharged for any of the following causes: Unauthorized absence without leave, abuse of sick leave privileges, fraud in securing appointment, incompetency, inefficiency, insubordination, dishonesty, mishandling of public funds, falsifying the City records, conviction of a criminal offense, illegal political activity, negligence in the use of City tools and equipment, unauthorized use of City equipment, willful disobedience of these Rules and Regulations, Administrative Regulations, or of any department rules and regulations which have been formally approved by the City Manager, or any other act or acts which are incompatible with or inimical to the public service.

Section 2: ADMONISHMENT OR REPRIMAND. Admonishment and reprimand represent the two mildest forms of disciplinary action and neither type results in the loss of pay for the employee. These actions may be oral or written and constitute only a warning to the employee that he is not satisfactorily fulfilling the duties and responsibilities of his position. If the admonishment or reprimand is written and a copy is sent to the Human Resources Director, it shall become part of the employee's official personnel file. If a grievance is sustained then the written reprimand shall be purged from the record. No record of an oral reprimand shall be placed in the employee's official personnel file unless subsequent action is necessary. The supervisor shall, however, make note of the date, time and content of the warning. Such records shall be made with full knowledge of the affected employee, evidenced by the employee's signature and date.

Section 3: DEMOTION/REDUCTION IN PAY. The appointing authority may demote or reduce in pay any employee whose ability to perform his required duties falls below standard, or for other disciplinary purposes. Such demotion/reduction in pay may be for a specified period of time with the understanding that the employee may be reinstated to the class from which he was demoted provided that agreed upon conditions set by the appointing authority are met to the satisfaction of the appointing authority. No employee shall be demoted to a position for which he does not possess the minimum qualifications.

Section 4: SUSPENSION. The appointing authority may suspend a regular employee from his position at any time for just cause. The appointing authority may suspend a regular employee not to exceed twenty (20) working days. No regular employee shall be penalized by suspension for more than twenty (20) working days in any twelve (12) month period for disciplinary reasons. Suspensions shall be reported immediately to the Human Resources Director.

Section 5: DISCHARGE. A regular employee in the Competitive Service may be discharged for cause at any time by the appointing authority. Whenever it is the intention of the appointing authority to discharge a regular employee in the Competitive Service the Human Resources Director shall be notified. Any regular employee who has been discharged shall be entitled to pre-disciplinary procedural due process as outlined in Rule XII - Section 6.

Section 6: PRE-DISCIPLINARY PROCEDURAL DUE PROCESS. Procedural due process shall be the right of all regular employees as outlined in these Rules and Regulations to be accorded certain pre-disciplinary safeguards before any substantial disciplinary action is taken, with the exception of classifications, positions and employments in the service of the City designated as exempt.

Substantial disciplinary actions shall include: suspension without pay for five (5) or more working days, involuntary demotions and discharges. As a minimum, these safeguards shall include:

- a. A written notice of the proposed action;
- b. The reasons for the proposed action;
- c. A copy of the charges and materials upon which the action is based; and,
- d. The right to respond, orally or in writing or both, to the appropriate authority.

If, after a regular employee has been given the above-outlined pre-discipline process safeguards, the appropriate authority considers and relies on new material, such material and a chance to respond must be made available to the employee before a decision to impose discipline is made.

Notwithstanding the above-stated provisions, disciplinary action may be taken against a regular employee without prior notice when in the discretion of the appointing authority, the employee's continued presence at the work site could have detrimental consequences. In such a situation, the regular employee shall be given disciplinary due process safeguards either during or as soon as possible following said suspension. In these cases, the appointing authority shall document circumstances which indicate the possibility of detrimental consequences. If the disciplinary action is subsequently found to be unwarranted, restitution must be made to the employee to compensate for loss of income and benefits.

RULE XIII. GRIEVANCE PROCEDURE

In the absence of a grievance procedure outlined in a Memorandum of Understanding, the following Grievance Procedure shall apply:

Section 1: PURPOSE OF RULE.

- a. To settle the disagreement at the employee-supervisor level informally, if possible.
- b. To provide an orderly procedure to handle the grievance, through each level of supervision if necessary, with final decision being vested in the City Manager.
- c. To resolve the grievance as quickly as possible.
- d. To correct, if possible, the cause of the grievance to prevent future similar grievances.
- e. To provide for the development of a two-way system of communication by making it possible for all levels of supervision to hear such problems, complaints and questions raised by employees.
- f. To reduce the number of grievances by allowing them to be expressed, and thereby adjusted and eliminated.
- g. To promote harmonious relations generally among employees, supervisors and the administrative staff.
- h. To ensure fair and equitable treatment of all employees.

Section 2: MATTERS SUBJECT TO GRIEVANCE PROCEDURE. Any employee of the City within the Competitive Service shall have the right to grieve under this provision any dispute concerning the interpretation or application of the City's Employer-Employee Relations Resolution or of written Personnel Rules and Regulations or of the interpretation or application of a written Memorandum of Understanding between the City and a formally recognized employee organization, or minor disciplinary actions that are not subject to the appeal as covered in Rule XIV - Appeals.

Section 3: INFORMAL GRIEVANCE PROCEDURE. An employee who has a problem or complaint should first discuss the matter with his immediate supervisor without undue delay. If, after this discussion, he does not believe the problem has been satisfactorily resolved, he shall, after informing his supervisor, have the right to discuss it with his supervisor's immediate superior, if any. Every effort should be made to find an acceptable solution by informal means at the lowest possible level of supervision. If the employee is not in agreement with the decision reached by discussion, he shall then have the right to file a formal grievance in writing within seven (7) calendar days after receiving the informal decision of his immediate supervisor.

The written formal grievance shall state:

1. Employee name, classification and department.
2. Name of individual or union/association representing employee.
3. Statement of grievance giving:
 - a) date and time of action being aggrieved.
 - b) circumstances of grievance.
4. Specific City policy being violated.
5. Desired resolution of grievance.
6. Signature of aggrieved employee and date.
7. Signature of union or association representative.

Section 4: FORMAL GRIEVANCE PROCEDURE. Levels of review through chain of command.

- a. First Level of Review: The grievance shall be presented in writing to the employee's immediate supervisor, who shall render his decision and comments in writing and return them to the employee within seven (7) calendar days after receiving the grievance. If the employee does not agree with his supervisor's decision, or if no answer has been received within seven (7) calendar days, the employee may present the grievance in writing to his department head after notifying his supervisor. Failure of the employee to take further action within seven (7) calendar days after receipt of the written decision, will constitute a dropping of the grievance.
- b. Department Review: The department head receiving the grievance should discuss the grievance with the employee, his representative, if any, and with other appropriate persons. The department head shall render his decision and comments in writing, and return them to the employee within seven (7) calendar days after receiving the grievance. If the employee does not agree with the decision reached, or if no answer has been received within seven (7) calendar days, he may present the grievance in writing to the City Manager. Failure of the employee to take further action within seven (7) calendar days after receipt of the department head's decision, will constitute a dropping of the grievance.
- c. City Manager: The City Manager receiving the grievance should discuss the grievance with the employee, his representative, if any, and with other appropriate persons. The City Manager may designate a fact-finding committee, or officer not in the normal line of supervision, to advise him concerning the grievance. The City Manager shall render a decision in writing to the employee within 14 calendar days after receiving the grievance. The decision of the City Manager shall be final.

Section 5: CONDUCT OF GRIEVANCE PROCEDURE.

- a. The time limits specified above may be extended to a definite date by mutual agreement of the employee and the reviewer concerned.
- b. The employee at his own expense may request the assistance of another person of his own choosing in preparing and presenting his appeal at any level of review.
- c. The employee and his representative may be privileged to use a reasonable amount of work time as determined by the appropriate department head in conferring about and presenting the grievance.
- d. Consultation with the Human Resources Director may be made as it relates to clarification and interpretation of these Rules.
- e. The employee shall follow the established chain of command in presenting his grievance to upper levels of management, except where a grievance involves an employee's immediate supervisor in which case he should present his grievance to the next level of supervisors.
- f. Employees shall be assured freedom from reprisal for using the grievance procedures.

RULE XIV. APPEALS

Section 1: RIGHT TO APPEAL. Any regular employee in the Personnel Merit System shall have the right to appeal in the following cases:

- a. Discharge.
- b. Demotion involving reduction in pay.
- c. Reduction in pay constituting more than one (1) weeks pay.
- d. A suspension without pay in excess of one (1) week.

No appeal shall be granted in those cases where the right of appeal is specifically excluded by Ordinance, Resolution, or the Personnel Rules and Regulations. Any employee who feels aggrieved for any other reason shall follow the grievance procedure as outlined in Rule XIII of these Rules and Regulations, provided the issue is a matter subject to the grievance procedure in accordance with Rule XIII, Section 2.

Section 2: METHOD OF APPEAL.

- a. In the event of one of the above actions, the action of the appointing authority shall be final unless the employee files an appeal.
- b. An employee wishing to appeal shall file a written statement signed by the appellant with the Human Resources Director within seven (7) calendar days of the effective date of the action. This shall set forth his intention to appeal, the reasons for the appeal, and whether or not he wishes the use of a hearing officer.
- c. Upon receipt of such notice of appeal, and if no hearing officer is requested, the Human Resources Director or his designated representative shall arrange for a meeting with the City Manager or his designated representative within seven (7) calendar days of the filing of the appeal. After weighing all evidence, the City Manager shall render a decision within seven (7) calendar days of the meeting unless an extension of time is deemed necessary. The decision of the City Manager or a designee thereof shall be final.
- d. If a hearing officer is requested, the Human Resources Director shall arrange for a meeting between the employee, his representatives, and the City Manager or a designee thereof within seven (7) calendar days after the hearing officer has submitted findings and recommendations. The City Manager, after weighing all the evidence and the findings of the hearing officer, shall make his decision which shall be final.

Section 3: HEARING OFFICER.

- a. At any time during the conduct of an appeal, but prior to its submission to the City Manager or designee thereof for final decision, the use of a hearing officer may be requested by either the employee, the appointing authority, or the Human Resources Director.
- b. If a hearing officer is requested, the City shall request that the name of a hearing officer be provided by the State Conciliation Service or some similarly appropriate body. His services thereof shall be at City Expense.
- c. The hearing officer shall be a neutral professional with fact-finding experience.
- d. The function of the hearing officer shall be to examine all the facts and available evidence, to question witnesses, and to make a recommendation to the City Manager.
- e. Evidence taken at the hearing by the hearing officer shall conform to the provisions of California Government Code Section #11513.
- f. The findings and recommendations of the hearing officer shall be submitted to the appellant, the City Manager, and the appointing authority.

Section 4: RIGHT OF REPRESENTATION. In the conduct of an appeal, the appellant shall have the right, as his own option and expense, to be represented by another person of his own choosing; to the summoning of witnesses in his behalf and/or to the employment of counsel.

RULE XV. EMPLOYEE PERFORMANCE EVALUATION

Section 1: OBJECTIVES. The prime objective of any employee evaluation system is the improvement of the overall quality of the service rendered by the City. Those specific objectives as outlined below will serve to indicate the major purposes of employee evaluation.

- a. Improve employee performance.
- b. Serve as one factor in considering promotional candidates.
- c. Provide a basis for pay increases within a salary range.
- d. Provide a basis for indicating training needs.
- e. Improve the quality of supervision.
- f. Provide feedback to supervisors.
- g. Validate recruiting/testing procedures.
- h. Update job description/job standards.

Section 2: EVALUATION TECHNIQUES. If a performance evaluation program is to be both effective and fair to City employees, it is essential that all supervisors evaluate their employees on a periodic basis, by using common performance standards which relate to the jobs being performed. The following guidelines shall be considered when rating an employee.

- a. Familiarization with the contents of the departmental format and evaluation procedures.
- b. Thorough understanding of the duties and requirements of the particular position held by the employee to be rated. This should be done in conjunction with the updating of the job description for the position.
- c. Use of objective reasoning.
- d. Assumption that job excellence implies excellence in all elements of a job and not just one segment of the job.
- e. Judgment should be based on demonstrated performance - not anticipated performance.
- f. Evaluation should cover an entire rating period, not single accomplishments or failures.
- g. Consideration of performance in terms of the level of the position -- lower level employees may very well be meeting the requirements of a position with greater effectiveness than other employees in a position demanding a higher degree of responsibility.

Section 3: EVALUATION PROCEDURE.

Probationary Employees. Shall be formally evaluated at least twice during the probationary period, although more frequent informal or formal evaluations are desirable.

Regular Employees. Shall be evaluated formally no less than once a year.

Temporary Employees. Shall be evaluated at the end of their temporary assignments.

Section 4: EVALUATION RECORDS. Triplicate copies of all evaluations shall be maintained. One copy shall go to the employee, one to the Human Resources Director as an official record and one shall be retained by the department.

Section 5: NOTIFICATION. The Human Resources Department shall notify appropriate departments of all scheduled evaluations at least thirty (30) days prior to the individual employee's anniversary date.

RULE XVI. TRAINING

Section 1: RESPONSIBILITY FOR TRAINING. The City strongly supports training and education efforts and encourages all employees to participate in such programs. The responsibility for training shall rest with the City Manager, Human Resources Director and appointing authorities within each department. Training efforts shall be determined and established on the basis of city-wide, departmental and individual needs. The program shall include:

- a. Establishment of minimum job skills, education, criteria and training programs.
- b. In-Service training requirements, some of which would include State mandates.
- c. Career advancement and promotional training.
- d. Individual development programs.

Section 2: CREDIT FOR TRAINING. Participation in the successful completion of special training courses shall be considered in making advancements and promotions.

RULE XVII. SEPARATION FROM SERVICE

Section 1: RESIGNATION. An employee wishing to leave the Personnel System in good standing shall file with the appointing authority, a written resignation stating the effective date and reasons for leaving at least two weeks before leaving the service, unless such time limit is waived by such official. A statement as to the resigned employee's service performance and other pertinent information shall be forwarded to the Human Resources Director. Failure to give notice as required by this Rule may be cause for denying future employment by the City. Prior to receiving one's final paycheck, all City equipment shall be returned and the appropriate clearance form signed.

Section 2: LAYOFF PROCEDURE. The City may, after consultation with employees and/or formally recognized City employee organizations as required by law, consider alternative actions in order to minimize layoffs. The appointing authority will identify those classifications which will be reduced in the Department which will meet the necessary reduction in force requirements as determined by the City.

a. Definitions. These definitions shall apply for purposes of layoff, displacement and reemployment:

1. SENIORITY - CITY SERVICE ("City Seniority"). The total continuous service in regular or probationary City employment including all positions held in the City work force.
2. SENIORITY - CLASSIFICATION LENGTH OF SERVICE ("Classification Seniority"). The total period of time (does not need to be continuous) an employee has been in a particular classification as a regular or probationary employee.
3. SENIORITY -FLEXIBLE STAFFING. Flexibly staffed classifications are considered as one classification.

b. Notification.

1. The appointing authority will notify the Human Resources Department in a timely manner of the classification(s) to be reduced.
2. All regular City employees to be laid off will be given written notice from the Human Resources Department of the effective layoff date no less than ten (10) calendar days before the effective day of the layoff. Such notice will be hand delivered or sent by certified mail.
3. The written layoff notice shall inform regular employees of applicable displacement and priority reemployment rights.

c. Reduction in Force. Once the classifications to be reduced have been identified:

1. The appointing authority shall identify the employee(s) to be terminated in the following order:

- i. Temporary extra-help employees in the identified classifications.
 - ii. Temporary limited-term employees in the identified classifications.
 - iii. Employees serving an initial probationary period in the identified classifications.
 - 2. The Human Resources Director shall then determine the regular employee(s) to be laid off. Layoffs shall be the following order:
 - i. Regular employees who within the twenty-six (26) pay periods immediately prior to the effective date of layoff received a pay reduction for reasons of unsatisfactory job performance or had their merit increase withheld for reasons of unsatisfactory job performance.
 - ii. Regular employees who within the twenty-six (26) pay periods immediately prior to the effective date of layoff received an overall unsatisfactory job performance evaluation.
 - iii. Regular employees with the least classification seniority.
 - iv. If there are two or more employees to be laid off who have identical classification seniority, the order of lay-off shall be by the least City Seniority. If such City Seniority is also identical, layoff shall be determined by drawing of lots.
 - 3. If an employee is laid off pursuant to Section c2(i) or c2 (ii) and believes the unsatisfactory performance evaluation, or denial of merit increase, or pay reduction is a pretext to lay off the employee, he/she may request an appeal hearing under the procedures set forth in Rule XIV of the Personnel Rules and Regulations. The only issue to be decided at the appeal hearing is whether or not the unsatisfactory performance evaluation, denial of merit, or pay reduction was pretextual, and the employee shall have the burden on said issue.
- d. ~~Displacement Rights (Bumping).~~
- 1. Regular employees who are designated to be laid off and have held regular status in a lower classification may demote into a vacant position or may displace an employee in the lower classification provided that the employee exercising the displacement privilege has greater City seniority than the incumbent in the classification to which the employee is bumping. If the employee designated to be laid off has not held regular status in the lower classification, then no displacement rights accrue to that employee.
 - 2. Employees being displaced shall be displaced in the same order as specified in Section 2c - Reduction in Force.

3. An employee designated to be laid off must exercise displacement privileges within five (5) working days after receipt of a notice of layoff, by written notice to the Human Resources Director. If displacement privileges are not exercised within the specified time period, they are automatically forfeited.
- e. Demotions in lieu of Layoff.
1. Upon request of or acceptance by the employee designated for layoff, the appointing authority from the department with the vacant position may demote an employee who has not held regular status in a lower classification to a vacant authorized position if he/she meets the minimum qualifications of the lower position as determined by that appointing authority. Notwithstanding the foregoing, the City Manager, upon consent of the employee, may order a demotion of the employee to such a vacant position.
 2. All employees who are so demoted will be paid at the same rate of pay as prior to demotion, if, and only if, the rate of pay is within the grade/range of the lower position. If this is not the case, the rate of pay shall be within the salary grade/range of the lower position which is closest to the rate of pay prior to demotion.
 3. An employee must accept a demotion within five (5) working days after receipt of a notice of demotion, by written notice to the Human Resources Director. If acceptance is not exercised within the specified time period, an employee will automatically forfeit the ability to demote.
- f. Transfers in lieu of Layoff.
1. Upon request of or acceptance by the employee designated for layoff, the appointing authority from the department with the vacant position may transfer an employee to a vacant authorized position with the same maximum salary grade/range if the employee meets the minimum qualifications of the position as determined by that appointing authority. Notwithstanding the foregoing, the City Manager, upon consent of the employee, may order a transfer of the employee to such a vacant position.
 2. Employees who are so transferred will be paid at a rate of pay equal to the rate of pay prior to transfer.
 3. An employee must accept a transfer within five (5) working days after receipt of notice of transfer, by written notice to the Human Resource Director. If acceptance is not exercised within the specified time period, an employee will automatically forfeit the ability to transfer.

g. Reemployment Lists.

1. Employees who are laid off or who are demoted in lieu of layoff and who held regular status at the time of layoff shall have their names placed on a Reemployment List for each classification in which they previously held regular status and for classifications at the same or lower salary grade/range for which they meet minimum qualifications. Vacant positions in such classifications will be offered to individuals on the Reemployment List prior to an open or promotional recruitment for the vacancy.
2. Individuals will be placed on and selected off the lists in the following order:
 - i. Individuals with the greatest City seniority. When the City Seniority is equal, the Human Resources Office shall notify all those on the reemployment list with equal seniority of the reemployment opportunity and they shall be interviewed and considered for the vacancy by the appointing authority, who shall make the final selection.
 - ii. Individuals, notwithstanding their seniority, who within the twenty-six (26) pay periods immediately prior to the effective date of layoff received an overall unsatisfactory job performance evaluation.
 - iii. Individuals, notwithstanding their seniority, who within twenty-six (26) pay periods immediately prior to the effective date of layoff had their merit increase withheld for reasons of unsatisfactory job performance or received a pay reduction for reasons of unsatisfactory job performance.

h. Duration of Reemployment Lists. The eligibility of the individual on the Reemployment Lists shall extend for a period of two (2) years from the date of layoff or demotion in lieu of layoff.

1. Individuals not responding to written notification of an opening within five (5) working days of receipt of notification shall have their names removed from the Reemployment List(s). A notice addressed to the individual's last known address returned as undeliverable will be deemed a waiver of reemployment rights, and that name shall be removed from all reemployment lists.
2. Individuals who refuse an offer of reemployment (reinstatement) to the same classification (or equal classification) which they held at the time of layoff shall have their names removed from the Reemployment List for that classification and all classifications at the same or lower salary grade/range.

3. Once an individual on a reemployment list is reinstated to a regular position at the same pay grade/range held prior to layoff or demotion in lieu of layoff as a result of his or her reemployment rights, his or her name will be removed from the reemployment list for the classification to which he or she was reinstated and from all reemployment lists for classifications at the same or lower salary grade/range.
- i. Restoration of Benefits upon Reemployment Following a Reduction in Force. Upon reemployment following a reduction in force, an individual will have the following benefits restored:
1. Prior sick leave accruals minus the number of hours cashed out at time of layoff.
 2. Classification Seniority at time of layoff for purposes of determining merit increases and future reduction in force. City Seniority at the time of layoff for purposes of determining vacation accruals and future reduction in force.
 3. No probationary period shall apply upon reemployment, or reappointment in the case of demoted employees, unless the individual has never held regular status within the classification series for the classification to which the individual is appointed. In such a case, the probationary period is "initial" non-promotional governed by Rule VI, Sections 4, 5 and 6.

Section 3: REINSTATEMENT. With the approval of the appointing authority and the Human Resources Director, a regular or probationary employee who has resigned with a good record may be reinstated without examination to a vacant position of the same or comparable class previously held within two (2) years. Upon reinstatement, the employee for all purposes, shall be considered as though he were a new employee.

Section 4: BREAK IN SERVICE. An interruption of continuous service. The following are considered breaks in service:

- a. Resignation.
- b. Discharged for just cause.
- c. Absent without notice for three (3) consecutive work days.
- d. Failure to report for work within five (5) working days after the City sends to the last known address a written notification of return to work after a layoff.
- e. Failure to report for work following termination of authorized leave of absence, unless such time is extended in writing by the City.

A break in service has the following effect on the employee's personnel record:

- a. Removes from consideration all previous periods of employment in the determination of vacation benefits.
- b. Removes from consideration all previous periods of employment in the determination of seniority when considering layoffs due to lack of work or lack of funds.
- c. Removes from consideration all previous periods of employment for purposes of computing eligibility for the next salary increment.
- d. Removes any claim or right employee has to his former position and salary.
- e. Removes all accrued sick leave.

The following shall not be considered an interruption of continuous service (break in service) for persons who work during the regular hours or shifts of the classification in which they are employed:

- a. Sick leave/temporary disability.
- b. Leaves of absence granted by the department head.
- c. Paid vacation.
- d. The period of military service and incidental periods pertaining thereto prior to reinstatement under the provisions of the Government Code.
- e. Layoff.
- f. Suspension.

The City Manager, at his sole discretion, may take into account previous periods of City employment in making determinations regarding various employee benefits.

~~Section 5:~~ RETIREMENT. The Public Employees' Retirement System provides income for the service and disability retirement, death benefit payments, plus a guarantee that member contributions, with interest, will be refunded to all who wish to withdraw such contributions upon termination of employment. Membership is compulsory (except for elected officials) for all probationary and regular employees employed 1000 hours or more per fiscal year.

The City may request the Public Employees' Retirement System to retire an employee who becomes physically or mentally incapacitated to perform the duties of his position.

The City may also request disability retirement for an employee if an industrial injury leaves the employee with a permanent disability which prevents him from performing the

duties of the job for which he was hired or which might subject him to further injury if employment were continued.

The City shall make every effort to transfer or reassign the partially disabled employee to another existing position within the classification plan before a request for disability retirement is made.

RULE XVIII MISCELLANEOUS PROVISIONS

Section 1: DEPARTMENTAL RULES AND REGULATIONS. Each department head has the authority and responsibility to adopt such rules and regulations for his department as are necessary for the efficient operation of the department. Such rules and regulations shall be submitted to the City Manager for approval after consultation with the appropriate employee organizations and are equally as binding on the employee as the rules, and regulations. These Personnel Rules and Regulations take precedence over departmental rules and regulations in the event of conflict.

Section 2: REPORTS AND RECORDS.

- a. Employee Personnel Record: The Human Resources Director shall maintain a service or roster card for each employee in the service of the City showing the title of position held, the department to which assigned, salary, changes in employment status, and such other information as may be considered pertinent.
- b. Change of Status Report: Every appointment, transfer, promotion, demotion, change of salary rate, and any other change in employee status shall be recorded and maintained in a format deemed appropriate by the Human Resources Director.
- c. Official Personnel Folder: The Human Resources Director shall maintain the official personnel folder which shall contain only the appropriate personnel records. No information will be included in the Personnel folder without the knowledge of the individual employee.
- d. Position Control Register: The Human Resources Department in conjunction with the Payroll Office shall maintain a Position Control Register which lists all current authorized positions and the incumbents in those positions. The control number (fund, activity, key position) employee number, name, grade, step, anniversary date, employment date and authorized position factor are included on the register for each position.

Section 3: DRIVERS LICENSES. Any employee who operates a City vehicle or any motor vehicle on City-related business shall have in his possession a current, valid California driver's license in the proper class. Employees whose job duties include operating or driving a motor vehicle shall immediately notify their immediate supervisor of any restrictions, suspensions or revocation of their driver's license. Failure to do so may result in disciplinary action against the employee.

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