



City of Seal Beach

PERSONNEL RULES AND REGULATIONS

TABLE OF CONTENTS

	PAGE
SECTION 1: AUTHORITY AND PURPOSE	3
1.01 Authority	3
1.02 Purpose.....	4
1.03 City Manager Authority	4
1.04 Administrative Policies and Procedures	5
1.05 Conflict with Charter/Collective Bargaining Agreements.....	6
1.06 Severability	6
1.07 Emergency Situations	6
1.08 Labor Relations.....	6
1.09 Applicability of Rules to Certain Exempt Positions.....	6
SECTION 2: DEFINITION OF TERMS	7
SECTION 3: CLASSIFICATION PLAN	10
3.01 Classifying Positions.....	10
3.02 Preparation and Maintenance.....	10
3.03 Adoption	10
3.04 Interpretation of Classification Specifications.....	10
3.05 Reclassification.....	10
3.06 Status of Employee Occupying Reclassified Position	11
SECTION 4: RECRUITMENT AND SELECTION PROCESS.....	11
4.01 Nature of the Process	11
4.02 Commencing Recruitment	11
4.03 Announcement	11
4.04 Applications	11
4.05 Disqualification.....	11
4.06 Withdrawal of Application or Candidacy	12
4.07 Appointments.....	12
4.08 Notice to Appointing Authority	13
4.09 Certification of Employment List	13
4.10 Probationary Appointment.....	13
4.11 Alternate Employment Lists	13
4.12 Provisional Appointment	13
4.13 Appointment of Relatives	14
SECTION 5: MEDICAL EVALUATION PROCEDURES.....	14
5.01 Physical Examination.....	14
5.02 New Hires or Re-Hires.....	15

5.03	Promotion or Transfer	15
5.04	Failing the Physical Examination	15
5.05	Absence Due to Illness or Physical Incapacity	15
5.06	Qualified Physician	15
5.07	City Financial Responsibility	15
5.08	General Requirements	15
SECTION 6: PROBATION		15
6.01	Probationary Period	15
6.02	Exclusions from Probationary Period	16
6.03	Completion of Probation	16
6.04	Extension of Probation	16
6.05	Effect of Rejection During Probation	17
	A. Initial Probationary Period	17
	B. Promotional Probationary Period	17
6.06	Appointment to a Different Classification During Probation	17
6.07	Status of Present Employees	13
SECTION 7: PERFORMANCE EVALUATION		18
7.01	Performance Evaluation System	18
7.02	Purpose	18
7.03	Preparation	18
7.04	Presentation and Response	18
7.05	Frequency	18
SECTION 8: COMPENSATION		18
8.01	Compensation Plan	18
8.02	Adoption and Amendment	19
8.03	Step Appointment	19
8.04	Salary at Promotion	19
8.05	Salary at Transfer	19
8.06	Salary at Demotion	19
8.07	Salary Advancement	19
8.08	Delay or Denial of Salary Advancement	19
8.09	Special Performance Advancement	19
8.10	Flexible Compensation Programs	19
8.11	Salary on Reemployment or Reinstatement	20
8.12	Adjustments for Leave of Absence	20
8.13	Administration	20
SECTION 9: EMPLOYMENT STANDARDS		20
9.01	Outside Employment Policy	20
	A. Outside Employment Permitted	20
	B. Notice	20

	C. Employment While on Leave	20
	D. Prohibitions	20
	E. Department Rules	22
9.02	Personnel Records	22
	A. Personnel File	22
	B. Personal Data	22
	C. Inspection and Copying	22
	D. Removal	22
	E. Personnel Forms	22
9.03	Political Activity	22

SECTION 10: LEAVES 23

10.01	Vacation	23
	A. Accrual	23
	B. Use	23
	C. Payment at Termination	23
	D. Limitations	23
10.02	Sick Leave	23
	A. Accrual	23
	B. Use	23
	C. Purpose	23
	D. Payment on Termination	24
	E. Verification	24
	F. Substitution	24
	G. Limitations	24
	H. Sick Leave Abuse	24
10.03	Family Care and Medical Leave	24
	A. Eligibility	24
	B. Use	24
	C. Substitution	24
	D. Duration of Leave	24
	E. Pay and Benefits	25
	F. Notice	25
	G. Certification	26
10.04	Pregnancy Related Leaves	27
	A. Eligibility	27
	B. Accommodation	27
	C. Substitution	27
	Other Provisions	28
10.05	Other Disability Leaves	28
10.06	Non-Medical Leaves of Absence	28
	A. Non-Medical Leave of Absence Without Pay	28
	B. Military Leave of Absence	29
	C. Jury and Witness Duty; Other Court Appearances	29
	D. Leave for Educational/Daycare Purposes	30
	E. Leave for Volunteer Firefighter Duties	30

F. Voting Time Off	30
G. Bereavement Leave.....	22
10.07 Alternate Leave Programs and Provisions.....	30
10.08 Sick Leave During Worker's Compensation	31
SECTION 11: TERMINATION.....	31
11.01 Resignation	31
11.02 Automatic Resignation.....	31
11.03 Layoff.....	32
A. City Manager Authority	32
B. Order	32
C. Bumping.....	32
D. Notice	33
E. Re-Employment	33
F. No Right of Appeal	24
11.04 Retirement.....	33
11.05 Medical Separation	33
11.06 Dismissal.....	33
11.07 Abolition of Position by the City Council	34
SECTION 12: DISCIPLINE.....	34
12.01 Action by City.....	34
12.02 Types of Disciplinary Action.....	34
12.03 Suspension	34
12.04 Administrative Leave.....	34
12.05 Reasons for Discipline	34
12.06 Request for Statement of Reason.....	35
12.07 Written Notice of Proposed Disciplinary Action.....	35
12.08 Appeals of Discipline.....	35
12.09 Scheduling.....	36
12.10 Arbitration.....	36
12.11 Burden of Proof.....	37
12.12 Subpoenas	37
12.13 No Right of Appeal for Reprimands.....	37
SECTION 13: HOURS OF WORK, OVERTIME, AND PREMIUM PAY	37
13.01 Hours of Work	37
13.02 Attendance	37
13.04 Timesheets	37
13.05 Overtime	37
13.06 Overtime Premium.....	38

SECTION 14: COMPLAINT AND GRIEVANCE PROCEDURE..... 38

14.01. Purpose of Grievance Procedure.....	38
14.02 Grievance Procedure.....	38
A. Informal Discussion of Grievance	38
B. Formal Grievance Procedure	39
C. Time Limits.....	40
D. Employee Rights.....	40

**SECTION 15: PRESENTATIONS RELATED TO GENERAL CONDITIONS OF
EMPLOYMENT..... 41**

15.01 Informal Groups and Individuals	41
15.02 Formally Organized Groups	41

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CITY OF SEAL BEACH

PERSONNEL RULES AND REGULATIONS

SECTION 1: AUTHORITY AND PURPOSE

1.01 Authority. The City of Seal Beach is constituted and organized pursuant to the Charter of the City of Seal Beach. The Charter authorizes the establishment of the Civil Service System in Article IX of the Charter:

“SECTION 900. Civil Service System. In order to: establish an equitable and uniform procedure for dealing with personnel and employment matters; attract to municipal service the best and most competent persons available; assure that appointments and promotions of employees will be based on merit and fitness as determined by competitive test; and provide a reasonable degree of security for qualified employees, the City Council, by ordinance, may establish a civil service system for City employees. The civil service system may include provisions for: the method of selection of city employees; the classification, advancement, suspension, discharge and termination of city employees; the consolidation and elimination of positions; and other provisions as deemed reasonable and necessary to govern personnel and employment matters of the City. The City Council may further adopt personnel rules to implement the provisions of any ordinance.”

Civil Service. The provisions of this article shall apply to all departments, divisions, and officers of the City government including therein all full-time employees of the City, except that the following shall be exempt therefrom, to wit:

- A. City Council Members;
- B. Appointed Persons;
- C. City Attorney;
- D. City Manager;
- E. City Clerk;
- F. Department Heads;
- G. Temporary, Seasonal, Part-time, and Hourly Employees;
- H. Any Employee designated as exempt by City Ordinance;
- I. Volunteers;
- J. Independent Contractors.

1.02 Purpose. These rules establish specific procedures and regulations governing the civil service system established by the Charter and Municipal Code. Except as otherwise expressly provided, these rules shall apply only to those employees occupying positions in Classifications in the Competitive Service.

1.03 City Manager Authority. The City Manager is the Personnel Officer and the Appointing Authority, as those terms are used in the Charter, the Municipal Code, and these Rules. The City Manager's power and duties as Personnel Officer are set forth as follows:

Powers and Duties. The City Manager shall be the Head of the Administrative Branch of the City government and shall be responsible to the City Council for the proper administration of all affairs of the City. Without limiting the foregoing general grant of powers, responsibilities, and duties, the City Manager shall have the power and be required:

- A. To enforce all laws and ordinances of the City and to see that all franchises, permits, and privileges granted by the City are faithfully observed.
- B. To exercise administrative control over all departments, divisions, and employees of the City government, except the City Attorney and elected City Clerk.
- C. To organize or reorganize such offices, positions, departments, or units under his/her direction as may be indicated in the interest of efficient, effective, and economical conduct of the City's business.
- D. To exercise all authority provided to the City Manager in the City of Seal Beach Charter, Article VI and Article IX, and in the Municipal Code.

Personnel Officer. The City Manager shall be ex officio Personnel Officer. With the approval of the City Council, the City Manager may delegate any of the powers and duties conferred upon him/her as Personnel Officer to any other officer or employee of the City or may recommend that such powers and duties be performed under contract. The City Manager shall:

- A. Administer all the provisions of the Personnel Rules and Regulations not specifically reserved to the City Council.
- B. Prepare and submit to the City Council revisions and amendments to the Personnel Rules which have been approved by the City Attorney.
- C. Prepare a position classification plan, including class specifications, and revisions of the plan. The plan, and any revisions thereof, shall become effective upon approval by the City Council.
- D. To recommend a comprehensive salary plan for all City employees and to recommend changes in line with current conditions.
- E. To publish or post notices of tests for positions in the competitive service; to receive applications therefore; to conduct and grade tests; to certify to the appointing power a list of all persons eligible for appointment to the

appropriate position in the competitive service. The Personnel Officer shall cause the duties imposed upon him/her by this provision to be performed by his/her designee, as to such duties, shall be subject only to the direction and control of the Personnel Officer.

- F. To appoint, promote, discipline, and remove employees of the City; except the City Attorney and the elected City Clerk.
- G. To make provision appointments as needed to ensure continuity in service to the community.
- H. To conduct Skelly hearings and hear appeals submitted by any person in the competitive service relative to any disciplinary action, dismissal, demotion, alleged violation of these Rules and Regulations, or other policies of the City, City Council, or City Manager.
- I. In any investigation or hearing conducted by the Personnel Officer, he/she shall have the power to examine witnesses under oath and compel their attendance or production of evidence by subpoenas issued in the name of the City and attested by the City Clerk.
- J. Except as otherwise expressly provided in Section 12, subsections 12.06 through 12.13 of these Rules, the Personnel Officer has is the final administrative authority in appeals or disciplinary hearings.
- K. To exercise all other supervisory and administrative powers over the Civil Service System and employment, labor relations and personnel matters, to the extent not specifically delegated or designated to any other person, committee, board, or commission, and not inconsistent or in conflict with any other provision of the Charter, Municipal Code or these Rules.

Right to Contract for Special Service. The City Manager shall consider and make recommendations to the City Council regarding the extent to which the City should contract for the performance of technical services in connection with the establishment or operation of the personnel system in accordance with City Council policies. The City Council may contract with any qualified person or agency for the performance of all or any of the following responsibilities:

- A. The preparation of Personnel Rules and subsequent revisions and amendments thereof.
- B. The preparation of a Position Classification Plan, and subsequent revisions and amendments thereof.
- C. The preparation of a Plan of Compensation, and subsequent revisions and amendments thereof.
- D. Special and technical services of advisory or informational character on matters relating to personnel administration.

1.04 Administrative Policies and Procedures. Pursuant to the Charter and Municipal Code, the Appointing Authority has the authority to issue Administrative Policies and Procedures to implement or supplement these Rules. Department Directors, with concurrence of the Appointing Authority, may issue Departmental Rules to implement or supplement these Rules within department(s) or other work groups under their control.

1.05 Conflict with Charter/Collective Bargaining Agreements. None of these Rules, any Administrative Policies and Procedures issued hereunder or any Departmental Rules issues hereunder may be in conflict with or supersede the Charter or the Municipal Code. In the event of conflict, the Charter will control. Whenever an applicable Memorandum of Understanding expressly preempts a section or identified portion of a section in these Rules, the Memorandum of Understanding will prevail once accepted by the bargaining group and approved by the City Council. All provision of these Rules that are not in conflict will remain in force.

1.06 Severability. Should any provision of these Rules be rendered illegal, unenforceable or invalid, in whole or part, the remaining provisions or parts of these Rules will remain in full force and effect.

1.07 Emergency Situations. In cases of emergency, the Appointing Authority may temporarily change, suspend, or otherwise modify these rules. Such emergency change shall be limited to the time period and subjects necessitated by the emergency. Any emergency change to be adopted permanently may be implemented on a temporary basis under this paragraph until such time as it may be adopted as a formal amendment by the City Council.

1.08 Labor Relations. It is intended that these Rules will be adopted, amended, and administered in compliance with the Meyers-Milias-Brown Act (MMBA), commencing at California Government Code § 3500. The Appointing Authority shall endeavor to interpret and apply these Rules in a manner consistent with the MMBA and may delay or decline to take any action that would violate the MMBA. Nothing in these rules is intended to establish any new labor relations requirement or to change or expand any labor relations requirement beyond that required by state law.

1.09 Applicability of Rules to Certain Exempt Positions.

- A. The provisions of these Rules relating to attendance and leaves shall apply to the incumbents of full-time exempt positions. The City Council may adopt attendance and leave provisions applicable to non-incumbent employees in positions of the exempt service.
- B. The City Manager shall have the power to make appointments to the following exempt positions, and shall retain full authority over their retention, discipline, dismissal, and other terms and conditions of employment:
 - 1. Newly hired full-time employees serving their initial probationary period or any extension of such initial probationary period; and full-time employees serving a promotional probationary period or any extension of a promotional probationary period.
 - 2. Temporary, seasonal, part-time, hourly employees, and non-benefited employees.
 - 3. Contract employees.

4. Provisional employees.
5. Department Heads.
6. Volunteers.
7. Independent contractors, in accordance with the terms of their independent contractor agreement.
8. Any person temporarily performing services during an emergency.

SECTION 2: DEFINITION OF TERMS

Except as otherwise provided or where the context otherwise requires, the following terms will have the meaning provided below when used in these Rules. The definition of a term applies to all of its variants, whether in capitalized or lower case letters.

Appointing Authority: The City Manager.

Appointment: The employment of an individual in a position. Appointment requires that the candidate report for work on the designated date and time and actually commence work.

Candidate: An individual participating in the examination process for an appointment.

Charter: The Charter of the City of Seal Beach.

City: The City of Seal Beach.

City Council: The City Council of the City of Seal Beach.

Civil Service or Civil Service System: The Civil Service System authorized by Article IX of the Charter and established by Chapter 3.15 of the Municipal Code. The terms "Civil Service", "Civil Service System", "Classified Service", and "Competitive Service" may be used interchangeably.

Classification: A group of positions sufficiently similar in duties, responsibilities, authority, and minimum qualifications for employment to allow combining them under a single title and applying equitable common standards of selection and compensation. The terms Classification and Class may be used interchangeably.

Classification Specification: A written description of the qualifications and employment standards for a single Classification in the Competitive Service. A Classification Specification may include a description of the typical functions, duties, and authority of the Classification, minimum required or desired qualifications for appointment, distinguishing characteristics and working conditions. The Classification Specification may also designate the Job Series, if any, to which the Classification belongs. The terms Classification Specification, Class Specification Job Specification and Job Description may be used interchangeably.

Classified Service: The Civil Service.

Competitive Service: All full-time employees in the City civil service system except those specifically exempted from the Civil Service in the Charter and Municipal Code. *See Exempt Service, below.*

Day: A calendar day unless otherwise specified. When any action to be taken or deadline falls on a Saturday, Sunday or any other day the City Manager's Office is not open to transact normal business, such action may be taken on and the

deadline will be extended to the next weekday during which the City Manager's Office is open to transact normal business.

Demotion: The voluntary or involuntary reduction of an employee who has completed probation from a position in one classification to a position in another classification having a lower maximum salary rate.

Department Director: An individual assigned by the City Manager to function as a Department Head. The term "Department Director" may be used interchangeably with "Department Head".

Department Head: Any person holding the position of Chief of Police, Director of Public Works/City Engineer, Director of Development Services, Director of Administrative Services, and Assistant City Manager; and as such titles may be amended from time to time; and any newly created position, and person serving in such position, designated as a Department Head by ordinance or resolution.

Dismissal: The involuntary separation of an employee from the City service for disciplinary reason(s).

Discipline: Except as otherwise provided, the suspension, involuntary demotion, dismissal or reduction in pay of a Regular Employee in the Competitive Service for cause.

Eligible: An individual satisfactorily completing the examination process for a classification and available for an appointment.

Employee: An individual compensated through the City payroll and legally occupying a position in a Classification in the Competitive Service.

Employment List: A list of names of individuals eligible for appointment to a Classification.

Exempt Service: Those positions, and persons serving in those positions, that are exempt from the Civil Service System of the City. In addition to the persons, positions and employments exempted from Civil Service by Section 901 of the Charter, Section 3.15.020 of Chapter 3.15 of the Municipal Code and Section 1.01 of these Rules, the Exempt Service includes:

1. Independent contractors;
2. Any other person who is not a full-time employee of the City, including but not limited to:
 - a. Persons temporarily performing services during an emergency;
 - b. Persons appointed or performing services on a part-time, hourly, temporary, seasonal or provisional basis or to a Classification designated as such.
3. Any other position specifically designated as exempt by ordinance, resolution or other regulation.

Full Time: Except as otherwise provided, employment intended to comprise forty (40) hours or more per work week, exclusive of holidays and leaves, or the equivalent standard in a work group, classification, or classification within a work group. Temporary assignment of an employee engaged for less than full time work to a full time schedule will not change the employee's status to full time.

Job Series: A progression of related classifications in an occupation, trade or line of work representing the typical line of promotion within that particular line of work, as designated in the applicable classification specification(s). Additions to,

modification of or deletions from a job series or designation of additional job series may be made in writing by the Appointing Authority.

Layoff: The involuntary termination of an Employee resulting from the abolition of a position or employment in the competitive service, as provided under the Charter and these Rules. Layoff is not a disciplinary action.

Leave: The authorized or unauthorized absence of an employee from work.

Open Competitive Appointment: A certified list of candidates for employment gained through an open recruitment process.

Personnel Officer: The City Manager.

Position: The combination of duties and responsibilities assigned to a single employee within a Classification.

Prevailing Pay Rate: The regular, hourly pay rate, or its salary equivalent, assigned to a single employee.

Promotion: The advancement of an employee from a position in one classification to a position in another classification having a higher maximum salary rate.

Probationary Employee: An employee working during the probationary period.

Probationary Period: A working test period that is part of the selection process and during which an employee is required to demonstrate fitness for the duties of the position to which he or she has been assigned by the actual performance of such duties. During this period, an employee is considered an "at-will" employee who may be terminated without cause or right of appeal.

Re-Employment: The hiring by the City of a former employee without examination, as otherwise provided in these Rules.

Regular Employee: An employee who has successfully completed the initial or new-hire probationary period of a position within the Competitive Service.

Reinstatement: Placing an employee into his/her former position.

Rejection: The termination of a probationary employee or the assignment of a promotional appointee to a former classification during the probationary period. Rejection during probation is not a disciplinary action and is not subject to appeal or hearing.

Reprimand: An oral or written criticism of an employee's work, conduct or performance issued to the employee in accordance with these rules or other administrative policies and procedures.

Resignation: The voluntary separation of an employee from City service.

Rules: The City of Seal Beach Personnel Rules and Regulations.

Salary Range: The minimum and maximum level of salary or pay rates for a classification having a range.

Salary Rate: The dollar amount of each step in a salary or pay range or the flat dollar amount of salary or pay for a classification not having a salary range.

Salary Step: The fixed, progressive increments within a salary range for a Classification having steps.

Seniority: Except as otherwise provided, the status acquired by an employee based on his/her period of total cumulative time served in the City service upon the effective date of layoff. Seniority includes all periods of attendance at work, approved leaves of absence, time spent on military leave, and any other period required by law. Seniority does not include unauthorized absences, time spent

between employment with the City, suspensions, layoffs, or any time when the employee was not actively engaged at work.

Suspension: The involuntary, temporary removal of an employee from pay status for disciplinary reason(s).

Termination: The separation of an employee from employment with the City.

Transfer: The movement of an Employee from one Position to another Position in the same Classification or from one Classification to another Classification that has the same maximum rate of pay.

Unclassified Service: The Exempt Service, as provided in the Charter and Municipal Code. The terms Exempt Service and Unclassified Service may be used interchangeably. In some instances, the term Unclassified Service may be preferable to avoid confusion with exempt status under the Fair Labor Standards Act.

Vacancy: An authorized and budgeted position that is not occupied by an employee, having either a probationary or a regular appointment to the position.

SECTION 3: CLASSIFICATION PLAN

3.01 Classifying Positions. All positions in the Competitive Service are grouped into Classifications and a Classification Specification is prepared for each Classification.

3.02 Preparation and Maintenance. The Personnel Officer prepares, administers and maintains a Position Classification Plan comprising a compilation of Classification Specifications for all Classifications in the Competitive Service. The Personnel Officer shall recommend and prepare revisions when necessary or desirable for maintenance and proper functioning of the Classification Plan. The Classification Plan will be coordinated with the compensation plan provided under these Rules to provide a rate or range of pay for each classification.

3.03 Adoption. The Classification Plan and any revision of the plan become effective upon approval by the City Council. The Plan and any revisions may be submitted to the Personnel Officer for recommendation prior to action by the City Council. The Classification Plan in force at the time these Rules are adopted will remain in force until revised or repealed by the City Council.

3.04 Interpretation of Classification Specifications. A Classification Specification may present a range of typical duties performed by employees in the Classification. The listing of particular tasks does not preclude the assignment of other tasks of related kind or character or requiring lesser skills. Whether expressly stated or not, it is understood that all positions may require communication skills appropriate to the work being performed, the ability to follow written and oral instructions, maintenance of satisfactory relations with co-workers and the public, and regular and punctual attendance.

3.05 Reclassification. A Position may be reclassified to a more appropriate Classification on the basis of significant changes in or reevaluation of the duties and

responsibilities of the Position. The reclassification will be effective following recommendation by the Personnel Officer and approval by the City Council.

3.06 Status of Employee Occupying Reclassified Position. An incumbent occupying a position that is reclassified may continue in the reclassified position without requiring the employee to pass an examination to determine suitability for the job. An action to reclassify an incumbent employee must be approved by the Appointing Authority, in addition to the approvals required for reclassification of a position, as provided above.

SECTION 4: RECRUITMENT AND SELECTION PROCESS

4.01 Nature of the Process. Pursuant to and in accordance with Section 900 of the Charter, appointments and promotions within the Competitive Service will be based on merit and fitness. The Personnel Officer will determine the nature of the examinations, selection techniques and selection process to be used based on the needs of the City and the nature of the particular recruitment. The selection process will be designed to fairly and impartially test the qualifications of Candidates.

4.02 Commencing Recruitment. The Personnel Officer may initiate recruitment. A recruitment may be conducted to fill an existing Vacancy or in anticipation of a Vacancy.

4.03 Announcement. All Vacancies to be filled by recruitment will be publicized by posting an announcement in City Hall for a minimum of five (5) days. The announcement will include the title, salary range or salary rate, minimum qualifications and examples of typical duties. If any of this information has not been determined at the time of the initial announcement, the anticipated terms may be included in the announcement.

4.04 Applications. Every individual desiring to be considered a Candidate must file a City application form accompanied by any supplemental materials prescribed in the announcement. The applicant must sign the form certifying that the application and all accompanying materials are true, correct, and complete, to the best of the applicant's knowledge. Except as otherwise provided by the Personnel Officer, an applicant shall submit an application form identifying a specific position for which applications are being accepted.

4.05 Disqualification. The Personnel Officer may disqualify any Candidate at any time for good cause. Good cause includes, but is not limited to:

- A. Failure to properly complete, sign or timely file the required application form and supplemental materials, if any.
- B. Fraudulent conduct or false statements by a Candidate or others with the Candidate's knowledge on any application or in any phase of the selection process.

- C. Failure to meet any of the minimum requirements or qualification for the Position.
- D. Failure to cooperate in the selection process.
- E. Failure to attend any appointment.
- F. Failure to timely advise the Personnel Officer of a change of address, phone number, or other contact information.

4.06 Withdrawal of Application or Candidacy. A Candidate may withdraw from the selection process at any time. The Personnel Officer may, but is not required to, allow an applicant or Candidate to reenter the selection process, provided that that Candidate can still comply with all requirements and procedures of the selection process.

4.07 Appointments. Appointments to vacant positions in the competitive service shall be made in accordance with these Personnel Rules. Appointments and promotions shall be based on merit and fitness to be ascertained so far as practicable by competitive examinations. Examinations shall be used and conducted to aid in the selection of qualified employees, and shall consist of such recognized selection techniques as achievement and aptitude tests and other written tests, personal interviews, performance tests, evaluation of daily work performance, work sampler, or any combination of these, which will, in the opinion of the Personnel Officer, test fairly the qualification of candidates. Physical agility tests, medical examinations and drug tests may be given as part of any examination. In any examination the Personnel Officer may include, in addition to competitive tests, a qualifying test or tests, and set minimum standards therefore. ~~Appointments shall be made by the City Manager. The City Manager may~~ consult as he/she deems appropriate with the Department Head for the department or work group in which the position is located, prior to making any appointment.

Vacancies in the classified service shall be filled in the following order of priority:

1. Re-employment from layoff for an employee on the re-employment list in order of seniority for the classification to be filled.
2. Reinstatement, with approval of the Department Head and appointing authority, to a classification formerly occupied by the employee from which the employee resigned in good standing. Reinstatement must occur within one (1) year of the effective date of resignation and is discretionary. Upon reinstatement, an employee will be credited with all previously earned seniority and merit increases and will not be required to serve a probationary period.
3. Voluntary or involuntary demotion from one classification to a lower level classification with the approval of the appointing authority.
4. Voluntary or involuntary transfer from one classification to another classification with the same rate of pay with the approval of the appointing authority.
5. An Alternate Employment List.
6. Closed/Promotional Employment List.
7. Open/Competitive, Open Until Filled, or Continuous Employment Lists.

8. Appointments that are subject to Ordinance. The Appointing Authority and any other officer in whom is vested the power to appoint, make transfers, promotions, demotions, reinstatements, lay-offs, and to suspend or dismiss employees, shall retain such power, subject to the provisions of the Charter, Municipal Code and these Rules.

4.08 Notice to Appointing Authority. When a vacancy is to be filled, the Department Head may submit recommendations as to how it is to be filled to the Personnel Officer. Once the Personnel Officer has approved the process, he/she shall initiate the necessary documents to commence certification proceedings.

4.09 Certification of Employment List. Consistent with Section 906 of the Charter, the Personnel Officer shall certify one (1) of the employment lists as follows:

- A. **Open/Competitive Appointments.** If appointment is to be made from an open/competitive employment list, the names of all candidates on the list shall be certified.
- B. **Closed/Promotional Appointments.** If appointment is to be made from a closed/promotional employment list, the names of the top four (4) candidates on the list still eligible and available for immediate appointment shall be certified. If a second (2nd) appointment is to be made from the same closed/promotional employment list, the names of the next four (4) candidates on that list, excepting those already appointed and those no longer eligible or available for consideration shall be certified.
- C. **Continuous Examination Appointments.** If appointment is to be made from a continuous examination list, the names of all candidates on the list still eligible and available for immediate appointment shall be certified.
- D. **Open until Filled Examination Appointments.** If appointment is to be made from an open until filled examination, the names of all persons on the employment list and available for immediate appointment shall be certified.

4.10 Probationary Appointment. Following interview, investigation, background check, and recommendation by the Department Head, the Appointing Authority may make an appointment from among those eligible candidates interviewed.

4.11 Alternate Employment Lists. In the absence of an existing employment list for a Classification, certification may be made from an active employment list for another classification having similar duties and employment standards. Appointments made in this manner shall be the equivalent in all respects to having appointed from an employment list for the classification in which the vacancy occurred.

4.12 Provisional Appointment. In the absence of appropriate eligibility lists, a provisional appointment may be made by the Appointing Authority of a person meeting the minimum training and experience qualifications for the position. An eligibility list shall be established within six (6) months for any permanent position filled by

provisional appointment. When a position is to be filled by provisional appointment, or a provisional appointment is to be extended, the Appointing Authority shall memorialize the provisional appointment in the employee's personnel file at the time the appointment is made.

4.13 Appointment of Relatives. The following policies shall govern the employment of the immediate family of any official or employee of the City.

- A. **Family Members of City Officials.** Members of the immediate family of City officials shall not become an employee during the official's term. For this provision, City officials means the City Manager, elected officials, and Council-appointed officials and affects Council-appointed Board or Commission members' family only in the area/department in which the Board Member or Commissioner is serving.
- B. **Employment of Immediate Family.** A parent, sibling, or child of a City employee may not become an employee within the same division and/or department as the City employee. However, family members may be employed in the same division and/or department if:
 - The family members are hourly employees.
 - The family members are employed in a position that is not supervisory to each other.
- C. **Employment of Spouses.** A City employee's spouse may not become an employee within the same division and/or department as the City employee, if the appointing authority determines that for business reasons of supervision, safety, security, or morale, the work of such employees involves potential conflicts of interest or other hazards greater for married couples than for other persons.
- D. **Persons Marrying After Employment.** No City employees, who marry each other after being employed by the City, may work within the same shift, unit, or section; if the Appointing Authority determines that for business reasons of supervision, safety, security, or morale the work of such employees involves potential conflicts of interest or other hazards greater for married couples than for other persons.
- E. **Waiver of this Restriction.** The Appointing Authority may waive the restriction set forth in Paragraph C and D above, if the affected Department Head and the Appointing Authority determine that, because of the nature of the department and the work assignments in question, the members of the immediate family would have minimal job-related contact with one another and neither would be placed in such a position as to supervise or evaluate the other.

SECTION 5: MEDICAL EVALUATION PROCEDURES

5.01 Physical Examination. Any employee may be required to undergo a physical examination at a time designated by the Personnel Officer.

5.02 New Hires or Re-Hires. In order to be eligible for employment or re-employment with the City, an individual must pass a physical examination to determine whether the employee is capable of performing the essential functions required of the position and can meet the standards established by the Personnel Officer.

5.03 Promotion or Transfer. In order to be eligible for a promotion or a transfer to a job classification in a category requiring greater physical qualifications than his/her present job classification, an employee must pass the appropriate physical examination to determine whether the employee is capable of performing the essential functions required of the new position.

5.04 Failing the Physical Examination. If an employee fails to pass a physical examination pending promotion or transfer, the Personnel Officer shall assign his/her duties to fit his/her physical condition. If no appropriate position is vacant, such employee shall be recommended for disability or retirement if he/she is eligible.

5.05 Absence Due to Illness or Physical Incapacity. Any employee who returns to work after an absence in excess of three (3) consecutive work shifts due to illness or physical incapacity may be required by the City Manager to undergo a physical examination. Any employee who fails to pass a physical examination upon return from an absence in excess of three (3) consecutive work shifts may be transferred to or demoted to a position requiring lesser physical qualifications, recommended for disability or retirement, or terminated.

5.06 Qualified Physician. All physical examinations required under the provisions of this rule shall be performed by a physician specified by the City in active practice licensed by the State of California and within the scope of his/her practice as defined by California law. In the case of out-of-state candidates for employment, the physician performing the examination may be a physician licensed by the state in which the candidate resides.

5.07 City Financial Responsibility. The City shall pay for any physical examination required under the provisions of this section.

5.08 General Requirements. All medical inquiries and evaluations will be job related and consistent with business necessity. The medical evaluation of an applicant will occur only after a conditional offer of employment is made and where all entering employees in the same classification are subject to the same examination.

SECTION 6: PROBATION

6.01 Probationary Period. Except as otherwise expressly provided in this Section 6, all regular appointments, including promotional appointments shall be for a probationary period of not less than six (6) months. The Appointing Authority may establish a longer

probationary period for a particular appointment where circumstances warrant, as determined by the Appointing Authority. During the probationary period, the employee may be rejected at any time without prior notice or cause, and without any right of appeal or hearing.

Sworn police personnel shall serve a probationary period of not less than twelve (12) months. The Chief of Police may establish a longer probationary period, not to exceed the maximum allowed by law, by rule or regulation with approval of the Appointing Authority.

An employee rejected during the probationary period from a position to which he/she has been promoted shall be reinstated to the position from which he/she was promoted, unless he/she is dismissed from City service through disciplinary action.

An employee in the competitive service promoted or transferred to a position not included in the competitive service shall be reinstated to the position from which he/she was promoted or transferred if, within six (6) months after such promotion or transfer, action is taken to reject or dismiss him/her, unless he/she is discharged in the manner as provided in these Personnel Rules and Regulations for positions in the competitive service.

6.02 Exclusions from Probationary Period. Any time spent by an employee on leave of absence or other unpaid leave in excess of a cumulative total of three (3) work shifts will not be counted as qualifying service toward completion of the probationary period. The applicable probationary period will automatically be advanced accordingly.

6.03 Completion of Probation. All appointments will be tentative, pending completion of the probationary period. Probation will not be completed unless or until the employee receives written Notice of Retention or Rejection in accordance with these Rules. The Appointing Authority or a Department Director with approval of the Appointing Authority may retain or reject a probationary employee and issue the appropriate notice. The Appointing Authority may retroactively confirm the retention of any employee and the successful completion of probation where the probation period was extended or was ended by rejection because the employee did not receive written Notice of Retention or Rejection.

6.04 Extension of Probation. The Appointing Authority or a Department Director, with approval of the Appointing Authority, may extend the probationary period for an additional period or periods not to exceed a cumulative total of six (6) months. Any employee, who does not receive written Notice of Successful Completion of Probation, shall have the probationary period extended on a day-to-day period. Any employee who reaches the maximum probationary period without receiving written Notice of Successfully Completing Probation will be deemed rejected during probation.

6.05 Effect of Rejection During Probation. An employee may be rejected during probation at any time without prior notice or cause, and without any right of appeal or hearing.

- A. **Initial Probationary Period.** An employee rejected during the initial probationary period associated with the employee's first appointment to a position in the Competitive Service is terminated.
- B. **Promotional Probationary Period.** Any probationary period served after an employee successfully completes the initial probationary period and thereafter is continuously employed in the Competitive Service will be considered a promotional probationary period.
 - 1. An employee rejected during the promotional probationary period following his/her promotion into another competitive service position shall be reinstated to the competitive service position from which he/she was promoted, unless otherwise dismissed or demoted in accordance with the Charter or these Rules.
 - 2. An employee in the competitive service promoted or transferred to an exempt position shall be reinstated to the competitive service position from which he/she was promoted or transferred if, within six (6) months after such promotion or transfer (or within six (6) months of any extension of his/her promotional probationary period), action is taken to reject or dismiss him/her during his/her promotional probationary period, unless he/she is discharged from City service or otherwise demoted in accordance with Section 12, subsections 12.01 through 12.13 of these Rules.

6.06 Appointment to a Different Classification During Probation. An employee is not disqualified from appointment to a different classification because he/she is presently serving a probationary period. Any such appointment must otherwise comply with these Rules. An employee who has not completed the probationary period at the time of appointment to a different classification will begin a new probationary period. If the employee was serving a new hire probationary period at the time of appointment, the new probationary period will also be a new hire probationary period. If the employee is serving a promotional probationary period at the time of appointment, the new probationary period will be a promotional probationary period. If such employee is rejected during the promotional probationary period, the employee will be returned to the position that employee occupied immediately prior to the initial appointment, except that the Personnel Officer may return the employee to any vacant intermediate position.

6.07 Status of Present Employees. The adoption of these Rules shall not affect the probationary status of current employees in the competitive service. Any employee serving a probationary period upon the effective date of these Rules, shall continue to serve in a probationary status until completion of the probationary period established prior to the adoption of these Rules.

SECTION 7: PERFORMANCE EVALUATION

7.01 Performance Evaluation System. The Personnel Officer will establish a system of periodic evaluations for all employees in the classified service.

7.02 Purpose. Performance evaluations will provide recognition of effective performance and will identify areas that need improvement, as appropriate. Performance evaluations may be used as a basis for completion of probation, salary adjustments, promotions, training and discipline. Performance evaluations may also include a period of performance probation associated with a performance improvement plan and heightened evaluation and counseling. Performance probation will not affect an employee's discipline and appeal rights, as provided in these Rules.

7.03 Preparation. Performance evaluations are to be prepared as prescribed by the Personnel Officer for each employee in the Classified Service on forms approved by the Personnel Officer. The applicable Department Head will be responsible for the timely completion of evaluations, utilizing subordinates as appropriate. The performance evaluation will be limited to job related factors.

7.04 Presentation and Response. The performance evaluation will be presented to the employee prior to its entry in the employee's personnel file. Upon request, the performance evaluation will be discussed with the involved employee with a Supervisor or Department Director designee. An employee may respond in writing to a performance evaluation within seven (7) calendar days of its receipt. Each completed evaluation will be maintained in the employee's personnel file together with any written response of the employee. Except as otherwise required by law, performance evaluations are not subject to appeal or grievance.

7.05 Frequency. Performance evaluations will be completed at least annually for each employee in the Classified Service. During the probationary period and during any performance probation, performance evaluations should be completed every three (3) months and immediately prior to the expiration of any probationary period, if different. In addition to regular, periodic evaluations, an employee may be evaluated at any time, at the discretion of the department director.

SECTION 8: COMPENSATION

8.01 Compensation Plan. The Personnel Officer will prepare, administer, and maintain a Compensation Plan consisting of a Salary Range or Salary Rate for each Classification in the Competitive Service. Separate elements of the Compensation Plan may be prepared for different groups of employees as part of a Resolution, Memorandum of Understanding or other document setting the Terms and Conditions of Employment. All of these separate elements, taken together, will comprise the Compensation Plan.

8.02 Adoption and Amendment. The compensation plan and any amendments will be effective upon adoption or approval by the City Council.

8.03 Step Appointment. The Appointing Authority may appoint an employee at any Salary Step of the Salary Range for the Classification. The City Manager's prior approval is required for an appointment above the first step of a Salary Range if a different person makes the appointment pursuant to delegation by the Appointing Authority.

8.04 Salary at Promotion. Employees promoted from one (1) Classification in the Competitive Service to a different Classification in the Competitive Service will be placed at the step that is closest to providing a five percent (5%) salary increase, but not more than the top step of the Salary Range.

8.05 Salary at Transfer. Upon transfer, an employee will be placed at the Salary Step that provides the same Salary Rate the Employee was receiving prior to transfer. If no such Salary Step is available, the employee will be placed at the Salary Step that is closest to, but not less than, the Salary Rate the employee was receiving prior to Transfer.

8.06 Salary at Demotion. Upon demotion, the Appointing Authority will determine the Salary Step at which the employee will be placed, but not more than the top step of the Salary Range.

8.07 Salary Advancement. Employees not at the top step of a Salary Range, will be eligible for advancement to the next Salary Step six (6) months following initial appointment and at twelve (12) month increments thereafter, until the Employee reaches the top step of a Salary Range. Advancement will be based on merit.

8.08 Delay or Denial of Salary Advancement. Salary advancement may be delayed or denied where an employees' performance or attendance do not merit advancement. The decision not to advance an employee is not a disciplinary action and is not subject to appeal, hearing or grievance. A delayed or denied salary advancement will not affect subsequent dates on which the employee may be eligible for salary advancement consideration.

8.09 Special Performance Advancement. Upon recommendation of the appropriate Department Director and approval of the Personnel Officer, an employee may be granted a special performance advancement to any Salary Step within the Salary Range where unusual or outstanding performance is demonstrated. Unless otherwise provided in conjunction with the special advancement, the subsequent dates on which the employee may be eligible for salary advancement consideration will not change.

8.10 Flexible Compensation Programs. Nothing in these Rules is intended to prevent the establishment of supplemental bonuses or flexible pay programs involving incentive pay, bonuses, or salary ranges without fixed steps, following approval by the City Council.

8.11 Salary on Reemployment or Reinstatement. An employee reemployed or reinstated may be appointed at any Salary Step in the Salary Range for the Classification deemed appropriate by the Appointing Authority. Normally, an employee will be placed at the Salary Step that is at or closest to the Salary Rate the employee received prior to termination, adjusted for general salary increases or similar changes to the compensation plan.

8.12 Adjustments for Leave of Absence. Except as otherwise required by law, Employees on an unpaid leave of two (2) payroll periods or more will have the date on which they are eligible for salary advancement consideration adjusted to account for the total time on leave. Leaves of less than two (2) payroll periods will not affect the time for considering the salary advancement, but may be considered in conjunction with merit as an element of attendance, under appropriate circumstances.

8.13 Administration. Compensation, timekeeping and payroll will be administered in compliance with established policies, procedures, instructions or directives. Employees will comply with these requirements.

SECTION 9: EMPLOYMENT STANDARDS

9.01 Outside Employment Policy.

- A. **Outside Employment Permitted.** Employees may engage in any legal outside employment, activity, or enterprise for compensation (collectively, "outside employment") subject to the conditions set forth herein. Irrespective of any existing outside employment, all employees are evaluated according to the City's performance standards and are subject to the City's scheduling requirements.
- B. **Notice.** Any employee who has obtained outside employment must notify the Personnel Officer in writing as soon as possible after accepting the offer for outside employment. The employee must give the Personnel Officer enough information about the outside employment in order to allow the Personnel Officer to determine if such employment creates a conflict of interest with the employee's City employment.
- C. **Employment While on Leave.** Employees are prohibited from engaging in outside employment while on any type of leave where such employment is or may be inconsistent with the leave or the terms of the leave approval.
- D. **Prohibitions.**
 1. Employees are prohibited from engaging in outside employment that involves the use of City time, facilities, equipment, vehicles, supplies, or other City property for private gain or advantage.
 2. Employees are prohibited from engaging in outside employment, which involves hours of work or the exertion of effort which

would or could be reasonably expected to reduce the quality or quantity of the employee's services to the City.

3. Employees are prohibited from engaging in outside employment where a conflict of interest or the appearance of a conflict arises. Examples of this could include, but are not limited to, outside employment that:

- Is either directly or indirectly connected with the employee's official duties, including but not limited to: doing business with persons contacted in the course of his/her official duties, engaging in activities where the employee or his/her associate may be benefited by this official position, or doing business which may influence the employee or other employees in the performance of their official duties.
- Involves advisory or consulting services which could be reasonably expected to conflict with the City's interests.
- Involves financial interest in any contract, sale, or transaction to which the City is a party.
- Involves the employee's performance of an act in other than his/her capacity as a City employee which may later be subject directly or indirectly to the control, inspection, review, approval, audit, or enforcement of the City or any of its employees.
- Involves work, which may later be subject directly or indirectly to the control, inspection, review, approval, audit, or enforcement of the employee as a representative of the City.
- Involves use of the City's prestige or influence or a City badge or uniform.
- Involves the employee's receipt or acceptance of any money or other consideration from anyone other than the City for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of his/her City employment or as part of his/her duties as a City employee.
- Involves the use or disclosure of confidential information produced, obtained, or learned in the course of his/her employment with the City.

If the City determines that an employee's outside employment creates a conflict of interest or potential conflict of interest with his/her City employment or interferes in any other way with his/her ability to meet City requirements, the City will provide written notification to the employee that he or she will be dismissed from employment with the City unless the employee terminates the outside employment. The notice and

appeal provisions set forth in Section 12 of these Rules apply to this determination.

- E. **Department Rules.** Rules or procedures established in the Police Department will super cede the outside employment provisions outlined above. Otherwise, department rules may supplement these provisions.

9.02 Personnel Records.

- A. **Personnel File.** The Personnel Officer will maintain a personnel file for each employee. All personnel files will be kept confidential and stored in a secure area. Typically, the personnel file will contain records of the following:
- Employment Application(s)
 - Hire date and beginning salary
 - Employment or personal references
 - History of promotions and assignments
 - Salary changes
 - Termination date and reason for termination
 - Performance evaluations, including employee responses, if any
 - Notices and responses regarding discipline.
- B. **Personal Data.** Employees are required to maintain current contract information on file with the Personnel Officer, including address and phone number. Employees are also responsible for maintaining a current group life insurance beneficiary designation and accurate group benefit information. Changes to personal data, such as address, telephone number, marital status, number of dependents, beneficiaries, and person(s) to notify in the case of an emergency should be immediately reported in writing to the Personnel Officer on designated forms.
- C. **Inspection and Copying.** Employees may inspect their personnel files at reasonable times and on reasonable notice. In addition, employees may obtain copies of employment-related documents they have signed. Employee may only inspect their own personnel file and only in the presence of the Personnel Officer.
- D. **Removal.** Personnel files are the property and official records of the City and may not be removed from the City's premises, except as required by law.
- E. **Personnel Forms.** Every appointment, promotion, transfer, demotion, salary change, termination or other information or action which affects an employee shall be initiated on appropriate forms specified by the Personnel Officer. Such forms shall be used as prescribed by the Personnel Officer.

9.03 Political Activity. Employees may not participate in political activities of any kind while in uniform, during working hours or utilizing City resources. Employees' political activities will otherwise comply with and are governed by applicable state and federal law.

SECTION 10: LEAVES

10.01 Vacation.

- A. **Accrual.** Full time employees earn and will accrue vacation leave at the rate and according to the terms of the applicable Memorandum of Understanding, City Council Resolution or written Employment Agreement. Vacation leave may be subject to a maximum accrual limit and no employee will accrue additional vacation leave upon reaching the specified limit. Except as otherwise required by law, employees on any unpaid leave of absence will not accrue vacation leave during such unpaid leave.
- B. **Use.** Employees must request and receive approval for the use of vacation leave in advance of its use. Vacation leave is requested in accordance with procedures established by the applicable department or work group. Requests should be submitted as early as practical.
- C. **Payment at Termination.** On termination of employment, an employee will be paid for all accrued but unused vacation leave below the applicable accrual limit at the employee's applicable Salary Rate in effect at the time of Termination.
- D. **Limitations.** An employee shall not be granted, and accordingly is not entitled to use vacation leave in advance of its accrual.

10.02 Sick Leave.

- A. **Accrual.** Full-time employees earn and will accrue sick leave at the rate and according to the terms of the applicable Memorandum of Understanding, City Council Resolution or written Employment Agreement. Sick leave may be subject to a maximum accrual limit and no employee will accrue additional sick leave open reaching the specified limit. Except as otherwise required by law, employees on any unpaid leave of absence will not accrue sick leave during such unpaid leave.
- B. **Use.** Where sick leave is used for eligible events that are known in advance, employees must request and receive prior approval for the use of such sick leave. For emergencies and where advance notice is not possible, employees shall provide notice as soon as possible and in accordance with procedures established by the applicable department or work group.
- C. **Purpose.** Except as otherwise provided, sick leave is provided for incapacitating personal illness or disability. To the extent required by law, eligible employees may also use sick leave in an amount not to exceed one-half (1/2) of their annual accrual to attend to the illness of a child, parent, spouse or domestic partner of the employee.

- D. **Payment on Termination.** Except as otherwise provided, employees will not be eligible for payment of sick leave balances on termination.
- E. **Verification.** The City retains the right to request verification from a licensed health care provider for all absences due to illness or disability. Sick pay may be withheld if the employee does not provide verification satisfactory to the applicable supervisor or Department Head.
- F. **Substitution.** An employee absent from work due to illness and who has no accumulated sick leave may use vacation leave or any other compensated time in place of sick leave.
- G. **Limitations.** An employee shall not be granted, and accordingly is not entitled to take, paid sick leave in advance of its accrual. Except as otherwise provided, a new employee who is absent during his/her probationary period due to illness, disability, or any reason that would qualify for sick leave under this policy will not be compensated.
- H. **Sick Leave Abuse.** Abuse of the sick leave will result in employee discipline, which may include dismissal.

10.03 Family Care and Medical Leave.

- A. **Eligibility.** To be eligible for family care and medical leave, an employee must have: 1) worked for the City for at least twelve (12) months prior to the date on which the leave is to commence; and 2) worked at least one thousand two hundred fifty (1,250) hours in the twelve (12) months preceding the leave.
- B. **Use.** "Family care leave" may be requested for: 1) the birth or adoption of an employee's child; 2) the placement of a foster child with the employee; or 3) the serious health condition of the employee's child, spouse, or parent. "Medical leave" may be requested for an employee's own serious health condition. A "Serious Health Condition" is one that requires either in-patient care in a medical facility or continuing treatment or supervision by a health care provider.
- C. **Substitution.** Employees are required to substitute accrued vacation time and other paid, personal leave for all family care and medical leaves. Employees are required to substitute sick leave only for medical leaves. Employees may elect to substitute sick leave to attend to an illness of a child, parent, or spouse of the employee or for other types of family care leave.
- D. **Duration of Leave.** Provided that all of the conditions of this policy are met, an employee may take a maximum of twelve (12) weeks of family care and medical leave in a rolling twelve (12) month period measured backwards from the date the employee's leave commences. Parents who are both employed by the City may take a maximum combined total of twelve (12) weeks of family care leave in a twelve (12) month period for the birth, adoption, or foster care of their child.
 - The substitution of paid leave for family care or medical leave does not extend the total duration of family care and medical leave

to which an employee is entitled to beyond twelve (12) weeks in a twelve (12) month period. For example, if an employee has accrued four (4) weeks of unused paid vacation time at the time of the request for family care or medical leave, that paid vacation time will be substituted for the first four (4) weeks of family care or medical leave, leaving up to eight (8) additional weeks of unpaid leave.

- Family care leave taken for the birth, adoption, or foster care placement of a child generally must be taken in blocks of at least two (2) weeks' duration. However, the City will provide employees with family care leave for birth, adoption, or foster care placement for less than two (2) weeks' duration on any two (2) occasions. Family care leaves for the birth, adoption, or foster care placement of a child must be concluded within one (1) year of the birth, adoption, or placement.
- Family care or medical leave for the employee's own serious health condition or for the serious health condition of the employee's spouse, parent, or child may be taken intermittently or on a reduced schedule where medically necessary. If leave is taken in this manner, the City retains the discretion to transfer the employee temporarily to an alternative position with equivalent pay and benefits which better accommodates the employee's leave schedule.

E. **Pay and Benefits.** Except to the extent that other paid leave is substituted for family care or medical leave, family care and medical leave is unpaid.

- During an employee's family care or medical leave, for up to a maximum of twelve (12) weeks in a twelve (12) month period, the City shall continue to pay for the employee's participation in the City's group health plans to the same extent and under the same terms and conditions as would apply had the employee not taken leave.
- If an employee fails to return from the leave for a reason other than the recurrence or continuation of the health condition that brought about the leave or other circumstances beyond the employee's control, the City can recover any health premiums paid by the City on his/her behalf during any unpaid period(s) of leave.
- An employee on family care and medical leave accrues employment benefits, such as sick leave, vacation benefits, or seniority only when paid leave is being substituted for unpaid leave and only if he/she would otherwise be entitled to such accrual.

F. **Notice.** An employee should notify the City in writing of his/her request for family care or medical leave as soon as he/she is aware of the need for such leave. For a foreseeable event, the employee must provide thirty (30) calendar days' advance notice to the City of the need for family care or medical leave.

- Failure to provide the requisite thirty (30) day advance notice for a foreseeable event without any reasonable excuse for the delay will be cause for the City to delay the taking of the leave until at least thirty (30) days after the date the employee provides notice of the need for family care or medical leave. For an event that is unforeseeable thirty (30) days in advance but is not an emergency, the employee must notify the City as soon as he/she learns of the need for the leave, ordinarily no later than two (2) working days after the employee learns of the need for the leave. If leave is requested in connection with a planned, non-emergency medical treatment, the employee may be requested to reschedule the treatment in order to minimize disruption of the City's business.

G. **Certification.** All requests for family care or medical leave should include the anticipated date(s) and duration of the leave. Any requests for extensions of a family care or medical leave must be received at least five (5) working days before the date on which the employee was originally scheduled to return to work and must include the revised anticipated date(s) and duration of the family care or medical leave.

- Any request for medical leave for an employee's own serious health condition or for family care leave to care for a parent, child, spouse, or parent with a serious health condition must be supported by Medical Certification from a health care provider. For a foreseeable leave, an employee must provide the required Medical Certification before the leave begins. When this is not possible, an employee must provide the required certification within fifteen (15) calendar days after the City's request for certification, unless it is not practicable under the circumstances to do so, despite the employee's good faith efforts. Failure to provide the required Medical Certification without any reasonable excuse for the failure will be cause for the City to deny a foreseeable leave until such certification is provided. In the case of an unforeseeable leave, failure to provide the required Medical Certification within fifteen (15) days of being requested to do so without any reasonable excuse for the failure will be cause for the City to deny the employee's continued to leave. Any request for an extension of the leave also must be supported by an updated Medical Certification.
- The Medical Certification for a child, spouse, or parent with a serious health condition shall include: (a) the date on which the serious health condition commenced; (b) the probable duration of the condition; (c) the health care provider's estimate of the amount of time needed for family care; (d) the health care provider's assurance that the health care condition warrants the participation of the employee to provide family care; and (e) in the case of intermittent or reduced schedule leave where medically necessary, the probable duration of such a schedule.

- The Medical Certification for leave for the employee's own serious health condition shall include: (a) the date on which the serious health condition commenced; (b) the probable duration of the condition; (c) a statement that, due to the serious health condition, the employee is unable to perform the functions of his/her position; and (d) in the case of intermittent leave or reduced schedule leave where medically necessary, the probable duration of such a schedule. In addition, the Certification may, at the employee's option, identify the nature of the serious health condition involved. If the City has reason to doubt the validity of the Certification provided by the employee, it may require the employee to obtain a second (2nd) opinion from a doctor of the City's choosing at the City's expense. If the employee's health care provider and the doctor do not agree, the City may require a third (3rd) opinion, also at the City's expense, performed by a mutually agreeable doctor who will make a final determination. Before permitting the employee to return to work, the City may also require the employee to provide Medical Certification that he/she is able to return to work.
- Employees returning from family care or medical leave are entitled to reinstatement to the same or comparable position consistent with applicable law.

10.04 Pregnancy Related Leaves.

- A. **Eligibility.** Any employee who is disabled on account of pregnancy, childbirth, or related conditions may take a pregnancy-related disability leave for the period of actual disability up to four (4) months, in addition to any family care or medical leave to which the employee may be entitled under Section 2 of this policy.
- B. **Accommodation.** An employee is also entitled to a reasonable accommodation for pregnancy, childbirth, or related medical conditions if she requests it and provides the City with Medical Certification from her health care provider. In addition to other forms of reasonable accommodation, a pregnant employee is entitled to transfer temporarily to a less strenuous or hazardous position or less hazardous or strenuous duties if she requests it, the transfer request is supported by proper Medical Certification, and the transfer can be reasonably accommodated.
- C. **Substitution.** An employee taking pregnancy-related disability leave must substitute any available sick pay for leave and may, at her option, substitute any accrued vacation time for her leave. The substitution of paid leave for pregnancy-related disability leave does not extend the total duration of the leave to which an employee is entitled. If an employee taking a pregnancy-related disability leave is also eligible for family care and medical leave under this section, then the employee is entitled to the

City's continuation of benefits as described in that section up to a maximum of twelve (12) weeks in a twelve (12) month period.

Other Provisions. The provisions of the City's Family Care and Medical Leave Policy regarding the leave's effect on pay, notice requirements, medical certification requirements, and reinstatement also apply to all pregnancy-related disability leaves. However, for pregnancy-related disabilities, there is no process for obtaining more than one medical opinion. For the purpose of applying those provisions, an employee's pregnancy-related disability is considered to be a serious health condition.

10.05 Other Disability Leaves. In addition to medical or pregnancy-related disability leaves described in this section, an employee may take a temporary disability leave of absence if necessary to reasonably accommodate a workplace injury or a disability under an applicable disability law. Any disability leave under this section may run concurrently with any medical leave to which the employee is entitled under this section.

Employees taking disability leave must comply with the Family Care and Medical Leave provisions regarding substitution of paid leave, notice, and Medical Certification. For the purpose of applying these provisions, a disability leave will be considered to be a medical leave.

If a disability leave under this section extends beyond twelve (12) weeks in a twelve (12) month period, the employee will not be entitled to any continued employer contributions toward any employee benefit plan unless otherwise required by law. However, an employee may elect to continue participating in such benefit plans, at his/her own expense, to the extent permitted by such plans.

The duration of a leave under this section shall be consistent with applicable law, but in no event shall the leave extend past the date on which the employee becomes capable of performing the essential functions of his/her position, with or without reasonable accommodation. For a full explanation of leave duration and reinstatement rights, employees should contact their supervisor or the Personnel Officer.

10.06 Non-Medical Leaves of Absence. The City also grants eligible employees leaves of absence for military leave, jury or witness duty, certain court appearances, emergency duty as a volunteer firefighter, appearances at school or daycare activities of his/her child/children, voting in a statewide election, or bereavement. Unless otherwise required by law, employees will not be paid for such leaves of absence. Employees wishing to take a leave of absence for one of these reasons should refer to the procedures outlined below or contact the City Manager.

- A. **Non-Medical Leave of Absence Without Pay.** The Personnel Officer may grant a non-medical leave of absence without pay for good cause. An employee with available paid time off is not eligible for Non-Medical Leave of Absence Without Pay. A leave of absence shall be granted only to an employee who has a satisfactory service record at the time the leave

is requested and expresses a desire to return to the City's employ after such leave. The Personnel Officer will evaluate emergency and unanticipated non-medical leaves of absence on a case-by-case basis by the Personnel Officer.

- B. **Military Leave of Absence.** Employees whose participation in the uniformed services or other military duty is mandatory will be granted military leave as required by law. Employees must notify their immediate supervisor as soon as they know the required dates of service and, if requested, must furnish the supervisor with a copy of the official orders or instructions. Upon return from an approved military leave, the employee will be reinstated either to his/her former position or to another position to the extent required by applicable law. In order to be eligible for reinstatement, the employee must: 1) report to the City or submit an application for employment within the period required by federal and state laws; and 2) provide a certificate of satisfactory completion of service and appropriate documentation to establish that he/she is eligible for reinstatement.
- C. **Jury and Witness Duty; Other Court Appearances.** The City will provide employees time off to serve, as required, on a jury or grand jury if they provide the applicable supervisor or Personnel Officer with reasonable advance written notice of the obligation to serve. The City will also provide an employees with time off to: 1) appear in court or in other judicial proceedings as a witness to comply with a valid subpoena or other court order; or 2) obtain any relief, including a temporary restraining order, to help ensure the health, safety, or welfare of a domestic violence victim or his/her child.
- Except as otherwise provided by law, resolution or written agreement, a regular, full-time employee will be paid his/her regular wages less jury duty pay (other than travel, parking, and other expenses) for a maximum of 40 (forty) hours within one twelve (12) month period. However, this provision will not be applied in a manner that will conflict any exemption under the Fair Labor Standards Act. An employee may elect to substitute accrued vacation during any unpaid leave due to jury duty or a witness appearance.
 - An employee called for jury duty shall give the City Manager reasonable advance written notice of the obligation to serve. In instances where the time off is needed to obtain relief in connection with a case involving domestic violence, reasonable advance notice of the court appearance is also required unless an emergency or unscheduled court appearance is required. If time off is taken for this purpose due to an emergency or unscheduled court appearance, the employee must provide the City Manager with written evidence from the court or prosecuting attorney within fifteen (15) days of the absence that the employee has appeared in court.

- To the extent permitted by law, at the City Manager's request, the employee shall request that the jury commissioner permit the employee to remain at work and be available on one (1) hour telephonic notice.
 - The employee shall continue to report for work on those days when excused from jury and on days on which he/she can work at least three (3) hours, or as otherwise directed by the appropriate supervisor, during his/her regular work day.
- D. **Leave for Educational/Daycare Purposes.** Employees will be granted time off without pay up to forty (40) hours per calendar year, but no more than eight (8) hours in any calendar month, to participate in the activities of schools or licensed daycare facilities attended by their child or children. An employee must substitute accrued vacation, personal leave, or compensatory time off for purposes of a planned absence under this subsection.
- Employees wishing to take time off under this subsection must provide their supervisor with reasonable notice of the planned absence. If both parents of a child are employed by the City at the same worksite, the request for time off under this subsection will be granted to the first parent to provide notice of the need for time off. The request from the second parent will be accommodated, if possible.
 - The City reserves the right to request that the employee furnish written verification from the school or daycare facility as proof that the employee participated in school or daycare activities on the specified date and at the particular time. Failure to provide written verification is grounds for disciplinary action.
- E. **Leave for Volunteer Firefighter Duties.** A non-exempt employee will be granted time off to perform emergency duties as a volunteer firefighter, as required by law.
- F. **Voting Time Off.** Employees who do not have sufficient time outside of their regular working hours to vote in a statewide election may request time off to vote. If possible, employees should make the request at least two (2) days in advance of the election. Up to two (2) hours of paid time off will be provided, at the beginning or end of the employee's regular shift, whichever will result in the least time off work.
- G. **Bereavement Leave.** Employees may be granted up to forty (40) hours of bereavement leave of absence by reason of a death in their immediate family which shall be restricted and limited to father, mother, stepmother, step-father, brother, sister, spouse, child, step-child, grandmother, grandfather, mother-in-law, father-in-law, or all degree of relatives not listed by living within the household of the employee.

10.07 Alternate Leave Programs and Provisions. Nothing in this section is intended to prevent the establishment of alternate leave programs, such as a paid time-off program, to substitute for some or all of the leave programs described in this section.

Any new or alternate program will be established in accord with the vested rights, if any, of employees in existing leave accruals. In the event of a conflict between the provision of this section and any applicable Memorandum of Understanding, City Council Resolution or written Employment Agreement, such Memorandum of Understanding, Resolution or Agreement will prevail. Other than vacation leave and sick leave, the provisions of this section will apply to employment in the Unclassified Service, to the extent required by law. Vacation and sick leave shall apply to the Unclassified Service only to the extent such leaves are expressly provided to the employment in question.

10.08 Sick Leave During Worker's Compensation. Whenever an employee is entitled to receive worker's compensation for an injury on the job, such employee is entitled to use accrued sick leave on the first (1st) day the employee is absent from duty due to the injury and thereafter until the first (1st) day for which the employee is paid temporary disability compensation. At the request of the employee, the City may supplement temporary disability payments by applying the employee's accrued sick leave in an amount equal to the difference between base salary and the temporary disability payment received during the period the injured employee receives temporary disability benefits. Employees entitled to a leave of absence under Labor Code Section 4850 will receive benefits as provided by Section 4850 and are excluded from the provisions of this Section 10.08.

SECTION 11: TERMINATION

11.01 Resignation. An employee may resign in good standing by notifying the appointing authority or any supervisor at least two (2) weeks in advance. Any supervisor receiving notice of resignation will advise the Appointing Authority. Once notice of Resignation is final upon notification and may not be withdrawn, except as otherwise determined by the Appointing Authority.

11.02 Automatic Resignation. Absence without leave, whether voluntary or involuntary, for three (3) consecutive work shifts or more is an automatic resignation. The Appointing Authority or applicable Department Head will notify the employee in writing of the intended application of the automatic resignation rule and the facts supporting application of the rule. If the employee challenges the accuracy of the facts, the Appointing Authority will provide the employee with an opportunity to present his/her version of the facts to a neutral hearing officer. The Appointing Authority may designate a neutral hearing officer according to procedures specified by the Appointing Authority. The hearing officer will make a factual determination as to whether the employee has been absent for three (3) consecutive work shifts and whether the absence is without leave. If the hearing officer determines such facts exist, automatic resignation will be effective as of last day on which the employee worked. The Appointing Authority may, in his or her discretion, waive application of automatic resignation for good cause, as determined by the Appointing Authority.

11.03 Layoff. Section 11.07 of these Rules governs the abolition of positions by the City Council within the Classified Service, including any resulting layoff.

- A. **City Manager Authority.** Except as otherwise determined by the City Council in accordance with Section 11.07, the City Manager may abolish any position or employment in the Competitive Service and may lay-off, demote or transfer an employee holding such position on the grounds and according to the procedures provided in these Rules. The City Manager may not delegate this power.
- B. **Order.** Where a position or employment is abolished, layoffs are designated within a specified Classification.
 - Any vacant positions in the designated Classification are first eliminated, except that employees may be transferred, as determined by the City Manager, to create a vacancy in a particular position.
 - Provisional employees in the affected class will be laid off before any probationary or regular employees in the class.
 - Lay-off will, thereafter, be determined by seniority as defined in these Rules.
- C. **Bumping.** An employee designated for lay-off in a higher-ranking classification may displace or “bump” a less senior employee in a different classification in the same job series possessing a lower maximum Salary Rate. The less senior employee subject to displacement shall be, where applicable, the least senior employee in the classification. Except as otherwise determined by the City Manager, an employee may decline to displace another employee and accept the lay-off. Except as otherwise permitted by the City Manager, displacement is only permitted to the Classification in the Job Series that is closest in maximum Salary Rate (but less than) the classification from which the employee is designated for lay-off. However, an employee may only displace an employee where he or she possesses the minimum requirements for the classification and is otherwise capable of performing the essential functions of the position. An employee displaced as provided above will be designated for lay-off and may also displace an employee, as provided above. Following the completion of any displacements, the Appointing Authority may transfer employees as necessary to realign and reorganize the remaining personnel for the work to be performed. Displacement of another employee is available only where there is a less senior employee in a different classification in the same job series possessing a lower maximum Salary Rate.
 - The act of an employee displacing another employee will be classified as a demotion in lieu of layoff. An employee demoted in lieu of lay-off will be assigned the salary rate that is closest to the employee’s salary rate before demotion but not more than the maximum Salary Rate for the new classification.

- The employee displaced may displace other employees, as provided above.
- D. **Notice.** The City Manager shall provide at least 10 (ten) days prior notice to any employee who will be laid off. Alternatively, the employee may be provided pay or salary in-lieu of all or any portion of the notice period.
- E. **Re-Employment.** Employees laid off will be placed on re-employment lists, as provided in Charter Section 914.
- F. **No Right of Appeal.** Employees laid off in accordance with this Section 11.03 shall have no right of appeal.

11.04 Retirement. An Employee may retire in good standing by separating from the City service in compliance with the rules and procedures of the Public Employees' Retirement System.

11.05 Medical Separation. An Employee who is not eligible for disability retirement procedures under the Public Employees' Retirement System, may be separated for disability or medical reasons based on medical evidence and according to procedures designated by the Appointing Authority.

11.06 Dismissal. An employee may be terminated from employment by dismissal, as provided in these Rules.

11.07 Abolition of Position by the City Council. Whenever in the judgment of the City Council it becomes necessary in the interest of economy or because the necessity for the position or employment involved no longer exists, the City Council may abolish any position or employment in the competitive service and lay-off, demote or transfer an employee holding such position or employment without filing written charges and without the right to appeal.

Seniority, as defined in these Rules, shall be observed in effecting such reduction in personnel, and the order of lay-off shall be in the reverse order of seniority. Lay-off shall be made within classes of positions, and all provisional employees in the affected class or classes shall be laid off prior to the lay-off of any probationary or permanent employee. An employee designated for lay-off in a higher-ranking classification may displace or "bump" a less senior employee in a different classification in the same job series possessing a lower maximum Salary Rate, in accordance with Section 11.03(C) of these Rules. The names of probationary and permanent employees laid off shall be placed upon re-employment lists for classes which, in the opinion of the Personnel Officer, require basically the same qualifications and duties and responsibilities of those of the class of positions from which lay-off was made.

Name of persons laid off shall be placed up re-employment lists in order of their competency, and shall remain on such lists for a period of two years unless re-employed sooner. For re-employment purposes, competency of a person laid off shall be determined by the head of the department in which such person worked.

SECTION 12: DISCIPLINE

12.01 Action by City. The City may take disciplinary action against any employee for cause, including but not limited to misconduct or any violation of these personnel rules and regulations, departmental rules and regulations or any City procedures or any laws. This section shall only apply to employees who have regular status in a classified position. All other employees are at-will and can be terminated at any time, with or without cause or notice.

12.02 Typcs of Disciplinary Action. Disciplinary action includes but is not limited to suspension, demotion, reduction in pay, or dismissal.

12.03 Suspension. Any person holding a position or employment in the competitive service shall be subject to disciplinary suspension without pay by the appointing power, but such suspensions shall be in accordance with progressive discipline standards of practice. Progressive discipline can include suspension from duty based upon previous behavior and discipline actions. A department head may make a disciplinary suspension subject to the appeal procedures set forth in Sections 12.07 through 12.11 of these Rules.

12.04 Administrative Leave. The appointing authority or a department head may place any employee on paid administrative leave pending investigation or the completion of selected disciplinary procedures. Administrative leave may include any terms and conditions that are not inconsistent with these rules or law.

12.05 Reasons for Discipline. Disciplinary action may be taken for cause, including but not limited to any of the following causes:

- A. Absence without authorized leave.
- B. Any act or threat of workplace violence or fighting on the job.
- C. Appearing or remaining on duty during work hours while under the influence of alcohol, controlled substances, non-prescription or unauthorized narcotics, or dangerous drugs.
- D. Bribery or the receiving of or the giving of other unlawful gifts or gratuities.
- E. Careless, negligent, unauthorized, or improper use of City property, equipment, or funds for private purposes or involving its damage or risk of damage to it.
- F. Chronic absenteeism or the pattern of frequently failing to report for duty at the assigned place and time.
- G. Conviction of a crime affecting the employee's suitability for employment with the City.
- H. Dereliction of duty.
- I. Dishonesty.
- J. Failure to maintain grooming, clothing, or uniform standards.
- K. Falsifying a timecard or other City records.

- L. Fraud in securing employment; falsifying City or employment records, including job information in order to secure a position; misstatement of fact on an application or other personnel document.
- M. Gross negligence.
- N. Improper use of authority for personal gain or satisfaction.
- O. Incompetence or negligence in the performance of duties, including failure to perform assigned tasks or failure to dismissal duties in a prompt, competent, and responsible manner.
- P. Inexcusable neglect of duty.
- Q. Insubordination.
- R. Non-compliance with applicable Conflict of Interest provisions.
- S. Offensive treatment of the public or of another employee.
- T. Refusing or failing to perform work assigned; refusing or failing to perform a lawful direct order.
- U. Sleeping on the job.
- V. Theft of City equipment or supplies, or theft from a co-worker.
- W. Unauthorized release of confidential information from official records.
- X. Unfitness for duty.
- Y. Unlawful discrimination, harassment, or retaliation.
- Z. Unsatisfactory work record.
- AA. Willful failure to follow work rules or to perform work as required.
- BB. Willful failure to observe City safety rules.
- CC. Other causes as determined by the City.

12.06 Request for Statement of Reasons. Any permanent employee in the competitive service who has been suspended, demoted, dismissed, or reduced in pay shall be entitled to the following procedures set out in Sections 12.07 through 12.13 of these Rules.

12.07 Written Notice of Proposed Disciplinary Action – Department Head. A Department Head may initiate a suspension, demotion, dismissal or reduction in pay against any employee within his/her department and/or work group. Prior to imposing disciplinary action, the Department Head will notify the employee in writing of the nature of the proposed disciplinary action, its proposed effective date, the reason for the proposed disciplinary action and any specific charges against the employee. The notice will also inform the employee of his/her right to receive copies of the written documents and materials on which the proposed action is based and of the employee's right to respond, either orally or in writing to the Department Head within five (5) days of the Notice of Proposed Disciplinary Action. Within five (5) days after receipt of the employee's oral or written response, the Department Head shall issue a Notice of Discipline Imposing, Modifying, or Rescinding the Proposed Discipline.

12.08 Appeals of Discipline. Permanent employees shall have the right to appeal the imposition of the following disciplinary actions: suspension, demotion, dismissal or reduction in pay to the Personnel Officer. Requests for an appeal hearing shall be in writing, signed by the employee, and presented to the Personnel Officer within ten (10) days after the date of the written notice required by Section 12.06. Any such request

shall be addressed to the Personnel Officer and shall identify the subject matter of the appeal, the grounds for the appeal, and the relief desired by the employee. All disciplinary hearings shall be conducted in private unless the employee requests, in writing, a public hearing. Failure to request a disciplinary hearing within ten (10) days constitutes a waiver of the right to a hearing and any rights to appeal of the disciplinary action. Upon failure to file a timely appeal from the decision of the Department Head, the disciplinary action shall be final.

12.09 Scheduling. Upon receipt of such statement and answer the Personnel Officer shall make such investigation as he/she may deem necessary and within twenty (20) days after such receipt hold a hearing. The hearing need not be conducted according to technical rules relating to evidence, and shall be conducted in an informal manner. The employee shall have the right to be represented by an attorney or spokesperson, but shall not have any right to compel attendance of witnesses or any right of cross-examination. The Personnel Officer may in his/her discretion issue subpoenas in accordance with Section 3.15.090 of the Municipal Code, but failure to do so shall not invalidate the hearing. Within ten days after concluding the hearing the Personnel Officer shall certify his/her findings and decision and shall affirm, revoke or modify the action taken, as in his/her judgment seems warranted. The action of the Personnel Officer shall be final, unless the employee timely files an application for arbitration pursuant to Section 12.09 of these Rules. Any time limit for conducting scheduling the hearing before the City Manager may be waived by mutual agreement of the parties.

12.10 Arbitration.

- A. An employee dissatisfied with the decision of the Personnel Officer may apply for arbitration. The employee shall file an application for arbitration no later than ten (10) days after issuance of the decision by the Personnel Officer. As used herein, "issuance of the decision" means the date on which the written decision of the Personnel Officer is personally delivered to the employee or his/her representative, or the date on which the Personnel Officer's decision is deposited with the U.S. Post Office for delivery by mail. Upon the employee's failure to file a timely application for arbitration, the disciplinary action shall be final.
- B. The employee and his/her representative and the City Manager shall select an impartial arbitrator by mutual agreement. If the parties are unable to select an arbitrator within fifteen (15) days, they shall jointly request a list of five (5) qualified arbitrators from the California State Mediation and Conciliation Service. If mutual selection cannot be made from the list received within five (5) days, the parties shall select the arbitrator by alternately striking names until only one (1) name remains; that person shall serve as the arbitrator. The party, which strikes the first name from the list of arbitrators, shall be determined by a toss of a coin.
- C. The cost of the arbitrator shall be borne by the City. Each party, however, shall bear the cost of its presentation including preparation and post-hearing briefs, if any, provided that witnesses necessary to the presentation

of the employee's case shall be granted necessary time off without loss of pay or benefits to appear at the arbitration hearing.

- D. Decisions of arbitrators on matters properly before them shall be final and binding on the parties hereto to the extent permitted by law.

12.11 Burden of Proof. The City shall have the burden of proof at the disciplinary hearing before the arbitrator and shall be required to prove the charges against the employee by a preponderance of the evidence.

12.12 Subpoenas. The arbitrator may compel the attendance of witnesses and testimony of witnesses and/or production of evidence by subpoena at any arbitration hearing as provided in Section 3.15.090 of the Municipal Code.

12.13 No Right of Appeal for Reprimands. A Department Head may issue oral or written reprimands of employees in his/her department and/or work group. Notwithstanding any other provision in these Personnel Rules, there shall be no right of appeal or grievance for oral or written reprimands.

SECTION 13: HOURS OF WORK, OVERTIME, AND PREMIUM PAY

13.01 Hours of Work. The workday and workweek will be in compliance with the Memoranda of Understanding, where applicable, and state and federal laws, such as the Fair Labor Standards Act.

13.02 Attendance. Employees shall be at their work in accordance with the Rules regarding hours of work, leaves, and related provisions. Failure on the part of an employee to return to duty within twenty-four (24) hours after notice to return when the employee has been absent, may be cause for discharge.

13.04 Timesheets. Employees shall accurately record all time worked on timesheets, according to established procedures. An employee may not work time that is not recorded or record time that is not actually worked. Employees may be required to certify the accuracy of their time sheet. The City may establish different procedures for employees exempt from the overtime provisions of the Fair Labor Standards Act.

13.05 Overtime. Overtime is discouraged. All overtime hours worked shall be authorized in advance by the appropriate department head or designee specifically vested with this authority. In accordance with policies established by the appointing authority, Department Heads shall have the discretion to compensate overtime worked by either salary payment or by compensatory time off as approved by law. Overtime requirements do not apply to employees who are exempt from the overtime provisions of the Fair Labor Standards Act.

13.06 Overtime Premium. Overtime premium will be paid to non-exempt employees as provided under the applicable Memorandum of Understanding or City Resolution. In the absence of any other provision, overtime will be paid in compliance with the minimum requirements of the Fair Labor Standards Act. Overtime premium does not apply to employees who are exempt from the overtime provisions of the Fair Labor Standards Act.

SECTION 14: COMPLAINT AND GRIEVANCE PROCEDURE

14.01. Purpose of Grievance Procedure. The grievance procedure shall be used to resolve any complaint or dispute concerning the interpretation, application, or alleged violation of:

- Any provision of the applicable Memorandum of Understanding between the City of Seal Beach ("City") and a recognized employee organization; and
- The City's Personnel Rules and Regulations where the provision in dispute is within the scope of representation.

The grievance procedure shall not be used for:

- The resolution of any grievance concerning provisions of the Memorandum of Understanding which specifically provide that the decision of any City official shall be final;
- The resolution of any grievance for which an alternate or separate appeal procedure has been provided;
- The resolution of any grievance concerning any disciplinary action;
- The resolution of any grievance concerning any aspect of the performance evaluation process, except for grievances regarding deferred advancement; or
- The resolution of any grievance related to any concerted refusal to work.

14.02 Grievance Procedure. The general steps of the grievance procedure are as follows. Certain steps of this procedure may be eliminated if the employee reports to a department director or if the employee's second-line supervisor is the department director.

A. Informal Discussion of Grievance.

1. The employee informally discusses the matter with his/her immediate supervisor within fifteen (15) calendar days from the date of the act, which generated the grievance. For purposes of this rule, "immediate supervisor" is defined as the individual who assigns, reviews, and directs the employee's work.
2. If the discussion between the employee and his/her immediate supervisor does not satisfactorily resolve the grievance, the

employee shall have the right to discuss his/her grievance informally with his/her supervisor's immediate supervisor.

3. If this discussion does not satisfactorily resolve the grievance, the employee shall have the right to file a formal grievance.

B. **Formal Grievance Procedure.** Provided that the employee's grievance was not satisfactorily resolved by the informal grievance discussion, the following steps of the formal grievance procedure shall be followed:

1. The employee shall have the right to prepare a formal, written grievance within five (5) working days after the informal grievance discussion with his/her immediate supervisor or the immediate supervisor's supervisor. The formal, written grievance shall contain the following information:
 - The employee's name;
 - The name of the individual or organization, if any, designated as the employee's representative in the processing of the grievance. Under no circumstances shall an employee organization other than the one that formally represents the position occupied by the employee be designated as the employee's representative;
 - The employee's department and specific work site;
 - The name of the employee's immediate supervisor;
 - The specific provision, policy, or procedure alleged to have been violated;
 - A specific description of the nature of the grievance, including the date, place, and facts underlying the occurrence of the act that generated the grievance;
 - The employee's specific suggested solution to the grievance; and
 - The employee's signature.
2. The employee shall present his/her formal grievance to the department director. The department director shall discuss the grievance with the employee and/or his/her representative.
3. Within ten (10) working days after receipt of the formal grievance, the department director shall render a written decision regarding its merits. Failure of the department director to render a written decision on the grievance constitutes a decision denying the grievance.
4.
 - a. If the employee does not seek further review of the grievance within five (5) working days after his/her receipt of the department director's decision, the grievance shall be considered resolved, and no further review of the subject matter of the grievance shall be permitted.
 - b. Alternatively, if the department director's decision does not satisfactorily resolve the grievance, the employee may present the formal grievance to the personnel officer or any

person designated by the personnel officer to serve as the final reviewer of employee grievances.

5. The personnel officer or his/her designate shall discuss the grievance with the employee and/or the employee's representative.
6. Within fifteen (15) days after meeting with the employee and/or the employee's representative, the personnel officer or his/her designate shall render a written decision regarding the merits of the grievance. The decision of the personnel officer or his/her designate shall resolve the grievance, and no further review of the subject matter of the grievance shall be permitted.

C. Time Limits.

1. Any time limit set forth above may be extended by mutual written agreement between the City and the employee and/or the employee's designated representative in the processing of the grievance.
2. Failure on the part of the employee and/or his/her designated representative to comply with the prescribed time limits of this procedure or any extensions shall constitute a withdrawal of the grievance without further recourse.
3. Failure on the part of the City to comply with the prescribed time limits of this procedure or any extensions shall result in advancement to the next step of the grievance procedure.

D. Employee Rights.

1. The City shall not institute any reprisals against any employee or any representative resulting from his/her use of the grievance procedure.
2. An employee who submits a grievance, along with his/her designated representative, may use a reasonable amount of time during working hours to prepare for and present the grievance.

SECTION 15: PRESENTATIONS RELATED TO GENERAL CONDITIONS OF EMPLOYMENT

15.01 Informal Groups and Individuals. Groups or units of employees that have not formally organized and those that are not represented by a recognized employee organization may consult with the City Manager or designate regarding terms and conditions of employment. The City Manager will endeavor to solicit the views of such employees prior to recommending significant changes in the applicable salary and benefits resolution. Individual employees, upon their own initiative, may also provide their views regarding general employment conditions to the City Manager or designate.

15.02 Formally Organized Groups. Employee organizations may make presentations related to the terms and conditions of employment as provided under the Meyers-Milias-Brown Act, commencing with Government Code Section 3500, and the Public Employee Relations Ordinance of the City of Seal Beach, Seal Beach City Code Section 16A. Individual employees may make presentations to the extent and as provided by the Meyers-Milias-Brown Act.

