



CITY OF EASTVALE PERSONNEL POLICIES AND PROCEDURES

Adopted by Resolution 13-14
Revised by Resolution 15-01

Table of Contents - Personnel Policies and Procedures

CHAPTER 1	<u>Section</u>	<u>Item</u>	<u>Page</u>
Benefits And Practices	1	Authorized Positions.....	4
	2	Workweek.....	4
	3	Overtime.....	4
	4	Bilingual Pay.....	5
	5	Non-City Funded Employees.....	5
	6	Salary and Wage Schedule.....	5
	7	Recruitment.....	5
	8	Advancement within Schedule.....	7
	9	Health Screening.....	7
	10	Background Investigation.....	7
	11	Probation.....	7
	12	Holidays.....	7
	13	Vacation.....	8
	14	Travel Expenses.....	9
	15	Sick Leave.....	9
	16	Leave of Absence without Pay.....	10
	17	Pregnancy Leave.....	10
	18	Military Leave.....	10
	19	Jury Duty.....	11
	20	Administrative Leave.....	11
	21	Performance Evaluation.....	11
	22	Insurance Benefits.....	11
	23	Retirement Benefits.....	11
	24	Promotion.....	12
	25	Dual Employment; Conflict of Interest.....	12
	26	Personnel Records.....	13
CHAPTER 2 Employee Disciplinary Procedures	1	Employee Conduct and Discipline.....	14
	2	Grounds for Discipline.....	15
	3	Procedures Governing Suspension, and Disciplinary Action.....	15
	4	Procedures Governing Name Clearing Hearings.....	16
	5	Types of Disciplinary Action.....	17
	6	Records.....	17
	7	Automatic Resignation.....	17

CHAPTER 3	<u>Section</u>	<u>Item</u>	<u>Page</u>
Resignation	1	Resignation	17
 CHAPTER 4	1	Harassment.....	18
Harassment	2	Statement of Policy	18
	3	Sexual Harassment.....	18
	4	Procedure	19
	5	Enforcement of Laws against Harassment	20
 CHAPTER 5	1	Drug and Alcohol Free-Workplace.....	20
Drug and	2	Policy.....	20
Alcohol-Free	3	Procedure	21
Work Place	4	Documentation	22
	5	Follow-up.....	22
 CHAPTER 6	1	Other Definitions	23
Other			
Definitions			

CHAPTER 1

Section 1. Authorized Positions: Authorized full-time and part-time positions, with classification titles and pay ranges specified, shall be established from time to time upon adoption of a resolution by the City Council. Unless otherwise stated, the following definitions shall apply for purposes of Authorized Positions under these Personnel Rules and Regulations:

- a. Regular Full-time Employee: A full-time non-management employee who has successfully completed his or her probationary period in their position in the competitive service and is occupying a position established on a continuing basis, as distinguished from a part-time employee who is employed on a seasonal or intermittent basis.
- b. Management or Exempt Employee: An employee designated as such in the Salary and Benefits Resolution and is not covered under the provisions of the Fair Labor Standards Act (FLSA).
- c. Non-Exempt Employee: An employee who is covered by the overtime provisions of the Fair Labor Standards Act (FLSA).
- d. Permanent Part-time Employee: A position requiring the employee to work at least 30 hours per week but fewer than 40 hours per week, and is eligible for the City's retirement program and half the benefits of a regular full-time employee.
- e. Part-time Employee: An employee filling a position that requires a schedule of 20 hours per week or less. A Part-time Employee is excluded from receiving benefits and serves at the will of the City Manager.
- f. At-Will Employee: Any person who is not included in the competitive service. An At-Will Employee may be dismissed by the City Manager at any time for any reason and without prior notice or right of appeal. City Department Heads or contract employees working under the direct supervision of the City Manager are considered At-Will Employees.
- g. Volunteer: An individual who accepts an unpaid position with the City to perform specific tasks. A volunteer can be released at any time and for any reason without the right of appeal.

Section 2. Workweek: Regular, non-management employees work a 40-hour work week; however, the City may adjust work hours to meet changing needs and requirements.

Section 3. Overtime Compensation: Non-exempt employees who actually work more than 40 hours in a workweek shall be compensated at the rate of one and one-half times the employee's regular rate of pay, either as paid time at one and one-half rate of pay or as compensatory time accrued at the rate of one and one-half rate of pay for all hours worked in excess of 40 in any workweek. Work classified as standby, emergency response and disaster response will also be paid at one and one-half times the straight time rate. For the purposes of this resolution, holidays and pre-

scheduled time off are to be considered actual work time. The total amount of compensatory time an employee may accrue is 60 hours. When this maximum is reached the employee will either take time off work or receive payment for all or a portion of the time at the discretion of the City Manager.

Section 4. Bilingual Pay: Eligible employees may receive an additional 5% increase for bilingual services. The number of employees to receive the additional 5% is limited to two (2). Effective January 1, 2015, employees being considered for bilingual services shall be required to pass a bilingual proficiency test.

Section 5. Non-City Funded Employees: Employees who are hired pursuant to Federal/State/County funding assisted programs are subject to termination when program funding terminates.

Section 6. Salary and Wage Schedules: The salary and wage schedule for authorized full-time and part-time positions shall be established from time to time upon adoption of a resolution by the City Council.

Section 7. Recruitment: These steps establish a procedure for all phases of the employment process for full-time employees. The City Manager, or designee, will administer and coordinate the hiring process for all position vacancies to ensure compliance with contractual, legal and equal employment opportunity requirements. All such hiring efforts are conducted in the spirit of equal opportunity and non-discrimination.

All full-time City appointments and promotions shall be based on merit and fitness and will be determined by the results of any or all of the following testing procedures: written test, practical skills examination and/or oral interview.

Closed-Promotional Recruitment

The City Manager, or designee, will first consider promotions from within the City. Promoting from within the City is considered a closed-promotional recruitment and must be recommended by the Department Head and approved by the City Manager.

Open Recruitment

If a closed-promotional recruitment is not recommended or approved, the City Manager, or designee, will seek outside candidates through open recruitment.

The City Manager will determine the best method for seeking outside candidates through open recruitment, including, but not limited to any of the following procedures: individual selection directly by the City Manager, or job announcements advertised in newspapers and other appropriate publications.

EXAMINATION PROCESS

Examinations shall be conducted to assist with the selection of qualified candidates and test

selection techniques will examine the qualifications of the candidates. Tests may include, but are not limited to, achievement and aptitude tests, written tests, personal interviews, performance tests, physical agility tests, evaluation of daily work performance, work samples, or any combination of these. Pre-employment physical, medical, psychological, drug and alcohol tests may be given as part of any examination if required for performing the essential job functions. All examinations given will be job related and designed to determine a candidate's knowledge, skills, and abilities to perform the essential job functions.

The City Manager, or designee, will ensure that all examination results remain confidential and that the examination process appropriately accommodates candidates with disabilities.

INTERVIEW PROCESS

The employment interview is a significant part of the selection process. The interviewer's function is to discover a candidate's knowledge, skills, and abilities to perform the essential job functions. Certain guidelines must be observed to ensure compliance with State and Federal laws and to maximize the reliability of the interview process, and include the following:

Interview questions must be job-related and designed to measure a candidate's job knowledge, experience and education necessary to perform the essential job functions.

All interview panel members, if utilized by the City Manager, will be informed of the position responsibilities and requirements and each panel member must independently rate candidates using an objective measurement scale developed by the City.

Only the most highly rated candidate (s) will be considered for final evaluation and review.

REFERENCE CHECK

Before an offer of employment is extended, the City shall conduct a reference check on any candidate. The purpose of the reference check is to verify employment duties, performance record, attendance record, and any other pertinent information. Results of the reference check and background will help determine a candidate's fitness for the position.

Certain positions may require a thorough background check by the Sheriff's Department or other designated agency. However, no background investigations will be conducted without first notifying the candidate.

CANDIDATE NOTIFICATION

After references are verified and a final decision is reached, the City will notify the selected candidate, in writing, and make an employment offer. When a candidate accepts an employment offer, all other candidates, if any, will be notified in writing that they were not selected for the position.

Section 8. Advancement within the Schedule: The City Manager shall effect such advances as the City Manager may deem advisable based upon the employee's ability, proficiency, and

performance within the authorized salary range.

Section 9. Health Screening: All applicants being offered employment or employees returning to work may be required to undergo a health screening if in the discretion of the City Manager such screening is necessary. All applicants for employment are subject to and must successfully pass a drug screening test.

Section 10. Background Investigation: All applicants upon employment may be fingerprinted and shall successfully undergo any further investigation deemed necessary by the City Manager as a prerequisite for employment.

Section 11. Probation: The probationary period is an integral part of the employment process and provides the opportunity to observe the employee's work and assist the employee's adjustment to the new position. During the initial probation period, the probationary employee will have no rights of tenure, and may be terminated without cause either during or at the end of the probation period.

DURATION

1. All newly hired, full-time regular employees and permanent part-time employees are subject to a twelve-month probation period.
2. All promoted employees are subject to a twelve-month probation period.
3. Employees reclassified to a position in accordance with a reevaluation of the minimum qualifications, duties and responsibilities of the position in question and where the employee has assumed those duties and responsibilities shall not be subject to any probationary period.
4. The twelve-month probation period for promoted and full-time regular employees will begin on the first day of the promotion or hiring date.
5. Management employees are exempt from any probationary period.

EXTENSIONS

1. Prior to the end of any probation period, the probation period may be extended another twelve months with the approval of the City Manager, or designee.
2. The employee will be notified in writing of such an extension.

Section 12. Holidays:

(a) All regular full-time employees and full-time employees who are in their probation period shall have the following holidays as vacation with pay:

1. January 1st, known as "New Year's Day"

2. The third Monday in January, known as “Martin Luther King Jr. Day”
3. The third Monday in February, known as “Presidents’ Day”
4. The fourth Monday in May, known as “Memorial Day”
5. July 4th, known as “Independence Day”
6. The first Monday in September, known as “Labor Day”
7. November 11th, known as “Veteran’s Day”
8. “Thanksgiving Day”
9. The day after Thanksgiving Day
10. December 24th, known as “Christmas Eve Day”
11. December 25th, known as “Christmas Day”
12. One (1) floating holiday. Floating holidays not used will be forfeited.

(b) In the event a holiday falls upon a Friday or Saturday, the prior work day will be taken in lieu of the holiday; in the event a holiday falls upon a Sunday, the following workday will be taken in lieu of the holiday.

Section 13. Vacation: All regular full-time employees and full-time employees who are in their probation period will accrue vacation time as defined below. All permanent part-time employees will accrue vacation hours at one-half the rates below. Employees shall be eligible for and accrue vacation with pay according to the following conditions:

Amount of Vacation:

(a) Less than five (5) years of continuous service:

Each employee working in continuous service of less than five (5) years shall earn 80 hours of paid vacation per year.

Vacation shall be earned on a prorated basis for time worked.

(b) Five (5) or more years of continuous service:

Upon completion of the fifth year of continuous service, each employee shall receive immediate credit of forty (40) hours of paid vacation and then shall earn 120 hours of paid vacation per year.

Vacation shall be earned on a prorated basis for time worked.

(c) Eleven (11) or more years of continuous service:

Upon completion of the eleventh year of continuous service, each employee shall receive immediate credit of forty (40) hours of paid vacation and then shall earn 160 hours of paid vacation per year.

Vacation shall be earned on a prorated basis for time worked.

Use of Vacation:

- (a) Employees shall be eligible to use vacation as it is accrued.
- (b) Employees shall request use of vacation a reasonable time in advance of the proposed use of the vacation.
- (c) All requests for use of vacation must be approved by the employee's supervisor and the relevant department head.
- (d) Upon termination, employees shall be compensated for accrued unused vacation at their then current pay rate.
- (e) The City of Eastvale will not allow for accrual of vacation time in excess of 300 hours. Any and all time accrued beyond that will be paid out at the regular rate of pay. The City Manager reserves the right to allow overages in special circumstances.

Section 14. Travel Expenses: All regular full-time employees, full-time employees who are in their probation period, and permanent part time employees, with prior approval by the City Manager, shall be eligible for a travel expense allowance as specified by the following:

- (a) Local Travel: Expense claims for use of private automobiles must be submitted to the City Manager. Such use will be reimbursed at the standard mileage rate for all business miles.
- (b) Out of Town Travel: If, in the judgement of the City Manager the estimated expense for contemplated travel out-of-city is too high to expect the employee to finance the trip and be reimbursed upon his return, the City Manager may authorize advance payment of the estimated amount to the employee.
- (c) Use of personal cars for trips out of the metropolitan area may be approved by the City Manager when use of commercial transportation is not practical. Compensation is not to exceed air fare cost.
- (d) Expenses will be allowed for adequate lodging. Hotel accommodations shall be appropriate to the purpose of the trip. Expenses for meals will be reimbursed at actual cost.

Section 15. Sick Leave: All regular full-time employees and full-time employees who are in their probation period will accrue sick time as defined below. All permanent part-time employees will accrue sick hours at ½ the rates below:

- (a) Sick leave with pay shall accrue at the rate of 90 hours for each 12 months of the employee's active service, and any such leave accrued but unused in any year shall be accumulated for the employee to use in succeeding years up to a maximum accumulation of five (5) years or 450 hours. Upon termination for any cause other than retirement sick leave time is forfeited. If an employee retires from City service sick time may be converted to years of service as regulated by the PERS retirement system.

- (b) An employee eligible for sick leave with pay shall be granted such leave for the following reasons:
- (1) Illness or physical incapacity of employee or immediate family. "Immediate family" is limited to any relative of blood or marriage who is a member of the employee's household, under the same roof; and any parent, grandparent, spouse, child, brother, sister, father-in-law, brother-in-law, mother-in-law, or sister-in-law of the employee's, regardless of residence.
 - (2) Enforced quarantine of the employee in accordance with community health regulations; or
 - (3) The death of a member of the employee's immediate family. "Immediate family" is limited to any relative of blood or marriage who is a member of the employee's household, under the same roof, and any parent, grandparent, spouse, child, brother, sister, father-in-law, brother-in-law, mother-in-law, or sister-in-law of the employee's, regardless of residence. Accrued vacation may also be used for bereavement purposes for members of the immediate family.
- (c) Any employee on sick leave shall inform their supervisor of the fact and the reasons thereof within one-half hour of the beginning of their work shift of each sick day, unless otherwise agreed, and failure to do so may be cause for denial of sick leave with pay for the period of absence and may be cause for disciplinary action.
- (d) Eligibility of sick leave shall commence when accrued.
- (e) Observed holidays occurring during sick leave shall not be counted as days of sick leave.

Section 16. Leave of Absence Without Pay: The City Manager may grant leaves of absence up to one year without pay to any regular full-time employee if the circumstances of the particular case warrant such action. During all such leaves of absence the employee shall not be considered as being on active service and shall not accrue any service time calculated benefits or other benefits including vacation and sick time.

Section 17. Pregnancy Leave:

- (a) All regular full-time employees and full-time employees who are in their probation period may be granted all or any portion of accrued sick leave with pay, in accordance with the provisions of this rule, for illness or disability resulting from a pregnancy. In applying the policy regarding sick leave, any incapacity resulting from pregnancy or related complications shall be treated as a form of temporary disability.
- (b) An employee may be granted a leave of absence without pay in accordance with the pertinent provisions of this section.

Section 18. Military Leave: Military leave shall be granted to any regular full-time employee

or full-time employee who is in their probation period in accordance with the Military and Veteran's Code of the State of California and as amended.

Section 19. Jury Duty: Any regular full-time employee or full-time employee who is in their probation period who is required to serve as a juror or subpoenaed as a witness in any State or Federal court, or any administrative board or tribunal, shall be entitled to a leave of absence up to ten (10) working days with pay while performing services as a juror or a witness; provided that any such employee shall be required to pay over to the City any amount he receives for jury fees, exclusive of approved travel and subsistence. If court records indicate that the employee advised the court of this 10 working day limit, and the employee is nonetheless selected for a jury where the jury duty exceeds 10 working days, the excess days shall be paid by the City, if witness fees or juror fees, except mileage reimbursement are submitted to the City.

Section 20. Administrative Leave: Management employees are authorized eighty (80) hours of administrative leave (time off with pay) each calendar year. Unused hours will not roll over to the next calendar year. Management employees are listed below:

1. City Manager
2. Assistant City Manager
3. City Clerk
4. Deputy Finance Director
5. Senior Administrative Analyst

Section 21. Performance Evaluation: The purpose of the performance evaluation is to accurately assess the employee's overall job performance, and to set goals with the employee that further job knowledge and enhance skills and abilities.

All new full-time regular employees, permanent part-time employees and promoted employees will receive a comprehensive performance evaluation from their immediate supervisor approximately six months after their hire/promotion date. In conjunction with his/her evaluation, the employee may be eligible for a step increase. All new full-time regular employees, permanent part-time employees and promoted employees will again be evaluated at the end of the first year of employment/promotion. Thereafter, performance evaluations will be given annually. In the event more than one person supervises an employee, all supervisors are required to participate in the performance evaluation process.

Performance evaluations will be prepared on a City evaluation form, discussed with the employee, and placed in the employee's personnel file where it can be examined by the employee at reasonable times. An employee may receive additional performance appraisals from time to time whenever it is considered appropriate by the employee's supervisor(s).

Performance evaluations are required and necessary, and it is a supervisor's responsibility to give performance evaluations when they are due, even if a step or merit increase is not involved.

Section 22. Insurance Benefits: All regular full-time employees, permanent part-time employees covered under PERS (1/2 benefit) employees and full-time employees who are in their probation period and their dependents will be covered under the City's medical, dental, vision, life

and long-term disability insurance policies, or, alternatively in a recognized cafeteria plan approved by the City Council. These benefits may be increased or decreased from time to time. The City reserves the right to change carriers and/or eliminate any type of coverage at its absolute discretion. No employee has any vested right to any type of insurance coverage or benefits.

Section 23. Retirement Benefits: All regular full-time employees, full-time employees who are in their probation period and permanent part-time employees shall be members of the Public Employees' Retirement System (PERS). "The City is a member of the California Public Employees' Retirement System (CalPERS). Eligible employees are required to participate in accordance with the rules of CalPERS. CalPERS Retirement benefits are available to all employees working at least 1,000 hours in a fiscal year. All part-time, temporary and seasonal employees, as well as any other employees not eligible for membership in CalPERS and shall be placed in the Federal Social Security Retirement System."

Section 24. Promotion: It is the policy of the City of Eastvale to promote from within the City organization whenever feasible and consistent with the City's interests. Job-flyers will be disseminated to employees informed of current openings and qualified employees are encouraged to apply. Positions may also be posted outside the organization simultaneously. The City Manager will determine the process for recruiting for each open position.

Full-time employees interested in promotion opportunities shall follow the procedures below:

1. Employee(s) should provide a written statement of interest in the available position and submit it to the City Manager, or designee, by the position's stated closing date. The statement of interest should include appropriate documentation of related experience and qualifications.
2. The City Manager, or designee, will notify the employee(s) if he/she will be interviewed or tested for the position.
3. After successfully completing the selection process, and upon the City Manager's approval, employees will be notified of their appointment to the promoted position.

Section 25. Dual Employment; Conflict of Interest: As a public agency, the City must be particularly sensitive to real, potential, or perceived conflicts of interest. The City expects all employees to adhere to the highest ethical and professional standards. City employees are employed on the condition that employment with the City is their primary employment and that they shall not engage in any employment, activity or enterprise for compensation which is inconsistent, incompatible or in conflict with his/her duties, functions or responsibilities as a City employee. The purpose of this policy is to establish guidelines for City employees regarding dual employment or outside activities that may conflict with City employment.

No City employee shall lend his/her name as an employee of the City to any commercial or business enterprise. No employee shall approve or utilize the name, uniform or prestige of the City, or any City department, for any such purpose. Because of their knowledge and expertise, outside employment or other income opportunities may become available to City employees. If an employee

is considering such an opportunity, he or she must fully disclose the employment opportunity to the City and to have it carefully reviewed to avoid conflict of interest. Failure to disclose potential business opportunities that create a conflict of interest is grounds for disciplinary action up to and including termination.

Employees shall notify the City Manager if they are considering the following:

1. Simultaneous employment by any other employer;
2. Participation in an outside business on their own or with others;
3. Involvement in any other outside activity where they receive compensation.

The City Manager or designee shall determine if a conflict exists. If a conflict of interest or scheduling problem exists, the City may require an employee to resign from the other employment or outside activity.

An employee's outside employment, activity or enterprise may be prohibited if it:

1. Involves the use of City time, facilities, equipment and supplies, the badge, uniform prestige or influence of his/her City department or employment for private gain or advantage.
2. Involves receipt or acceptance by the employee of any money or other consideration from anyone other than the City for the performance of an act which the employee would be required or expected to render in the regular course or hours of his/her City employment or as a part of his/her duties as a City employee.
3. Involves the 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 or audit, or enforcement of any other employee to the department by which he/she is employed.
4. Involves such time demands as would render performance of his/her duties as a City employee less efficient.

Procedure for obtaining approval:

1. The employee shall request authorization of outside employment from the City Manager, or designee by completing the Authorization for Outside Employment Form prior to entering into the requested outside employment.
2. The City Manager shall authorize outside employment in accordance with this policy. In the event a request for outside employment is denied, written comments will be provided to the employee.
3. The City Manager or designee shall furnish the requesting employee a copy of the Authorization for Outside Employment indicating approval/denial and forward a copy to the employee's personnel file.

Section 26. Personnel Records:

ESTABLISHMENT

An employee's official personnel file will contain all records concerning personnel actions taken, including, but not limited to, performance evaluations, benefit enrollment forms, educational courses taken, and all employment related documents that give a complete employment history. The City Manager or designee shall keep personnel records confidential to the extent permitted by law. Personnel files may be viewed by the employee upon request. Employee medical information shall be kept in files separate from the official personnel file. Likewise, any grievances filed by an employee as well as documents reflecting a review of such grievances shall be maintained in separate confidential files.

MAINTENANCE

Employees are required to inform the City Manager, or designee, of any changes in name, address, telephone number, marital status, family status, beneficiary, or other information on file. This ensures that Federal withholding statements, insurances and retirement records are correct. Employees may be liable for any costs incurred by the City as a result of inaccurate personnel information.

RELEASE OF INFORMATION CONCERNING CITY PERSONNEL

To ensure personnel information is appropriately and accurately disseminated, the City Manager, or designee will initially screen all personnel reference checks and employment verifications, and confidentially handle financial inquiries originating from banks, credit unions, etc. regarding current and past City employees. Responses to financial inquiries will be released only upon written employee authorization.

PROCEDURES FOR RELEASE OF INFORMATION

1. All outside inquiries and reference checks shall be in writing and shall be forwarded to the City Manager, or designee for response. The City Manager or designee may consult with the City Attorney as to the release of the requested information. All calls for reference checks should be referred to the City Manager, or designee by responding to a caller by saying "Under our policy, only the City Manager, or designee responds to calls concerning employees; I will transfer you to that office."
2. Financial information will be released only after an authorized written request has been submitted to the City Manager, or designee by the agency requesting the information, and the employee has executed a written approval to release the requested information.
3. The City Manager or designee shall comply with applicable Federal and State laws regarding release of public employee personnel and financial information and shall consult with the City Attorney whenever there are questions concerning the release of such information.

CHAPTER 2

Section 1. Employee Conduct and Discipline:

Employees in the competitive service of the City may not be suspended, demoted, dismissed, or reduced in pay for disciplinary reasons, without just cause. All other employees serve at the will of their appointing authority. For purposes of this Section, City Department Heads and contract employees are considered at-will employees and may be subject to discipline without cause.

Discipline may be necessary when City policies are violated or City expectations are not met. The causes for disciplinary action against an employee may include, but are not limited to, the following:

Section 2. Grounds For Disciplinary Action:

1. Fraud. To secure employment by providing false documents or knowingly make false statements or significant omissions, either orally or in writing, on a City employment application or in any supporting documents.
2. Incompetence. Failure to perform some or all of the job duties.
3. Neglect of Duty. Failure to perform one or more essential duties required of the employee's position.
4. Insubordination. Willful failure to conform to a Supervisor's legitimate requests and directions.
5. Alcohol or Drug Use. Being under the influence of alcohol or controlled substances while at work, while driving a City vehicle, or consuming, selling, possessing, or manufacturing same while on City premises or while engaged in City business. "Being under the influence" is defined as having the presence of any detectable level of drugs in the body or blood alcohol greater than .02%.
6. Absence without leave.
7. Discourteous treatment of the public or City employees.
8. Improper or unauthorized use of city property.
9. Conflict of interest/employment. Outside employment not authorized by the City Manager.
10. Gifts. Acceptance of any reward, gift, or other form of remuneration, in addition to the employee's regular compensation, for the actions performed in the normal course of the employee's assigned duties.

11. Falsifying records. Falsifying City reports or records.
12. Dishonesty.
13. Violation of rules. Violation of the City's policies, ordinances, and resolutions, including the personnel policies and procedures and administrative orders.

Section 3. Procedures Governing Suspension, Disciplinary Reduction in Pay, Disciplinary Demotion AND Dismissal:

1. Notice. The City Manager, or designee, shall give the affected employee notice of the proposed disciplinary action. The notice shall include: (a) a statement of reasons for the proposed action; (b) a copy of the charges and materials upon which the proposed action is based; and (c) a description of the procedures and time frames for responding to the notice.
2. Documentation and the right to representation. The concerned employee may review the documents, materials, names of witnesses, and other evidence upon which the proposed action is based. Copies shall be provided.

The affected employee, at his/her own expense, can be represented by another person during the disciplinary procedures.

3. Right to respond. Within five working days, the affected employee has the right to respond orally, or in writing, to the City Manager, or designee, depending on the person proposing the disciplinary action.
4. Notice of disciplinary action to be taken. Upon completion of the above procedures, the City Manager, or designee, shall inform the affected employee, in writing, of the action and of the right to appeal the discipline imposed.
5. Appeal to the City Manager. An employee has the right to appeal the decision to the City Manager. The written appeal must be delivered to the City Manager within five (5) working days of the notice of disciplinary action to be taken. The appeal shall not stay the discipline.

If the employee fails to submit a timely written appeal, the disciplinary action will be final and binding. The City Manager may hear the appeal or may select an independent hearing officer. If the appeal is assigned to a hearing officer, the City Manager shall review the hearing officer's conclusions, findings, and facts prior to deciding whether or not to uphold the disciplinary action. Written notice of the City Manager's decision shall be given to the employee.

6. Appeal to the City Council or its Designee. When the City Manager is the person giving notice of final discipline pursuant to paragraph 4 above, appeal may be made to the City Council in accordance with the provisions of paragraph 5 above. The City Council may hear the appeal or designate a hearing officer to do so. In such event, the hearing officer shall make an advisory recommendation to the City Council whose decision shall be final.

Section 4. Procedures Governing Name Clearing Hearings:

An employee not in the competitive service who is terminated under circumstances that might stigmatize his/her reputation, seriously impair his/her opportunity to earn a living, or that might seriously damage his/her standing or association in the community, may request a name clearing hearing to refute the charges and clear his/her name. If a hearing is requested, and the request is granted, the procedure for Appeal to the City Manager/City Council above shall be followed. The purpose of such a hearing is only to allow the employee an opportunity to clear his or her reputation.

Section 5. Types of Disciplinary Actions:

1. Verbal reprimand. An employee may be verbally reprimanded in private about his/her inappropriate behavior. The Supervisor shall make a brief notation regarding the date and substance of the verbal reprimand in the personnel file. If an employee's conduct does not improve, reference to the verbal reprimand will be made in a subsequent written reprimand or performance evaluation.
2. Written Reprimand. If the inappropriate behavior continues after a verbal reprimand, or if deemed warranted by the Supervisor, the employee will receive written notification indicating the City is dissatisfied with the employee's services or conduct and that further disciplinary measures may be taken if the behavior is not corrected.
3. Suspension. An employee may be suspended without pay for periods not to exceed thirty (30) working days in any one calendar year.
4. Disciplinary Reduction in Pay. An employee's pay rate within their pay range and class may be reduced for disciplinary reasons.
5. Disciplinary Demotion. An employee may be demoted from a position in one class to a position in another class having a lower maximum pay rate. The demotion may be permanent or temporary.
6. Dismissal. An employee may be dismissed from City service for disciplinary reasons.

Section 6. Records:

Original copies of all written records pertaining to disciplinary actions shall be maintained in the employee's confidential personnel file.

Section 7. Automatic Resignation:

Being absent without leave, whether voluntary or involuntary, for a period longer than four consecutive working days, is an automatic resignation from City service. The City Manager, or designee, will follow the procedures outlined in the Resignation Policy.

Chapter 3

Section 1. Resignation:

1. An employee wishing to resign is asked to submit a written notice ten working days prior to leaving. The notice should include the reasons for resignation and the effective date.
2. Prior to leaving, the City Manager, or designee, will arrange an exit interview to collect where the employee will be expected to return all City property, including keys to City facilities or work areas, and the City Employee Identification Card.
3. In the event of dismissal or layoff, the employee will be paid at the time of dismissal. For voluntary resignation, the employee's check will be issued at the last day of voluntary resignation.
4. Employees will be asked to review and sign a statement indicating receipt of their last paycheck which will include accrued comprehensive annual leave pay-off. Final payment of compensation may be withheld pending return of City property, completion of necessary paperwork and other requirements of termination.

Chapter 4

Section 1. Harassment:

The City of Eastvale maintains a strict policy prohibiting discriminatory harassment in accordance with State and Federal law. This policy applies to all City employees including management personnel, applicants and persons providing services pursuant to a contract.

Section 2. Statement of Policy:

It is the policy of the City of Eastvale to treat its employees and volunteers with respect and dignity, and to provide a work environment free of unlawful discrimination and harassment. The City therefore prohibits all forms of unlawful harassment in the workplace including sexual, verbal, physical, and visual harassment based on participation in a protected group (i.e. race, color, religion, gender, sexual orientation, age, national origin, disability, veteran status or marital status). Sexually harassing conduct is that which can occur between people of the same or different genders. Conduct in violation of this policy is considered an illegal employment discrimination practice when:

1. Such conduct is made either explicitly or implicitly as a term or condition of an individual's employment;
2. Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting an individual;
3. Such conduct is sufficiently severe or pervasive as to create a discriminatory, hostile or offensive work environment based on an employee's race, color, religion, gender, sexual orientation, age, national origin, disability, veteran status or marital status; **OR**

4. Such conduct is sufficiently severe or pervasive to alter the conditions of employment.

Management Employees, regular full-time City employees and contract employees or volunteers who permit or engage in such harassment or fail to take appropriate steps to report or investigate such conduct may be subject to prompt and appropriate disciplinary action up to and including dismissal or termination of services.

Section 3. Sexual Harassment:

Sexual harassment is the deliberate or repeated behavior of a sexual nature that is unwelcome. As defined by the Fair Employment and Housing Commission, sexual harassment is unwanted sexual advances, or visual, verbal, or physical conduct of a sexual nature. This definition includes many forms of offensive behavior, and includes gender-based harassment of a person of the same sex as the harasser.

It is also important to note that consensual relationships that end or change are not a bar to filing a claim of sexual harassment.

The following is a partial list of conduct that could be considered sexual harassment:

1. Unwanted sexual advances;
2. Offering employment benefits in exchange for sexual favors;
3. Making or threatening reprisals after a negative response to sexual advances;
4. Visual conduct, such as leering, making sexual gestures, displaying of sexually suggesting objects or pictures, cartoons, or posters;
5. Verbal conduct, such as making or using derogatory comments, epithets, slurs, jokes and suggestions about another employee's gender or sexuality;
6. Verbal sexual advances or propositions;
7. Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes, or invitations;
8. Physical conduct, such as touching, assault, impeding, or blocking movements.

Section 4. Procedure:

1. Any acts of sexual discrimination or harassment shall be reported immediately to the employee's Department Head, City Manager, or other designated responsible party, who will then investigate complaints or cause an investigation to be conducted in a

confidential and timely manner. Any individuals who have knowledge of conduct or information regarding the matter shall be interviewed.

2. In reaching a decision about the complaint, the investigator may take into account:
 - a. Statements made by complainant, witnesses or others who may provide information;
 - b. Details and consistency of each person's account;
 - c. Evidence of how the complainant reacted to the incident;
 - d. Evidence of past instances of harassment by the accused;
 - e. Evidence of past harassment complaints found to be untrue.
3. The City Manager, or designee, shall take prompt corrective action to eliminate any unlawful harassing behavior to address the effects on the person subjected to the harassment and to prevent any further instances of harassment. This may consist of disciplinary action up to, and including, dismissal or termination of employment services, training or other remedial actions. Notice of such corrective action shall be provided to the complainant. No retaliatory behavior of any kind shall be tolerated and this may result in separate disciplinary action. If no illegal harassment is found, no corrective action will be taken.
4. Each Department Head or designee is responsible for setting a positive example of appropriate behavior in the work place and for ensuring a work environment free of unlawful harassment.

Section 5. Enforcement of Laws Against Harassment:

Employees, or job applicants, who believe they have been unlawfully harassed may, within one year of the act of harassment, file a complaint of discrimination with the Department of Fair Employment and Housing (DFEH). The DFEH serves as a fact-finder and attempts to assist employers and employees to voluntarily resolve unlawful harassment disputes.

For more information regarding employee rights and remedies related to unlawful harassment:

State of California Department of Fair Employment and Housing Commission

Reference:

Government Code Section 12900-12940 et. Seq. Fair Employment and Housing Act

Chapter 5

Section 1. Drug and Alcohol-Free Workplace:

The purpose of this policy is to provide guidelines for all employees regarding alcohol and drug use at the workplace. The City of Eastvale intends to provide a working environment that is safe and free from drugs and alcohol. Therefore, the City prohibits the unauthorized or unlawful use or manufacture of alcohol or drugs on City premises.

Additionally, employees are expected to be in suitable mental and physical condition to perform their job satisfactorily and behave appropriately. Should the use of alcohol or other drugs interfere with job performance, employees may be offered rehabilitative assistance. However, prolonged failure to meet satisfactory levels of job performance could result in disciplinary action up to, and including, dismissal.

Section 2. Statement of Policy:

The possession, transfer, sale, manufacture, or use of alcohol or other drugs, legal or illegal, is prohibited while on City premises or during work hours or breaks. This includes all forms of alcohol, narcotics, depressants, stimulants, hallucinogens, marijuana, and all other controlled substances. Additionally, the unlawful manufacture of a controlled substance is prohibited in the workplace.

City employees are also prohibited from being under the influence, or having a detectable level, of alcohol or controlled substances in their systems during working hours (including lunch hours and breaks), while on City premises at any time, and/or while driving a City vehicle at any time. Employees taking prescription or over-the-counter drugs that may affect job performance or behavior are encouraged to inform their supervisor that they are taking medications.

Section 3. Procedure:

When an employee's supervisor and a second employee or supervisor have reasonable suspicion to believe an employee may be under the influence of alcohol or a controlled substance, that employee may be given a medical evaluation by a City-designated medical clinic on City time and at City expense. This medical evaluation will be conducted to determine if alcohol or drugs are in the employee's system.

Reasonable suspicion may be justified by one or a combination of the following indicators:

- | | |
|---------------------------------------|-------------------------------------|
| Bloodshot or watery eyes | Slurred speech |
| Alcohol on the breath | Physical and/or verbal altercation |
| Inability to walk a straight line | An accident involving City property |
| Possession of drugs or alcohol | Frequent absenteeism |
| Confusion/difficulty in concentration | Noticeable change in behavior |

The following steps establish a procedure to facilitate the medical evaluation process:

- Step 1 The Department Manager will meet with the City Manager, or designee, to discuss the employee's behavior. At that time, it will be determined if the employee should be tested for drugs. The City Manager, or designee, will arrange for an immediate appointment with a medical facility to conduct the test, unless the employee admits to being under the influence of alcohol or controlled substance.

An employee's refusal to submit immediately to an alcohol or drug analysis

when requested by management may constitute insubordination, and may be grounds for disciplinary action up to, and including, dismissal. All employees are required to consent to controlled substance and alcohol testing and/or inspection pursuant to this policy as a condition of continued employment.

- Step 2 The City will immediately provide transportation for the employee to the medical facility and wait for the tests to be completed. The type of testing required will be determined by the physician.

- Step 3 After being tested, the employee will be transported home, or in appropriate situations, to the hospital. The employee will continue receiving pay during this time and disciplinary action will not be administered unless the test results show the presence of alcohol or drugs. Information obtained through this testing will be treated with strict confidentiality.

- Step 4 If alcohol or drugs are found in the employee's body, the City Manager, or designee, shall meet with the employee and explain the proposed disciplinary action. The employee shall be encouraged to seek professional assistance.

If an employee is convicted of criminal drug activity, the employee must notify the City Manager, or designee, of the conviction in writing within five calendar days after the conviction.

Section 4. Documentation:

Records relating to job performance, attendance, and behavior shall be maintained in the employee's personnel file. Only the behavior associated with alcohol or drugs should be documented and placed in the employee's personnel file. All tests shall be maintained, along with the employee's medical records, in a confidential medical file separate from the personnel records.

Section 5. Follow-Up:

If the employee's drug test results are confirmed positive, the following steps shall occur:

1. The City Manager, or designee, the Department Manager and the City Attorney will determine the most suitable disciplinary action.

2. The employee will also be assisted in locating an appropriate treatment or counseling program if the employee is not already enrolled in such a program. Although the employee will be offered a reasonable opportunity for rehabilitation, continued employment with the City will be dependent upon the nature and frequency of the alcohol or controlled substance usage and other factors deemed relevant by the City.

Should the results of the alcohol or drug test be negative, the employee may return to the workplace and perform regular job duties, and no further action will be taken on the incident that gave rise to the reasonable suspicion.

Chapter 6

Section 1. Other Definitions:

Appointing Authority	The City Manager, or designee, who has the final authority to appoint a person to a position of employment.
Business Related Gifts	Anything of value, whether tangible or intangible, for which equal or greater value is not provided in return.
Competitive Service	All employees hired through competitive procedures set forth in the Recruitment Policy. Exceptions are those positions excluded from the Competitive Service and those persons hired to meet immediate requirements of an emergency condition.
Drugs and Controlled Substances	All forms of alcohol, narcotics, depressants, stimulants, hallucinogens, marijuana, and substances recognized as drugs in the official United States Pharmacopoeia and any supplement thereof.
Exempt Employee	An employee who is exempt from the overtime payment provisions of FLSA
Fair Labor Standards Act (FLSA)	The Federal Law which guarantees non-exempt employees time and one-half pay for working overtime.
Immediate Family	Any relative of blood or marriage who is a member of the employee's household, under the same roof, any parent, grandparent, spouse, domestic partner, child, brother, sister, father-in-law, brother-in-law, sister-in-law, mother-in-law or sister-in-law regardless of residence
Non-Exempt Employee	An employee who is covered by the overtime provisions of FLSA.

Probationary Employee	A regular full-time, permanent part-time or promoted non-management employee who is serving his or her probationary period.
Probation Period	A working test period in which an employee is required to demonstrate his or her fitness for the position assigned. The probationary period is considered to be an integral part of the examination, recruiting, testing, and selection process.
Volunteer	An individual who accepts an unpaid position with the City to perform specific tasks. A volunteer can be released at any time and for any reason without the right of appeal.
Supervisor	An individual who provides first line management work monitors and regulates employees in their performance or assigned or delegated tasks.
Working Hours	Normal working hours are from 7:30 a.m. to 5:30p.m., Monday through Thursday.