



CITY OF EASTVALE PERSONNEL POLICIES AND PROCEDURES MANUAL

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INTRODUCTION

This Personnel Policies and Procedures Manual (“Manual”) applies to all employees of the City of Eastvale (“City”) and to others as indicated. An “employee” is generally defined as an individual whose work is within the usual course of the City’s business, and directed and controlled, or is subject to the direction or control, by the City with respect to the final results of the work and the details of when, where and how the work is to be done. This Manual contains Employment Policies of the City. Each City employee is responsible for knowing and understanding its contents. In addition, each City employee is responsible for knowing, understanding, and adhering to any specific departmental policy.

Violations of the provisions of this Manual may be addressed as a performance matter and be grounds for disciplinary action. A violation will not make disciplinary action mandatory but will be given such weight as the City determines to be appropriate in view of all the circumstances

Except as otherwise provided, any duties, responsibilities, powers, and authority granted by this Manual or the Personnel Ordinance to any person may be delegated, in writing, to another employee at the discretion of the delegating individual.

Nothing in this Manual shall be deemed to create a vested contractual right for any employee.

Amendments and revisions shall become effective upon adoption by the City Council, or at a later date specified by the City Council when adopting the amendments and revisions. If the terms and provisions of this Manual are inconsistent or in conflict with the terms and provisions of any prior City Personnel Policies and Procedures, resolutions, regulations, and/or policies governing the same subject, the terms of this Manual will prevail and such inconsistent or conflicting provisions or prior rules, resolutions, regulations, and/or policies are hereby repealed.

The City Manager is authorized to issue written guidelines to implement and enforce this Manual, and to make adjustments to avoid or eliminate inequities resulting from its application. Such guidelines shall have the City’s best interests as their paramount concern, and shall be consistent with applicable state and federal guidelines. The City Manager may delegate any of the powers and duties conferred upon the City Manager as the Personnel Officer to any other officer or employee of the City or may recommend that such powers and duties shall be performed under contract.

In the event of a conflict between this Manual and an Administrative Policy or a Department’s policy or procedure, this Manual shall control.

When any local, state, or federal ordinance, regulation, or law that is incorporated in this Manual or upon which this Manual relies is amended, this Manual shall be deemed amended in conformance with those amendments.

If any section, subsection, sentence, clause, or phrase of this Manual is found to be illegal by a court of competent jurisdiction, such findings shall not affect the validity of the remaining portions of this Manual.

ORGANIZATION

The City was incorporated as a City on October 1, 2010. The City is governed by a City Council, consisting of five (5) persons, each elected for a term of four (4) years. The City Council generally meets twice a month, on the 2nd and 4th Wednesday of each month, unless otherwise directed by the City Council.

The City Council adopts policies and specifies what City services are to be provided to City residents. Some of the services that the City provides includes public safety services (Police [through contract with the Riverside County Sheriff's Department] and Fire [through contract with CalFire]), Building and Safety Services, Animal Control (through contract with Riverside County), Planning and Public Works.

The City Council's policies are implemented by the City Manager, who is directly responsible to the City Council for the administration and implementation of the Council policies and priorities. To assist the City Manager, the City employs a staff of administrative, technical and field personnel. The City further utilizes contractors to provide a number of City services. Contractors are not City employees.

The City's activities and services are divided into functional departments, with Department Heads assigned to each department.

DEFINITIONS

General Definition: All words and terms used in this Manual and in any personnel policies or procedures are intended to be defined as they are normally and generally defined in the field of personnel administration, unless a specific definition is provided in this Manual.

Specific Definitions:

Acting Appointment: An interim appointment of a current City employee by the City Manager to temporarily perform the full duties of a position with a higher maximum base rate of pay.

City: The City of Eastvale.

City Council: The City Council of the City of Eastvale.

Class/Class of position/Classification: All positions sufficiently similar in duties, authority, qualifications, and responsibility, to permit grouping under a common title in the application with equity of common standards of selection, transfer, demotion, and salary.

Compensation: The salary, wage, allowance, and all other forms of valuable consideration earned by or paid to any employee by reason of service in any position, but does not include expenses authorized and incurred incidental to employment.

Classified Service: means the offices, positions and employments in the service of the City which are included or which may hereafter be included under the classified service system by ordinance, except the following: 1) Elected officers; 2) Members of appointed boards, commissions and committees; 3) Persons engaged under contract to supply expert, professional, or technical services for a definite period of time; 4) Volunteer personnel; 5) City Manager; 6) City Attorney; 7) Department heads; and 8) Employees serving in hourly, temporary, provisional, part-time, or seasonal appointments.

City Manager: The City Manager of the City of Eastvale or designee.

Days: Calendar days unless stated otherwise in these Rules.

Domestic Partner/Registered Domestic Partner: Means a member of a registered domestic partnership under California law.

Eligibility List: A list that contains the names of successful applicants according to their relative performance in the examination process and other terms set forth in this Manual. The applicants may be ranked in descending final ratings based on average scores through the interview process.

Eligibles: Persons who have taken an open-competitive examination or promotional examination and have qualified for placement on an eligibility list.

Full-Time Employees: Employees who hold budgeted positions that normally require a 40-hour work week or that have been approved by the City Council to be a full-time position.

Furlough: Temporary, involuntary, non-disciplinary employee absence from duty that may be implemented by the City in addition to, or as an alternative to, layoff or other cost saving measures. Furlough time does not constitute a break in service for purposes of these Rules.

Human Resources and Risk Management Director: The Human Resources and Risk Management Director or designee.

Job Description: A written description of a class, identifying factors and conditions which are essential characteristics of the class, including the title, examples of duties and responsibilities which are typical of positions in the class, any factors or conditions which distinguish it from other classes, and necessary or desirable qualifications to perform the duties of positions in the class.

Lay-Off: The separation of employees from the active work force due to lack of work or funds, or organizational changes, or to the abolition of positions by the City Council for any of those reasons.

Management: means the group of full-time, at-will appointments, exempt –executive employees appointed by the City Manager and including the City Manager.

Part-Time Employees: Employees who hold positions normally requiring fewer than 40 hours worked per week or fewer than 80 hours worked per pay period. Part-time employees are not subject to the terms and conditions of the following sections of this Manual: 1) Section 1.6 Recruitment; 2) Section 1.9 Probation; 3) Section 1.18 Telecommuting; 4) Section 2.6 Bi-lingual Pay; 5) Section 2.7 Temporary Assignments; 6) Section 2.8 Call Back Pay; 7) Section 2.9 On Call (Standby) Pay; 8) Section 2.10 Car Allowance; 9) Section 2.11 Phone Allowance; 10) Section 3.1 Holidays; 11) Section 3.4 Retirement; 12) Section 4.2 Vacation; 13) Section 4.3 Sick Leave; 14) Section 4.13 Personal Leave of Absence without Pay; 15) Section 4.14 Jury Duty; 16) Section 4.16 Bereavement Leave; and 17) Chapter 5.

Personnel Officer: The City Manager is the Personnel Officer for all City employees, except for all positions for which appointing authority is reserved by the City Council or as otherwise provided in the Municipal Code. The City Manager may delegate their appointing authority to a Department Head

Position: A group of duties and responsibilities assigned to an employee.

Probationary Period: An integral part of the selection process during which an employee is required to demonstrate fitness for his/her position based on actual performance of the duties of the position.

Reclassification: The reassignment of one position in a class to a different class by the City Manager in accordance with this Manual.

Reemployment List: A list of names of laid off employees, who may have reinstatement rights, for a specific classification or position.

Regular Full Time or Regular Part Time Employee: An employee in the classified service who has successfully completed the probationary period and has been retained in accordance with this Manual.

Resignation: The voluntary separation of a City employee from the City service. A written resignation is accepted upon receipt by the City and may not be withdrawn except by authorization of the City Manager when it is deemed that the City's best interests are served by permitting resignation withdrawal.

Salary Rate/Base Salary Rate: The dollar amount paid to an employee in accordance with the salary range for the employee's class, exclusive of any overtime compensation, stipends, premium pay, or other wage augmentations.

Temporary Employee: A person who is employed by the City for a limited period of time for a specified, limited purpose. Temporary Employees may not work more than 1,000 hours per fiscal year, and full-time Temporary Employees may not work for longer than 6 continuous months. Temporary Employees are eligible for only those benefits required by applicable State and Federal laws. Temporary Employees are at-will employees and may be separated from employment at any time with or without cause. Temporary Employees are not subject to the terms and conditions of the following sections of this Manual: 1) Section 1.6 Recruitment; 2) Section 1.9 Probation; 3) Section 1.18 Telecommuting; 4) Section 2.6 Bi-lingual Pay; 5) Section 2.7 Temporary Assignments; 6) Section 2.8 Call Back Pay; 7) Section 2.9 On Call (Standby) Pay; 8) Section 2.10 Car Allowance; 9) Section 2.11 Phone Allowance; 10) Section 3.1 Holidays; 11) Section 3.4 Retirement; 12) Section 4.2 Vacation; 13) Section 4.3 Sick Leave; 14) Section 4.13 Personal Leave of Absence without Pay; 15) Section 4.14 Jury Duty; 16) Section 4.16 Bereavement Leave; and 17) Chapter 5.

CHAPTER 1 - EMPLOYMENT

SECTION 1.1 EQUAL EMPLOYMENT OPPORTUNITY

The City is an equal opportunity employer and makes employment decisions on the basis of merit. The City wants to have the best available persons in every job. The City's policy prohibits unlawful discrimination based on race, religious creed, color, national origin, ancestry, sex, age over 40, physical or mental disability, medical condition, pregnancy (including childbirth and related medical conditions or disabilities), sexual orientation, marital status, gender identity, gender expression, genetic characteristics or information, military or veteran's status, reproductive health decision making, a combination of those characteristics, and/or any other characteristic protected by federal and/or state law. It also prohibits unlawful discrimination based on the perception that anyone has any of those characteristics or a combination of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics or a combination of those characteristics, and any other basis protected by federal, state or local law or ordinance or regulation. The City is committed to treating all employees equally and fairly regardless of these actual or perceived characteristics or associations. All such discrimination is prohibited. This policy applies to all City employees, applicants, interns, volunteers and persons providing services pursuant to a contract.

SECTION 1.2 POLICY PROHIBITING DISCRIMINATION, HARASSMENT, AND RETALIATION

The City's policy prohibits unlawful harassment and discrimination based upon an applicant or employee's race, genetic information, religion, creed, color, sex, gender, gender identity, gender expression, sexual orientation, national origin, ancestry, military or veteran status, marital status, pregnancy, reproductive health decision-making, childbirth, breastfeeding, or a related medical condition, age over 40, medical condition, physical or mental disability, or a combination of those characteristics, or any other characteristic protected under state, federal, or local law.

The City also prohibits unlawful harassment and discrimination based on the perception that anyone has any of those characteristics or a combination of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics or a combination of those characteristics. In addition, the City prohibits retaliation because of the applicant or employee's opposition to a practice he/she reasonably believes to constitute employment discrimination or harassment or because of his/her employee's participation in an employment investigation, proceeding or hearing.

Applicants or employees who believe they have been harassed, discriminated against, or retaliated against, should report that conduct in accordance with the City's complaint procedures. Applicants and employees should review the City's complete Policy Prohibiting Discrimination, Harassment and Retaliation Policy.

SECTION 1.3 DISABLED APPLICANTS AND EMPLOYEES

The City has a commitment to ensure equal opportunities for disabled applicants and City employees. Every reasonable effort will be made to provide an accessible work environment for such employees and applicants. Employment practices (e.g., hiring, training, testing, transfer, promotion, compensation, benefits, and disciplinary action) will not discriminate against disabled employees or applicants. The City provides employment-related reasonable accommodations to qualified individuals with disabilities within the meaning of the California Fair Employment and Housing Act ("FEHA") and the Americans with Disabilities Act ("ADA").

1.3.1 Request for Accommodation

An applicant or employee who desires a reasonable accommodation to perform essential job functions should make such a request in writing to Human Resources and Risk Management. The request must identify: a) the job-related functions at issue; and b) the desired accommodation(s). Reasonable accommodation can include, but is not limited to job restructuring, reassignment to a vacant position for which the employee is qualified, and making facilities accessible. In accordance with applicable law, the City may permit use of accrued leave or authorize a temporary unpaid leave as a reasonable accommodation, if such leave is reasonably expected to result in the employee's return to work, with or without additional reasonable accommodation.

1.3.2 Reasonable Documentation of Disability

Following receipt of the request, Human Resources and Risk Management may require additional information, such as reasonable documentation of the existence of a disability or additional explanation as to the effect of the disability on the employee's ability to perform the employee's essential functions, but will not require disclosure of diagnosis or genetic history.

1.3.3 Interactive Process

The City will engage in the interactive process, as defined by the FEHA and ADA, to determine whether an applicant or employee is able to perform the essential functions of the position sought or currently held. During this process, the City will examine potential reasonable accommodations that will make it possible for the employee or applicant to so perform. Such interactive process will include a meeting with the employee or applicant, the City, their representatives (if any), and, if necessary, the employee or applicant's health care provider.

1.3.4 Case-by-Case Determination

The City determines, in its sole discretion, whether reasonable accommodations(s) can be made, and the type of reasonable accommodations(s) to provide. The City will not provide an accommodation that would pose an undue hardship upon the City or that is not required by law. The City will inform the employee of any decisions made under this section in writing.

1.3.5 Fitness for Duty Leave

While the City is engaged in the interactive process with an employee, the City may require that the employee be placed on a fitness for duty leave in accordance with Section 4.18.

SECTION 1.4 ACCOMMODATION FOR SINCERELY HELD RELIGIOUS BELIEF

The City will make reasonable accommodations to the known sincerely held religious beliefs of a person during the hiring process and in the course of employment, if the accommodation would resolve a conflict between the person's religious beliefs, unless doing so would impose an undue hardship on the City. The following procedure shall apply:

1.4.1 Procedure for Requesting a Religious Accommodation.

If a person believes that a religious accommodation is necessary, the person should submit a request for accommodation to Human Resources and Risk Management. This request may be

made orally or in writing, however the City encourages written requests. Such requests should include the following relevant information:

- a. A description of the accommodation requested;
- b. The reason the accommodation is necessary; and
- c. A description as to how the accommodation will resolve the conflict between the person's religious beliefs or practices and the City's application or employment requirements for the corresponding position.

Upon receiving the request, the City will invite the person to a meeting to explore potential accommodations that could resolve the conflict between the person's religious beliefs and the City's application or employment requirements for the corresponding position. The City may provide the person's requested accommodation or may provide an alternative reasonable accommodation based on the City's discretion, to the extent that an effective accommodation is available without imposing undue hardship on the City.

SECTION 1.5 LACTATION ACCOMMODATION

a. In accordance with applicable state and federal law, an employee who needs to express breast milk for the employee's infant child will be permitted to take a reasonable amount of break time for that purpose, as a lactation accommodation. The break time must, if possible, run concurrently with any break time already provided to the employee. For non-exempt employees, break time that takes place outside of authorized paid rest time is unpaid. To the extent that break time would seriously disrupt the City's operations, the City may limit the employee's use of such time.

b. An employee seeking lactation accommodation must contact Human Resources and Risk Management by email, or via other written communication. The City will respond via email or other written document within a reasonable period of time to acknowledge the request. Before implementing a lactation accommodation, the City will request input from the employee and the employee's supervisor(s) regarding the anticipated timing of lactation break(s) and proposed location(s) for taking lactation breaks.

c. Following such a request, the City will provide written details to the employee regarding the terms of the lactation accommodation, which will include:

(i) Identification of a space, other than a bathroom, that is in close proximity to the employee's work area, is safe, clean, free of hazardous materials, and that is shielded from view and free from intrusion while the employee is expressing milk.

(A) The City will also ensure that the space contains a place to sit and a surface to place a breast pump and personal items and contains access to electricity or alternative devices (such as extension cords or charging stations) needed to operate an electric or battery-powered breast pump.

(B) If the designated space is a room that may also be used for purposes other than lactation, the City will ensure that the use of the room for expression of milk will take priority over other uses.

(ii) Identification of a sink with running water and a refrigerator (or other cooling device suitable for storing expressed milk) that are in close proximity to the employee's work area and that will be accessible for the employee's use.

SECTION 1.6 RECRUITMENT/SELECTION OF EMPLOYEES

All persons considered for employment with the City shall be qualified to perform the duties of the position for which they may be employed. No individual who has served as an elected or appointed member of a legislative body of the City will be considered for employment with the City unless that individual is no longer serving as an elected or appointed official of the City and a period of one year has passed since their service as an elected or appointed official terminated.

As set forth in greater detail below, all new employees may, depending upon the job applied for, be required to undergo fingerprinting, background check, medical and/or psychological exams, polygraphs, and pre-employment drug testing before reporting for work. All employees shall be required to sign an Oath of Office pursuant to State law.

All new employees must provide and maintain necessary documentation to prove identity and the right to work in the United States in accordance with Federal and State Immigration and Naturalization laws (per I-9 Form). Failure to provide such documentation will result in disqualification from selection and/or grounds for immediate termination.

These steps establish a procedure for all phases of the employment process for regular full time and regular part-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 regular full-time and regular part-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.

1.6.1 Internal Recruitment

The City Manager, or designee, may first consider recruitment from within the City. Recruiting from within the City is considered an internal recruitment and must be recommended by the Department Head and approved by the City Manager.

It is the policy of the City to recruit from within the City organization whenever feasible and consistent with the City's interests of developing and retaining talent. Electronic job-flyers will be prepared and disseminated to employees informing them of current openings, and qualified employees are encouraged to apply.

Full-time and part-time employees interested in internal opportunities shall follow the procedures below:

a. Employee(s) may submit a completed City Employment Application to Human Resources and Risk Management, by the position's stated closing date. A supplemental questionnaire may also be required, as noted on the electronic job flyer.

b. The Human Resources and Risk Management Director will notify the employee(s) if he/she will be interviewed or tested for the position.

c. After successfully completing the selection process, and upon the City Manager's approval, the selected employee(s) will be notified of their appointment to the position(s).

d. Open Recruitment

e. If an internal recruitment is not recommended or approved, the Human Resources and Risk Management Director, will seek candidates through a recruitment open to internal and external candidates.

The Human Resources and Risk Management Director will determine the best method for seeking candidates through open recruitment, including, but not limited to any of the following procedures: job announcements in print and online, mailing lists and/or advertisements through professional associations and related outreach.

1.6.2 Examination Process

Examinations shall be conducted to assist with the selection of qualified candidates. Test selection techniques will examine the qualifications of the candidates. Tests may include, but are not limited to, written tests, personal interviews, performance tests, physical agility tests, evaluation of daily work performance, work samples, or any combination of these. All examinations given will be job related and designed to determine a candidate's knowledge, skills, and abilities to perform the essential job functions.

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. Any such examinations will be performed only after a conditional offer of employment has been made.

The City Manager, or designee, will ensure that all examination results remain confidential and that reasonable accommodations are made in examinations for persons with disabilities under the ADA and/or FEHA, when needed.

1.6.3 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.

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.

1.6.4 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 prior employment duties, dates of employment, performance record, attendance record, and any other pertinent information.

1.6.5 Criminal Conviction History

Except as otherwise required by law, the City will only inquire about criminal conviction history after it has issued a conditional offer of employment. Applicants who receive a conditional offer of employment may be requested to be fingerprinted and/or undergo a background screening, as part of the examination process. Refusal of an applicant or employee to be fingerprinted, failure to report for fingerprinting or failure to provide such information as is necessary to conduct a background check will be sufficient cause for disqualification for employment or termination from employment.

1.6.6 Rejection

The City may reject an applicant, at any point in the recruitment or hiring process, under any of the following circumstances:

- a. The applicant does not possess the minimum qualifications required for the position;
- b. The applicant failed to submit a complete application;
- c. The applicant has made any false statement, misrepresentation, or omission of any material fact, or who had practiced, or attempted to practice, any deception or fraud in the person's application;
- d. The applicant has not signed the application under penalty of perjury;
- e. The applicant did not submit the application in a timely manner;
- f. The applicant has otherwise violated provisions of these Rules; or
- g. The applicant has demonstrated other reasons which would indicate that the applicant is unfit for the position.

Applicants disqualified from further participation in the selection process will be promptly notified to permit submission of additional information provided that the time limit for receiving applications has not expired. Notice will be e-mailed to the last known e-mail address; it will be the applicant's responsibility to keep the applicant's current e-mail address on file. Whenever an application is rejected, Human Resources and Risk Management will e-mail notice of such rejection to the applicant.

In addition, applicants with the least desirable background or qualifications among a large number of applicants may be denied further participation in the selection process through an evaluation of their qualifications, thus providing a reasonable number of the best qualified candidates for consideration.

1.6.7 Candidate Notification

After references are verified and a decision to provide a conditional job offer is made, the City will notify the selected candidate, in writing, and make an employment offer, contingent upon passing required health screening as defined in Section 1.7 below and successful completion of a criminal history check as provided in Section 1.6.5 above, as may be applicable. Once the candidate successfully completes the medical examination and criminal history check, as may be applicable, all other candidates, if any, will be notified in writing that they were not selected for the position and that they will remain on the eligibility list for a one year period.

SECTION 1.7 MEDICAL EXAMINATIONS

Following a conditional offer of employment, prospective employees may be required to complete a job related pre-employment medical examination. The City may require that employees take a psychological and/or a medical examination, as it deems necessary in order to determine employees to be mentally and physically capable of performing the essential functions of the job. Conditional offers of employment are made contingent upon passing this medical examination, however, the City will make reasonable accommodations to the special needs of any disabled individual as required by law. A licensed health care provider chosen by the City will perform such examination without cost to the prospective employee. The prospective employee will be required to complete a medical history questionnaire and a medical records release as necessary to facilitate the examination. The health care provider will indicate the employee's fitness for employment on the examination form. Depending on the essential functions of a position, a medical examination may be required for:

- a. Applicants who have received a conditional offer of employment;
- b. Employees seeking a transfer from one position requiring general physical abilities to another position requiring physical abilities of a more different nature;
- c. Employees returning to work from a medical leave of absence. The physician conducting the medical examination will be supplied with a current job description indicating the essential functions of the position; or
- d. When a supervisor observes or receives a reliable report of an employee's possible lack of fitness for duty. Observations and reports may be based on, but are not limited to, employee's own self-report of potential unfitness, dexterity, coordination, alertness, speech, vision acuity, concentration, response to criticism, interactions with the public, co-workers, and supervisors.

1.7.2 Confidentiality.

The results of all medical examinations will be kept confidential. Examination results for newly hired employees and employees transferring to another position will be kept in the employee's confidential medical file. No employee will hold any position in which the employee is not able to perform the essential functions of the job, with or without reasonable accommodation.

1.7.3 Regulatory Compliance.

Certain employees are subject to regulations issued by the Department of Transportation and/or the California Department of Motor Vehicles. All such employees must meet the standards set forth in those regulations as part of the hiring process and as part of continued employment.

SECTION 1.8 NEPOTISM AND CONSENSUAL ROMANTIC RELATIONSHIPS

1.8.1 Nepotism

a. Definitions:

(i) Applicant. A person who applies for a position at the City and is not a Current Employee.

(ii) Change of Status. A change in the legal status or personnel status of one or more Current Employees.

(A) Changes in legal status include but are not limited to marriage, divorce, separation, or any such change through which a Current Employee becomes a Family Member or ceases to be a Family Member of another Current Employee.

(B) Changes in personnel status include but are not limited to promotion, demotion, transfer, resignation, retirement or termination of a Current Employee who is a Family Member of another Current Employee.

(iii) Current Employee. A person who is presently a City employee, or an elected or appointed City official.

(iv) Direct Supervision. One or more of the following roles, undertaken on a regular, acting, overtime, or other basis shall constitute Direct Supervision:

(A) Occupying a position in an employee's line of supervision; or

(B) Functional supervision, such as a lead worker, crew leader, or shift supervisor; or

(v) Participating in personnel actions including, but not limited to, appointment, transfer, promotion, demotion, layoff, suspension, termination, assignments, approval of merit increases, evaluations, and grievance adjustments.

(vi) Family Member. A spouse, domestic partner, parent, parent-in-law, step-parent, legal guardian, sister, step-sister, sister-in-law, brother, step-brother, brother-in-law, child, step-child, legal ward, daughter-in-law, son-in-law, grandchild, or grandparent.

(vii) Prohibited Conduct. Conduct by Family Members including, but not limited to, one or more of the following:

(A) Participation directly or indirectly in the recruitment or selection process for a position for which a Family Member is an Applicant.

(B) Direct Supervision of a Family Member that does not comply with limitations set forth in this policy;

(C) Conduct by one or more Family Members that has an adverse effect on supervision, safety, security or morale.

b. Applicants for Employment.

(i) Right to Apply. No qualified Applicant may be denied the right to file an application for employment and compete in the examination process. However, consistent with this policy, the City may reasonably regulate, condition, or prohibit the employment of an Applicant.

(ii) Disclosure of Relationship. Each Applicant is required to disclose the identity of any Family Member who is a Current Employee.

(iii) Review of Human Resources and Risk Management Director. For each Applicant who has a Family Member who is a Current Employee, the Human Resources and Risk Management Director shall assess whether any of the following circumstances exist:

(A) Business reasons of supervision, safety, security or morale warrant the City's refusal to place the Applicant under Direct Supervision by the Family Member; or

(B) Business reasons of supervision, security, or morale that involve potential conflicts of interest or other hazards that are greater for Family Members than for other employees, which warrant the City's refusal to permit employment of Family Members in the same department, division, or facility.

(iv) Decision of the Human Resources and Risk Management Director. If the Human Resources and Risk Management Director determines that either of the above circumstances exist, the Human Resources and Risk Management Director shall exercise his or her discretion to either reject the Applicant or consider the Applicant for employment in a position that does not present either of the above circumstances.

(A) Following examination, if the Applicant is successfully certified as eligible pursuant to Section 1.6.7, he or she may be employed in a position for which the Human Resources and Risk Management Director has determined that neither circumstance exists pursuant to Section 1.8.1.b.iii above.

(B) When an eligible Applicant is refused appointment by virtue of this section, his or her name shall remain on any employment list that has been created for openings in the same classification. For each opening, the Human Resources and Risk Management Director shall make a determination consistent with Section 1.8.1.b.iii above.

c. Guidelines for Current Employees.

(i) Employees shall report a Change of Status to the Human Resources and Risk Management Director within a reasonable time after the effective date of the Change of Status. Wherever feasible, Employees shall report a Change of Status in advance of the effective date.

(ii) Within thirty days from receipt of notice, the Human Resources and Risk Management Director shall undertake a case-by-case consideration and individualized assessment of the particular work situation to determine whether the Change of Status has the potential for creating an adverse impact on supervision, safety, security, or morale.

(A) The Human Resources and Risk Management Director shall consult with the affected Department Head to make a good faith effort to regulate, transfer, condition or assign duties in such a way as to minimize potential problems of supervision, safety, security, or morale.

(B) Notwithstanding the above provisions, the City retains the right to exercise its discretion to determine that the potential for creating an adverse impact on supervision, safety, security, or morale cannot be sufficiently minimized and to take further action as set forth in Section 1.8.1.d.ii below.

d. Monitoring by Department Head.

(i) Following a Change of Status or new hire of a Family Member, affected Department Heads shall reasonably monitor and regulate both Family Members' conduct and performance for a period of one year from the date of the Human Resources and Risk Management Director's determination. The Department Head shall document these actions. Successive Department Heads may re-visit such a determination at their discretion.

(ii) If the Department Head determines, subject to any applicable requirements of due process, that an employee has engaged in Prohibited Conduct, the Department Head shall re-visit the Human Resources and Risk Management Director's determination. Depending on the severity of the Prohibited Conduct, the Department Head may recommend that the Human Resources and Risk Management Director take one or more of the following additional measures:

(A) Transfer one of the Family Members to a similar position that would not be in violation of this policy. The transfer will be granted provided the Family Member qualifies and there is an opening to be filled. There can be no guarantee that the new position will be within the same classification or at the same salary level.

(B) If the situation cannot be resolved by transfer, one of the Family Members must separate from City employment. If one of the employees does not voluntarily resign, the employee with primary responsibility for the Prohibited Conduct will be discharged.

(iii) Department Heads who receive complaints from other employees that one or more Family Members has engaged in Prohibited Conduct shall respond in accordance with existing complaint and disciplinary procedures, where applicable.

(iv) Where situations exist prior to the effective date of this policy that may be in conflict with this policy, every effort shall be made to reasonably address the situation so as to avoid any future conflict.

e. Appeal of Human Resources and Risk Management Director Determination. Current Employees and Applicants affected by the application of this policy, may appeal the action to the Human Resources and Risk Management Director within ten days of the action. The Human Resources and Risk Management Director shall hear the individual's concerns and issue a written decision within 30 days of receipt of the individual's appeal. An individual who is dissatisfied with

the Human Resources and Risk Management Director's decision may appeal to the City Manager within five days of receipt of the Human Resources and Risk Management Director's decision. The City Manager shall hear the individual's concerns and issue a written decision within 30 days of the receipt of the individual's appeal. The decision of the City Manager is final, and no other appeal may be had unless the employee is entitled to further administrative appeal under other provisions of this Manual.

f. Employee Complaints. Employees who believe that they have been adversely affected by Prohibited Conduct by one or more Family Member should submit complaints to a Department Head or to the Human Resources and Risk Management Director.

g. Savings Clause. Should any provision of this policy, or any application thereof, be unlawful by virtue of any federal, state, or local laws and regulations, or by court decision, such provision shall be effective and implemented only to the extent permitted by such law, regulation or court decision, but in all other aspects, the provisions of this Article shall continue in full force and effect.

1.8.2 Consensual Romantic Relationships Between Employees

a. General. Consensual romantic or sexual relationships between City employees can lead to misunderstandings, complaints of favoritism, adverse effects on employee morale, and possible claims of sexual harassment during or after termination of the relationship. As a result, such relationships present existing or potential conflicts that adversely affect efficient operation of the City. Relationships that present an actual conflict under this Section are therefore prohibited.

b. Application. This section shall apply to all City employees, regardless of gender or sexual orientation, who have a romantic or sexual relationship with another City employee. The provisions of Section 1.8.1 regarding nepotism shall govern employees who marry or become domestic partners with another City employee.

c. Definition of Conflict. For purposes of this section, a conflict exists if business issues of supervision, safety, security, and/or morale would be impacted by a romantic or sexual relationship between two employees.

d. Supervisor's Duty to Report. If a romantic or sexual relationship exists between a Supervisor and another employee (including another Supervisor), the Supervisor shall promptly disclose the relationship to the Human Resources and Risk Management Director and request a determination as to whether the relationship presents a conflict. The disclosure must identify the names and positions of both employees. A Supervisor's failure to comply with this section shall be grounds for discipline up to and including termination.

e. Determination by Human Resources and Risk Management Director. Within five working days, the Human Resources and Risk Management Director shall issue a written determination as to whether the relationship presents a conflict, and is thereby prohibited. The Human Resources and Risk Management Director, in consultation with the City Manager, shall have exclusive discretion in making the determination.

f. Resolution of Conflicts. Subject to limitations imposed by the Municipal Code and applicable provisions of this Manual, the City Manager or designee will attempt in good faith to work with the Supervisor and the other employee to consider options to eliminate the conflict,

including removing the Supervisory authority that created the conflict, reassignment, transfer or voluntary demotion of a Supervisory employee, or where the City Manager or designee determines that modification of a Supervisor's assignment is not feasible, reassignment, transfer or voluntary demotion of a non-Supervisory employee. The City Manager or designee retains discretion to determine that the conflict may be resolved via voluntary resignation or termination only.

g. Prohibited On-Duty Conduct. All City employees are prohibited from engaging in intimate, physical, or other conduct in furtherance of a romantic or sexual relationship with another City employee at City facilities or assigned work locations, including off-site meetings, conferences, and similar activities. Such conduct is further prohibited during work hours. Moreover, upon termination of a sexual or romantic relationship with another City employee, employees are prohibited from engaging in behavior that adversely affects the working conditions of any City employee. In general, all employees are expected to observe appropriate standards of workplace conduct in their interactions with other City employees.

h. Complaints. Employees who believe that they have been adversely affected by romantic or sexual relationships between City employees should follow the complaint procedures provided under the City's Policy Against Harassment, Discrimination, and Retaliation. The complaint procedures are available to all employees regardless of their past or present participation in a romantic or sexual relationship with another City employee.

SECTION 1.9 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. This section only applies to regular full-time and regular part-time classifications. This section does not apply to at-will management employees.

1.9.1 Duration

All regular employees shall serve probationary periods, and all newly hired employees will serve a minimum one-year probationary period. Employees promoted into a higher-level position shall serve a six-month promotional probationary period. Probationary periods may be extended in accordance with this Manual and as permissible by law.

1.9.2 Rejection of Probationer

When initially hired into a full-time position, every person hired by the City shall be considered probationary until either granted regular status by the City Manager, upon recommendation of the Department Head, or by default at the conclusion of one year. Probationary employees do not have property or vested rights to their position with the City and are considered at-will employees. During the probationary period, an employee may be rejected at any time by the City Manager without cause and without the right of appeal. Notification of rejection in writing shall be served on the probationer and a copy shall be filed with the Human Resources and Risk Management Office.

1.9.3 Extensions

a. Prior to the end of any probation period, the probation period may be extended by a maximum of twelve (12) additional months with the approval of the City Manager, or designee.

b. Periods of time off work during unpaid absences will automatically extend the probationary period by the number of days of the absence. Further, periods of time on paid leave exceeding 20 consecutive working days will extend the probationary period by a corresponding number of days.

c. The employee will be notified in writing of such an extension.

1.9.4 Rejection from Promotional Probation or Employee Initiated Transfer

Any employee rejected during the probationary period following a promotional appointment shall be reinstated to the position from which the employee was promoted if it remains vacant, unless:

a. Charges are filed and the employee is discharged in the manner provided in these rules for positions in the classified service;

b. No vacancy exists for the classification to which the employee would revert; or

c. No funding is available in the classification to which the employee would revert.

If there is no vacancy in the employee's prior position or a similar position or if no such position is funded, the employee may request to be placed on a reemployment list.

1.9.5 Probationary Period Following Demotion, Transfer, Reinstatement or Reemployment

a. Demotion. A new 12-month probationary period will be required following demotion, unless waived by the City Manager. When an employee demotes from one department to another department, a new probationary period will be served in the new department.

b. Transfer. A new 12-month probationary period will be required following transfer, unless waived by the City Manager. When an employee transfers from one department to another department, a new probationary period will be served in the new department.

c. Reinstatement. A new 12-month probationary period will be required upon reinstatement to a position, unless specifically waived in writing by the City Manager

d. Reemployment. Persons appointed to positions by reemployment must serve a new 6-month probationary period, unless the appointment is to the same class in the same department where the person previously successfully completed a probationary period.

SECTION 1.10 PERFORMANCE EVALUATION AND PERFORMANCE IMPROVEMENT PLANS

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. Performance Improvement Plans may be implemented based on the Department Head's sole discretion, are not disciplinary in nature, and aim to assist employees better perform their job duties.

1.10.1 Performance Evaluation

All regular full-time employees regular part-time employees, and part-time employees will receive a comprehensive performance evaluation from their immediate supervisor annually. The

evaluation period may be extended if the employee takes a leave of absence. Newly hired City employees, who are subject to a probationary period, may receive an optional performance evaluation during the probationary period, generally six (6) months after the hire date at the City Manager's sole discretion. In the event more than one (1) person supervises an employee, all supervisors are required to participate in the performance evaluation process. Except for the optional performance evaluation during the probationary period, employees may be eligible for a merit increase in conjunction with their annual performance review.

At-will management positions may receive an optional performance evaluation at the City Manager's discretion.

Performance evaluations will be prepared on a City performance 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 upon request. An employee may receive additional performance appraisals from time to time whenever it is considered appropriate by the employee's supervisor(s). Employees will be required to submit their self-evaluation, accomplishments and goals to their supervisor, prior to the preparation of the performance evaluation.

An employee may file a written response to a performance evaluation, regardless of the overall rating, within thirty (30) working days, which will be placed with the evaluation in the employee's personnel file. The written response shall be prepared by the employee on their own time. City time and resources may not be used to prepare the written response. There is no requirement for management to respond in writing to the employee's written response. Performance evaluations provided under this section are not subject to appeal or grievance.

1.10.2 Performance Improvement Plans

An employee's Department Head, or designee, may place an employee on a Performance Improvement Plan ("PIP") to correct an employee's failure to meet departmental performance expectations on consistent basis. The PIP is designed to clarify performance expectation for employees. It is a supplement to, not a replacement for, an employee's job description detailing the employee's job duties. A PIP will provide employees, among other things, with the following: 1) specific areas for improvement; 2) recommendations regarding strategies to improve the employee's job performance; 3) periodic evaluation of the employee's adherence to the PIP; and 4) timeline indicating the PIP's duration. At the conclusion of a PIP period, one of the following will occur: 1) the PIP will be concluded because the employee has successfully met the expectations; 2) the PIP will be extended; or 3) disciplinary action will be taken.

SECTION 1.11 OUTSIDE EMPLOYMENT, ACTIVITY, OR ENTERPRISE / 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 use his/her name as an employee of the City to seek benefit from 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 outside employment or potential business opportunities that may create a conflict of interest is grounds for disciplinary action up to and including termination.

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

- a. Simultaneous employment by any other employer;
- b. Participation in an outside business on their own or with others; or
- c. Involvement in any other outside activity where they receive any form or amount of compensation.

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

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

- a. 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.
- b. 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.
- c. 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.
- d. Involves such time demands as would render performance of his/her duties as a City employee less efficient.

Procedure for obtaining approval:

- a. The employee shall request authorization of outside employment from the employee's Department Head, or designee by completing the Authorization for Outside Employment Form prior to entering into the requested outside employment.
- b. The employee's Department Head, or designee 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.
- c. The employee's Department Head, 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.

d. The employee may appeal the decision determining that the outside employment or activity is prohibited to the City Manager by submitting a written appeal to the City Manager within ten days of such determination. Failure of the employee to submit a timely written appeal shall waive the employee's right to such appeal. The written appeal shall include reasons that the employee believes the determination that the outside employment/activity is not prohibited under this policy.

e. Within ten days of receiving the employee's written appeal, the City Manager shall issue a decision either affirming or reversing the determination regarding the employee's outside employment/activity. The City Manager's decision shall be final and binding and not subject to any further appeal. An employee who continues outside employment/activity after a determination that such outside employment/activity is prohibited is subject to disciplinary action, including and up to termination of employment.

Every public employee who makes or influences governmental decisions is required to submit a Statement of Economic Interest, also known as the Form 700. The Form 700 provides transparency and ensures accountability. It provides necessary information to the public about an employee's personal financial interests to ensure that officials are making decisions in the best interest of the public and not enhancing their personal finances, and it serves as a reminder to the employee of potential conflicts of interest so the official can abstain from making or participating in governmental decisions that are deemed conflicts of interest. The City shall determine positions which fall under the above requirements and notify employees accordingly for submittal of initial and annual statements.

SECTION 1.12 TRAINING OF EMPLOYEES

1.12.1 Policy

a. Subject to Department Head approval, City employees are eligible to request specialized training such as conferences, seminars, special courses, etc. at the City's expense when job related, and where such training also provides a benefit to the City. Training programs may include lectures, courses, demonstrations, webinars, professional association sponsored meetings, or such other examples for the purpose of improving the effectiveness and increasing the knowledge of employees in the performance of their respective duties.

Participation and approval for training shall be at the Department Head's sole discretion and subject to the limitations of the City's budgeted resources. The City Manager, Department Heads, and Supervisors shall strive to ensure that employee training resources are distributed in an equitable manner, while taking into consideration the business necessity of the City for achieving various training needs. Costs associated with training may include registration, lodging, meals, and transportation, on a case- by-case basis. Means of transportation will be recommended and approved by the City Manager in accordance with the City's administrative policies on Travel and Reimbursement, as they may be amended from time to time.

1.12.2 Mandatory Training

Employees may be required to attend mandatory trainings periodically as determined by the City Manager.

SECTION 1.13 POLITICAL ACTIVITIES OF PUBLIC EMPLOYEES

The political activities of City employees are governed by the provisions of Government Code Section 3201, et. seq. In addition and pursuant to Section 3201, City employees are not permitted to participate in any political activity while in the uniform of his/her employment unless on official City business. Further, City employees are not permitted to conduct or engage in any political activity or purpose during those hours that he/she should be discharging the duties of his/her position.

SECTION 1.14 USE OF CAMERAS, VIDEO SURVEILLANCE, AND GPS SYSTEMS

The City utilizes video surveillance and camera systems in the workplace for business purposes including the safety and security of employees. Such cameras and video systems are located in open areas and lobbies. Employees do not have an expectation of privacy related to the City's use of these cameras and video surveillance.

The City also maintains GPS devices on all City vehicles. Employees do not have an expectation of privacy related to the City's use of these GPS devices.

SECTION 1.15 USE OF CITY TECHNOLOGICAL RESOURCES

City employees shall adhere to the City's administrative policy on Use of City Technological Resources, as such administrative policy may be amended from time to time.

SECTION 1.16 MANAGEMENT PREROGATIVES

The City retains, whether exercised or not, solely and exclusively, all express and inherent rights and authorities with respect to determining the level of, and the manner in which, the City's activities are conducted, managed and administered. These management rights include, but are not limited to the following:

- a. The right and authority to schedule work and/or overtime work.
- b. The right to direct work. An employee's job description does not restrict the type of work to which the employee can be assigned.
- c. The right to discipline or to discharge employees, where applicable, subject to the procedures set forth in these Rules.
- d. The right to determine assignments and to establish methods and processes by which assignments are performed.
- e. The right to transfer employees within departments and to positions outside a department in a manner most advantageous to the City.
- f. To evaluate employees and to schedule when an employee's performance evaluation will occur.
- g. The right to determine the compensation and benefits that will be paid or provided to employees.
- h. The right to make employment decisions.

SECTION 1.17 ACCEPTANCE OF GIFTS

Employees shall adhere to the Political Reform Act and Fair Political Practices Commission (FPPC) regulations with respect to the acceptance and reporting of gifts, and with the City's administrative policy on Ticket and Pass Distribution, as it may be amended from time to time.

Employees shall not accept compensation of any sort from anyone other than the City as consideration 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 part of his/her duties as a City employee.

Employees who are designated under the Political Reform Act and the City's Conflict of Interest Code to provide an economic interest disclosure shall submit the required FPPC Form 700 upon entering office, annually, and upon exiting office, under the direction and coordination of the City Clerk, or designee.

SECTION 1.18 REMOTE WORK

The City maintains a stand-alone Remote Work Policy, employees should refer to the stand-alone policy for details regarding suitable remote work arrangements. As more detailed in the stand-alone policy, some positions are ineligible for remote work and are exclusively in-person.

SECTION 1.19 EMPLOYEE'S HOME ADDRESS AND STATUS OF DRIVER'S LICENSE – DUTY TO UPDATE

1.19.1 Home Address and Related Changes

All City employees shall notify Human Resources and Risk Management regarding any change in their home address, telephone number, email address, and emergency contact information.

1.19.2 Driver's License Changes

a. The possession of a valid California Driver's License may be a requirement for certain City employment positions. Convictions of certain offenses or administrative action by the Department of Motor Vehicles may restrict or prohibit an employee's ability to drive City vehicles or operate City equipment. Therefore, all employees who are required to drive a City vehicle or operate City equipment, shall promptly notify their supervisor, and the supervisor shall ensure that Human Resources and Risk Management is immediately updated on any change, temporary or permanent, in Driver's License status.

b. These changes will be reported in writing directly to Human Resources and Risk Management. The changes will be recorded in the employee's personnel file. .

c. Changes in Driver's License Status will be evaluated by the employee's department head on a case-by-case basis to determine whether the employee can fulfill the essential duties of the position, as a result of a change involving temporary suspension or full revocation.

SECTION 1.20 PERSONAL APPEARANCE, GROOMING AND DRESS CODE

The appearance employees project to the public and others they come in contact with while at work directly reflects on the City. In the interest of presenting a professional image to the public, the City requires all employees to observe good habits of dress, grooming, and personal hygiene. Subject to the CROWN Act, employees must always maintain a professional image.

a. Non-uniformed employees are required to dress each day in business casual dress. Business casual wear is a style of dress which projects a professional, business-like image while still permitting employees to wear more casual and relaxed clothing. Business casual does not include play wear, leisure wear, or beach wear. Clothing and footwear should be clean and in good repair. It may not be faded, torn, frayed, or revealing.

(i) Examples of appropriate business casual wear include, but are not limited to, khaki, "Dockertype", gabardine, or wool slacks; polo, collared, or short-sleeved dress shirts; twin sets; sweaters; casual dresses and skirts; and loafer, flat, or dress sandals.

(ii) Examples of inappropriate clothing include, but are not limited to, sweat pants, overalls, t-shirts (other than those provided by the City), sweatshirts (other than those provided by the City), halter tops, tops that are backless or have a low-cut neckline, any shirt with inappropriate language or artwork, athletic shorts, mini-skirts, clothing that is transparent or see-through; dresses with spaghetti straps, or flip flops.

(iii) Upon the approval of an employee's Department Head, an employee may wear casual attire on a day other than a designated casual dress day, if the employee has been assigned a task that would be unsuited to business casual or formal business attire.

b. Formal Business Attire. Employees should always consider each day's activities when determining what to wear. If an employee is representing the City at a meeting (including City Council and Commission meetings), formal business attire should be worn.

c. Grooming. As part of the professional image presented to the public by the City, employees should appear for work in a clean, well-groomed manner.

d. Uniforms. Uniformed employees are expected to wear their uniforms when performing normal work activities, regardless of the time of day or day of the week. All uniforms are still expected to be clean and in good repair. Uniformed employees shall not wear their uniforms while off duty, except during brief stops to and from work and during breaks, such breaks and brief stops do not include time an employee spends running personal errands. Employees may be eligible for a uniform allowance depending on their job classification.

e. Tattoos. Employees may not display via tattoo, branding, or other form of body art ("collectively tattoo") any obscene or offensive images, phrases, or expressions (including profanity and nudity) during their work shift if such material is, or may become visible to others during the employee's work activities while on duty. Employees who have a tattoo, shall reasonably ensure that is not displayed in violation of this requirement by completely covering the tattoo with a skin-toned patch, long-sleeved uniform shirt, or other material approved by their respective department head. Employees with tattoos that are not prohibited but which the employee chooses not to display, may use similar covering options. Purchase of optional or mandatory covering options may be an appropriate use of uniform allowance for eligible employees.

f. Safety. The City may impose additional restrictions on an employee's attire or grooming when there are safety concerns. Any such restrictions shall be issued in writing.

g. Exceptions. The City Manager may grant exceptions to this policy if requested by an employee as a reasonable accommodation on the grounds that the application of this policy would infringe on an employee's protected characteristics as set forth in Section 1.1 of this Manual, or any other legally protected status.

SECTION 1.21 NEWS MEDIA RELATIONS

From time-to-time, the City, its officials and employees are contacted by representatives of the news media, including press, radio and television. The ultimate authority and the individual responsible for the release of information to the media on behalf of the City is the City Manager. Any media requests for information on behalf of the City shall be referred to the City Manager or his or her designee. At no time shall a City employee make any comment or release any information to the media on behalf of the City without prior approval from the City Manager or his or her designee.

SECTION 1.22 ATTENDANCE AND PUNCTUALITY

a. Attendance. Employees shall be in attendance on time at their workstation or location. Employees will make every effort to schedule personal appointments outside their working hours. Employee adherence to the rules governing attendance, leaves of absence and tardiness will be reviewed and evaluated during the employee's annual performance evaluation. All supervisors will keep track of employee attendance records, which will be reported to Human Resources and Risk Management.

b. Tardiness. It is the responsibility of the employee to arrive at work on or before the assigned time each day. If for some reason beyond the control of the employee, it is not possible for the employee to come to work on time, arrangements in advance with the Department Head must be made at the earliest possible time. In no case will repeat tardiness be tolerated.

c. General Absences. Pre-authorized vacations, floating holidays, authorized compensatory time off, authorized paid/unpaid leaves of absence due to bona fide illness or injury, jury duty, bereavement, or other City leaves are the only types of absences permitted. All others will be considered a violation of this Manual.

d. Unauthorized Absences.

An employee who is absent for a full shift without authorization may be considered on an unauthorized leave of absence. An unauthorized leave of absence may be grounds for disciplinary action or a determination of job abandonment under these Rules.

SECTION 1.23 TOBACCO, E-CIGARETTE, VAPING POLICY

Employees shall not smoke, or use tobacco, e-cigarettes, or vape in any City facility or vehicle, or within twenty feet of any City facility, or while on duty in City uniforms. A violation of this policy shall result in disciplinary action.

SECTION 1.24 PERSONNEL RECORDS

1.24.1 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.

1.24.2 Maintenance

Employees are required to inform the Human Resources and Risk Management Director, or designee, of any changes in name, address, telephone number, marital status, family status, beneficiary, or other information on file. This ensures that state and 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.

1.24.3 Release of Information Concerning City Personnel

To ensure personnel information is appropriately and accurately disseminated, the Human Resources and Risk Management Director, or designee will authenticate 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 third party inquiries, including financial inquiries, will be released only upon written employee authorization.

1.24.4 Procedures for Release of Information

a. All outside inquiries and reference checks shall be in writing and shall be forwarded to the Human Resources and Risk Management Director, or designee for response. The Human Resources and Risk Management Director 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 Human Resources and Risk Management Director.

b. Financial information will be released only after a written request has been submitted to the Human Resources and Risk Management Director or designee by the entity requesting the information, and the employee has executed a written approval to release the requested information. The Human Resources and Risk Management Director, shall verify the authenticity of the written approval to release the requested information prior to releasing an employee's financial information.

c. The Human Resources and Risk Management Director or designee shall comply with applicable Federal and State laws regarding release of public employee information and shall consult with the City Attorney whenever there are questions concerning the release of an employee's information. Nothing in this section shall be construed as prohibiting the City from releasing information required by law, including but not limited to a subpoena or court order.

d. Any employee who receives a request for a personal reference by a former or current employee is required to forward that request to the Human Resources and Risk Management Director. Only the City Manager and the Human Resources and Risk Management Director or their designees are authorized to provide references for former or current employees on behalf of the City. No other employee is authorized to provide such written or verbal references or recommendations for former or current employees. Further, no other employee is authorized to respond to questions from persons outside the City about former or current employees regarding their work performance.

1.24.5 Employees with Access to Confidential Information

In performing their duties, employees may have access to confidential information, including employees' personnel files and the personal, financial and medical information of other City employees. In addition, some City employees will be involved in some communications with the City Attorney's Office which can be protected by the Attorney-Client privilege. Employees with such access are required to keep such information confidential.

1.24.6 Personnel/Payroll Files – Right to Inspect

a. California law provides that current and former employees (or a representative) have the right to inspect and receive a copy of the personnel files and records that relate to the employee's performance or to any grievance concerning the employee.

b. Inspections shall be allowed at reasonable times and intervals, but not later than 30 calendar days from the date the City receives a written request. Upon a written request from a current or former employee, or a representative, the City shall provide a copy of the personnel records, at a charge not to exceed the actual cost of reproduction, not less than 30 calendar days from the date the City receives the request.

c. To facilitate the inspection, the City shall (1) maintain a copy of each employee's personnel records for a period of not less than three years after termination of employment, (2) make a current employee's personnel records available for inspection, and if requested by the employee or representative, provide a copy at the place where the employee reports to work, or at another location agreeable to the employer and the requester. If the employee is required to inspect or receive a copy at a location other than the place where he or she reports to work, no loss of compensation to the employee is permitted, (3) make a former employee's personnel records available for inspection, and if requested by the employee or representative, provide a copy at the location where the employer stores the records, unless the parties mutually agree in writing to a different location. The City is not required to make those personnel records or a copy available at a time when the employee is actually required to render service to the employer, if the requester is the employee.

d. The City shall take reasonable steps to verify the identity of a current or former employee or an authorized representative. Prior to making records available for inspection or providing a copy of those records, the City may redact the name, or any other personally identifying information of any other employee contained in the subject employee's personnel files.

e. The right to inspect personnel files and records does not apply to records relating to the investigation of a possible criminal offense, letters of reference, or ratings, reports, or records that (a) were obtained prior to the employee's employment,

f. were prepared by identifiable examination committee members, or (c) were obtained in connection with a promotional exam.

g. The City shall permit current and former employees to inspect or copy payroll records pertaining to that current or former employee.

CHAPTER 2 – CLASSIFICATION AND COMPENSATION

SECTION 2.1 EMPLOYEE CLASSIFICATIONS/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. The job descriptions for such positions shall be approved by the City Manager or his or her designee and revised as deemed necessary or desirable. Unless otherwise stated, the following definitions shall apply for purposes of Authorized Positions under this Manual:

a. Regular Full-time Employee: A full-time non-management employee who is appointed to a position for a six-month or longer term, who has successfully completed his or her probationary period in their position in the classified service and is occupying a classified position established on a continuing basis, and is employed to work at least 2080 hours per year on a regular schedule, and is eligible for the City's retirement program and full benefits. Such positions are designated as "general" on the City's adopted Salary Schedule.

b. Regular Part-time Employee: A part-time non-management employee who is appointed to a position for a six-month or longer term, who has successfully completed his or her probationary period in their position in the classified service and is occupying a classified position established on a continuing basis, and is employed to work a minimum of 30 hours per week, and less than 2080 hours per year, and is eligible for the City's retirement program and half the benefits of a regular full-time employee. Such positions are designated as "general" on the City's adopted Salary Schedule.

c. Temporary Part-time Employee: A part-time non-management employee who is employed to work 29 hours per week or less. Such positions are designated as "part-time" on the City's adopted Salary Schedule. Employees hired in this category are excluded from receiving benefits, except as otherwise expressly provided under this Manual or as required by law, and serve at the will of the City Manager. Those temporary part-time employees who are assigned such hours that result in an accumulation of 1,000 hours within the fiscal year, shall become eligible for participation in the City's retirement program. . Paid Interns shall be included in this category, as well as temporary or seasonal employees.

d. Probationary Employee: Every new employee in a regular full-time or part-time position shall serve a probationary period of twelve (12) months, exclusive of time off for leaves of absence as hereinafter permitted. The probationary employee will be evaluated periodically during the probationary period and is subject to dismissal, with or without cause, at the discretion of the City Manager. The termination can be exercised at any time during the probationary period. Effective on the first day following completion of the probationary period, if the employee's performance has been satisfactory and the City Manager approves his/her retention, the employee shall be considered thereafter a full-time or part-time regular employee of the city. Probationary employees are also deemed "Disaster Service Workers" per Section 2.1.i. below.

e. Exempt Employee: An employee who is exempt from the overtime provisions under applicable law.

f. Non-Exempt Employee: An employee who is covered by the overtime provisions under applicable law.

g. **“At-Will” Employee:** A full-time management employee who is not included in the classified service. Such positions are designated as “management” on the City’s adopted Salary Schedule. Employees who are hired pursuant to Federal/State/County/Regional agency funding assisted programs are at-will employees and subject to termination when program funding terminates. An “at-will” employee may be dismissed by the City Manager at any time with or without reason and without prior notice or right of appeal. While many sections of this Manual apply to “at-will” employees, others shall not, and inclusion of those sections does not change the status of “at-will” employees. Nothing in this Manual or in any document or statement shall limit the right to terminate an “at-will” employee without prior notice, without any reason, and without a right to appeal the termination decision.

h. **Volunteer/Unpaid Interns:** An individual who accepts an unpaid position with the City to perform specific tasks. A volunteer or unpaid intern is not an employee, and can be released at any time and for any reason without the right of appeal.

i. **Disaster Service Workers:** The protection of the health and safety, and preservation of lives and property of the citizens of the City of Eastvale from the effects of natural, manmade, or war-caused emergencies which result in conditions of disaster or in extreme peril to life, property and resources is of paramount City importance requiring the responsible efforts of public and private agencies and individual citizens. In furtherance of the exercise of the power of the City in protection of its citizens and resources, ALL City employees are hereby declared to be Disaster Service Workers subject to such disaster service activities as may be assigned to them by their superiors or by law.

SECTION 2.2 WORKWEEK AND SCHEDULES

2.2.1 General Policy

a. The City’s standard workweek for all employees begins at 12:00 a.m. each Monday and ends at the following Sunday at 11:59 p.m. The City may establish additional standard workweek schedules to accommodate other unique circumstances.

b. City Hall’s normal operating hours are 7:30 a.m. to 5:30 p.m., Monday through Thursday. City Hall is closed every Friday.

c. Depending on City requirements, some employees may be required to work different schedules, which may include working outside of City Hall’s normal operating hours. Each employee’s scheduled hours of work will be determined based on staffing requirements to meet the needs of the City and our business objectives. Therefore, the City reserves the right to schedule employees to work an earlier or later schedule.

d. Variations in work schedules may be approved by the City Manager, however, must be requested and approved in writing prior to the employee making any changes to their schedule. Such requests will be evaluated as to their impact on the needs of the City, and to ensure appropriate and adequate staff coverage, in considering the request for a modified schedule.

e. The City reserves the right to change an employee’s work schedule to meet the needs of the City.

2.2.2 Full-time Exempt (Salaried) Employees Work Schedule

Exempt (salaried) employees are generally expected to maintain the same work schedule and office hours as non-exempt employees unless pre-authorized by the employees' pertinent Department Head. The City will consider the need for exempt employees to have some flexibility in the work schedule, to the extent that exempt employees demonstrate that they are meeting the requirements of their position (including any supervisory obligations), and that a minimum of forty (40) hours per week is achieved, which shall include use of approved leaves from time banks (e.g. sick leave, vacation leave, etc.). Variances in the employee's regular schedule must be discussed and approved in advance by the pertinent Department Head. In all cases, the business needs of the City and its residents must be a top priority. Any perceived abuse of the City's flexibility, and/or failure of the exempt employee to fully perform their job duties or to fulfill the required forty (40) hours will result in the loss of privilege for flexibility. Exempt employees shall not receive less than forty (40) hours per week compensation as salaried employees, except as permitted by law. Such instances should be discussed with the Human Resources and Risk Management Director for appropriate review and handling.

Exempt employees shall work extra hours as needed to perform their duties, to attend special events, and/or to attend meetings after hours as required by the pertinent Department Head. Exempt employees receive management leave in recognition of the extra hours they are expected to work.

2.2.3 Regular Full-time Non-Exempt (Hourly) Employees Work Schedule

All full-time non-exempt (hourly) employees shall work one of the following assigned shifts: 1) 7:30 a.m. – 6:00 p.m. with an unpaid thirty-minute (30) meal period; 2) 7:00 a.m. – 5:30 p.m. with an unpaid thirty (30) minute meal period; or 3) 7:00 a.m. – 6:00 p.m. with an unpaid one (1) hour meal period. Other variations may be authorized by the pertinent Department Head on a case-by-case basis, subject to City Manager approval.

2.2.4 Part-time Non-Exempt (Hourly) Employees Work Schedule

All part-time non-exempt (hourly) employees shall work designated hours as established by their supervisors and department heads, and shall be eligible for rest and meal breaks consistent with the rules for full-time non-exempt employees.

2.2.5 Make-up Time for Non-Exempt (Hourly) Employees

a. Make-up time is available for all regular full-time, regular part-time, and temporary part-time employees who are paid on an hourly basis (non-exempt, as defined under section 2.1(f) above).

b. The City does not require employees to work make up time. Make-up time allows a non-exempt employee to voluntarily request time off for a personal obligation and to make up the time on another day in the same workweek.

c. Notwithstanding the foregoing, non-exempt employees will be paid overtime when more than forty (40) hours are worked in a workweek. Sick leave, vacation leave, holidays, management leave, or other leaves are not hours worked and shall not be counted towards the calculation of overtime.

d. Requests must be submitted in writing to the employee's immediate supervisor. The employee's immediate supervisor will review the employee's request and discuss with the Department Head. The request must be approved in advance by the employee's supervisor and Department Head prior to performing any make-up time. Please note that the City cannot guarantee make-up time will be approved or provided.

e. Advance notice is required in order that the City may plan for work coverage. Employees are required to provide the City with seventy-two (72) hours' notice, except in the case of emergencies. Same-day requests are discouraged, and will be considered on a case-by-case basis and in emergency situations.

f. Any perceived abuse of the City's flexibility (e.g. failure to provide advance notice on a recurring basis) will result in denial of make-up time request.

2.2.6 Special Events, City Council Meetings, and Commission Meetings

All employees may be required to work special events i.e. EEK!Vale, Miracle Holiday Event, National Night Out, and other similar events, and may be required to attend City Council, Commission and/or other meetings. Compensation for such hours worked shall be provided consistent with this Manual as required by law.

SECTION 2.3 PAYROLL PROCESSING

2.3.1 General Information

The City processes payroll on a bi-weekly basis with twenty-six (26) pay periods in each calendar year. Payday will be the Thursday following the close of the pay period and is paid on Thursday by direct deposit.

2.3.2 New Hires and Employee Changes

Human Resources and Risk Management provides all applicable new hire personnel forms to each new employee, and prepares the Personnel Action Form (PAF) for all newly hired employees. Personnel Action Forms are also required for any employee changes including, but not limited to, position change, salary increase, benefit change, etc. The Personnel Action Form identifies programs and account numbers the employee's time will be charged to and must be approved by the City Manager, Finance Director, and Department Head. Human Resources and Risk Management enters new employee data into the payroll system. The Human Resources and Risk Management Director, reviews the entries for completeness and accuracy.

2.3.3 Time Sheets

a. All Non-Exempt Employees:

(i) All-time records, including time sheets, represent legal documents that are used to accurately record working time and to compensate employees properly. All non-exempt employees shall record accurately all exact time worked.

(ii) To ensure the accuracy of all-time records, non-exempt employees will input their own time into the electronic timesheet system and acknowledge that they recorded all

hours worked accurately, received all rest and meal periods as required under this Manual, and reported any injuries or on the job illnesses to their supervisor.

(iii) Non-exempt employees must ensure that the time sheets are submitted on the day and prior to the cut-off time designated by the City.

(iv) Under no circumstances shall a Supervisor or employee input time on behalf of another employee. Limited exceptions to this may be granted by Human Resources and Risk Management in the case of an emergency or absence. Where so authorized, employees may instead provide their time sheet information via written/email communication.

b. Exempt Employees: All exempt (salaried) employees must complete time sheets in order to record regular time worked and exception hours (e.g. sick leave, vacation, etc.).

c. Supervisors:

(i) Supervisors shall review and address potential issues in time entries. Supervisors shall approve each time sheet via the electronic timesheet system, attesting to the completion of such review and that the time recorded reflects all work performed by the employee of which the supervisor was reasonably aware.

(A) To carry out this duty, supervisors are responsible for daily monitoring of the following for non-exempt employees:

- Start time for each workday;
- Start time for each meal period;
- End time for each meal period;
- End time for each workday;
- Whether a meal period is taken (if no meal period is taken, this must be stated);
- All actual time taken as paid leave; and
- Any additional time during which work is performed, including work performed outside the regular shift.

2.3.4 Deductions

Any benefit or insurance deductions associated with payroll will be withheld from the first and second paycheck of each month. Cafeteria cash outs will be paid in two equal payments on the first and second paycheck of each month. With bi-weekly pay periods, there are two (2) months during the year that a third paycheck will be received. There will not be any benefit/insurance deductions taken on the third paycheck of a month.

2.3.5 Issuance of Paychecks

After all entries have been verified and applicable corrections made, payroll checks are processed. The paychecks are scanned and kept in a secure location until payday. The Human Resources and Risk Management distributes pay stubs to all employees on pay day.

2.3.6 Final Payment upon Separation of Employment

Human Resources and Risk Management prepares and processes the final paycheck including payoff for unused accrued vacation and any other vested leave with a provision for cash payout at termination under this Manual. After receipt of the approved Personnel Action Form and approved time sheet, the City Manager reviews the calculations and proof list before providing approval for issuing an employee's final paycheck.

SECTION 2.4 REST AND MEAL PERIODS – NON-EXEMPT (HOURLY) EMPLOYEES

a. Employees whose total daily work time is at least 3.5 hours must take a mandatory paid rest period of fifteen (15) minutes. A fifteen (15) minute rest period is mandatory for every four (4) hours worked, or "major fraction thereof." As much as practicable, the rest break should be taken in the middle of the work period.

b. Employees who work more than five (5) hours must take an unpaid, off-duty meal period of at least thirty (30) minutes.

c. Employees who work more than ten (10) hours are entitled to a second unpaid meal break.

In the event that an employee cannot be completely relieved of all duties during a meal break, the employee will be paid during the meal break, and such time shall constitute hours worked.

d. Employees should refrain from taking rest and meal breaks at their desks to ensure that a bona fide, uninterrupted rest and meal break has been taken.

e. Rest breaks are treated as hours worked, and are paid as time worked.

f. Rest and meal breaks may not be saved or used at another time or to make up a late arrival, or to shorten the workday. Rest breaks shall not be combined with meal periods to provide an extended meal period.

g. Rest and meal breaks may not be taken within one (1) hour of starting time, or quitting time unless special circumstances make this desirable, and in which case prior approval shall be obtained from the employee's immediate supervisor.

h. Non-exempt employees must accurately record each meal period on the timecard. Each meal break must be at least 30 minutes long.

i. Supervisors are responsible for ensuring that employees are provided the opportunity for rest and meal breaks in accordance with these rules. Supervisors are also responsible for scheduling meal and rest breaks to provide for appropriate coverage of work.

SECTION 2.5 OVERTIME COMPENSATION/COMPENSATORY TIME OFF

Non-exempt (hourly) employees who work more than forty (40) hours in a workweek shall be compensated at the rate of one and one-half (1.5) times the employee's regular rate of pay, either as paid time at one and one-half (1.5) times the regular rate of pay or as compensatory time off accrued at the rate of one and one-half (1.5) times the regular rate of pay for all hours worked in excess of forty (40) in any workweek. For the purposes of this policy, holidays, sick leave usage,

vacation leave usage, and other pre-scheduled time off shall not be considered work time, towards the calculation of overtime.

The following provisions apply to Compensatory Time Off (CTO):

a. Non-exempt employees may choose to be compensated for overtime work through compensatory time off (CTO) at the rate of one and one-half hours CTO per overtime hour worked, instead of receiving cash payment. The decision to receive overtime pay or CTO credit must be made at the end of the workweek in which the overtime is worked, at the employee's option, provided that the employee has not accrued the maximum CTO allowed under this policy and subject to approval by the Department Head and/or City Manager or designee.

b. Employees may accrue CTO up to a maximum of 120 (equivalent to 80 hours of worked overtime). If an employee reaches this maximum limit they will be paid for all overtime worked until the CTO balance has been reduced below 120 hours.

c. Employees who request to use accrued CTO will be permitted to use the CTO within a reasonable period after making the request so long as the use of CTO does not unduly disrupt the operations of the City as determined by the Department Head. Employees may not be forced to use compensatory time already held, but may be encouraged to reduce the amount of accrued hours.

d. Except as otherwise provided in subparagraph (e), Employees may not convert unused CTO to cash-out pay except at termination of employment or upon change in eligibility for CTO accrual. Unused CTO shall be paid out at the rate of pay required by the Fair Labor Standards Act ("FLSA"). The rate of pay required by the FLSA is the higher of (i) the average regular rate received by the employee during the last 3 years of employment, or (ii) the final regular rate received by the employee.

e. The City will convert unused CTO to cash-out for all employees with unused CTO in their CTO balance, on the first pay period of each November. Unused CTO shall be paid out at the rate of pay required by the Fair Labor Standards Act ("FLSA"). The rate of pay required by the FLSA is the higher of (i) the average regular rate received by the employee during the last 3 years of employment, or (ii) the final regular rate received by the employee

SECTION 2.6 BI-LINGUAL PAY

Regular full-time and regular part time employees who are certified as bi-lingual by the City in accordance with these provisions and who are routinely and consistently assigned to provide bi-lingual services in positions requiring communication skills in languages other than English are eligible for bilingual pay. Bi-lingual pay may be suspended for employees who are on a leave of absence from the City. The City may pro-rate the employee's bi-lingual pay based on the length of the leave of absence.

Eligible regular full-time employees may receive an additional \$150.00 per month for bi-lingual services, and eligible regular part-time employees may receive an additional \$75.00 per month. The City Manager will be the final authority to determine which positions are eligible to receive bi-lingual pay, to assign and approve bi-lingual pay, and to remove bi-lingual pay from employees based on business necessity. Each Department Head will be able to provide recommendations to the City Manager regarding the languages needed and the total number of staff to provide services to the public. Employees being considered for bi-lingual services shall be required to

pass a bi-lingual proficiency test for both speaking and writing skills. Human Resources and Risk Management will arrange for the testing, as required. Employees who pass the tests, and are considered certified, shall receive their bi-lingual pay effective the pay period following certification.

To the extent permitted by law, the value of the compensation for bi-lingual pay is considered special compensation and shall be reported as such to CalPERS pursuant to Title 2 CCR, Section 571(a)(4) (for Classic Members) or Title 2 CCR Section 571.1(b)(3) (for New Members)

– Special Assignment Pay. Bi-lingual pay shall be reported to CalPERS periodically when earned, on a per pay period basis. However, the City makes no representations or guarantees whatsoever with respect to whether CalPERS shall include said bi-lingual pay as compensation for purposes of benefit determination and CalPERS shall make the sole determination as to inclusion.

SECTION 2.7 TEMPORARY ASSIGNMENTS

Employees may be temporarily assigned higher or lower duties without a change in pay and such action shall not be deemed as a transfer, demotion, promotion, or reclassification. In all cases where periodic or regular variations in assignments occur because of seasonal or operational needs, the nature of the duties, the work schedule or a position from which the incumbent is on extended leave of absence, such variations shall be considered as incidental to the position.

2.7.1 Acting Assignment to Higher Position

Acting appointments may be used to fill positions that are vacant or that are temporarily vacant, such as when an employee is on an extended leave of absence.

a. Whenever the needs of the City require an employee to temporarily perform the duties of a higher classification than that in which the employee is currently employed for a period of more than twelve (12) consecutive working days, the employee shall receive the salary rate of the higher class in which the employee is performing the required duties. In such cases, the employee shall be paid at an appropriate step of the current salary schedule of the higher classification which will assure an increase of not less than 5% greater than the salary of the employee's current position, but in no case shall such salary exceed the top salary step of the higher classification. The higher salary rate payable shall commence on the thirteenth working day following the temporary reassignment to the performance of duties of the higher classification. The requirement for the performance of duties of the higher classification shall be placed in writing by the City Manager, or the City Manager's designee, following recommendation by the affected Department Head. No employee shall be required to perform any of the duties of a higher classification unless that employee is deemed to possess the minimum qualification of the higher classification by the City Manager, or the City Manager's designee, as recommended by the affected Department Head.

b. The employee assigned to perform the duties of a higher classification shall not serve for more than ninety (90) working days in a higher classification whenever a vacancy exists without the announcement by the City Manager, or the City Manager's designee, of an approved examination as otherwise provided in this Manual. In no case shall an employee serve more than 960 hours in a fiscal year or six (6) total months, whichever comes first, in a higher classification without successfully passing the examination.

c. An employee appointed in an acting capacity shall be eligible to receive performance increases in the permanent position during the acting appointment but shall not be

entitled to performance increases in the position which the employee holds in an acting capacity. If successful in being promoted, the period of time of service in the higher classification shall be credited for the promoted employee toward the required period of probation for the higher classification as otherwise required in these rules.

d. The City Manager, or the City Manager's designee, shall obtain the employee's written consent for the temporary performance of any of the duties of the higher classification beyond a period of twelve (12) working days, prior to an employee assuming or continuing the duties and compensation of a higher classification, which consent shall clearly state that it is understood that employee's salary rate will revert to the salary rate in the employee's permanent position upon the expiration of the need for the performance of the duties of the higher classification.

SECTION 2.8 CALL BACK PAY

Call back duty occurs when a non-exempt employee is ordered to return to duty on a non-regularly scheduled work shift. Call back does not occur when an employee is held over from his/her prior shift or is working prior to his/her regularly scheduled shift. An employee called back to duty shall be credited with a minimum of two (2) hours work commencing at the time of the call or contact. Any call back lasting two (2) hours or less shall result in a credit for two (2) hours worked. A subsequent call received during a call back shall not result in an additional two (2) hours minimum call back pay, but shall be paid as actual time worked.

SECTION 2.9 ON CALL (STANDBY) PAY

Non-exempt (hourly) employees may be assigned to twenty-four (24) hours on call duty on a week- end, holiday or non-scheduled work day, or on call duty between regularly scheduled work shifts, requiring the employee to respond to emergency calls. Response to emergency calls shall occur within sixty (60) minutes from the time the employee receives the communication. Response calls may require the employee to report back to work.

An employee serving on-call under this section shall receive two hours of the employee's regular rate of pay per on-call assignment, regardless of the on-call assignment duration. . Said compensation is exclusive of any other compensation that may be provided for time worked. Non-working on-call hours shall not count as hours worked, however, compensation for such hours shall count towards calculating the employee's regular rate of pay.

SECTION 2.10 AUTOMOBILE ALLOWANCE

The City Manager may approve an automobile allowance, not to exceed \$400 per month, for select at-will employees as determined appropriate by the City Manager. There is no right to an automobile allowance and the City Manager may reduce or eliminate a previously approved automobile allowance at any time. At-will employees who receive an automobile allowance shall do so in lieu of receiving a mileage reimbursement from the City for use of their personal vehicle for City-related travel.

SECTION 2.11 PHONE ALLOWANCE

The City Manager shall designate those positions requiring either the issuance of a cell phone for the conduct of City business, or the provision of a cell phone allowance in the amount of \$40 per month, when designated employees use their own phone.

SECTION 2.12 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.

The City complies with all applicable state and federal laws regarding equal pay. Compensation to employees shall be based upon job classification and defined factors including education, training, experience, consequence of action, essential functions/duties and responsibilities, judgment/decision-making, and supervision received and exercised. In all cases, wages shall not be based on factors prohibited by law.

SECTION 2.13 ADVANCEMENT WITHIN THE SCHEDULE

2.13.1 Merit Increases

The City Manager may authorize merit-based salary increases within the authorized salary range based on an employee's ability, proficiency, and performance. The annual merit increase will be determined at the City Manager's sole discretion, however, generally, such merit increase will be up to 5%. In cases of extraordinary performance, the City Manager may approve a maximum merit increase of up to 10%. Employees who receive a performance rating of "needs improvement" or lower will not be eligible for a merit increase for the rating period. If, in the Department Head's sole discretion, the employee demonstrates sustained improvement, the Department Head may prepare an interim performance evaluation and recommend a salary increase to the City Manager.

2.13.2 Special Merit Increases

The City Manager, upon recommendation from a Department Head, may approve a Special Merit Increase for an eligible employee. Department Heads shall discuss such instances with the City Manager and prepare a memorandum to document superior, outstanding and meritorious performance warranting such special monetary recognition. Such increases shall not exceed 5% and are subject to the approval of the City Manager. Special Merit Increases shall typically occur outside the employee's normal rating period. An employee receiving a Special Merit Increase shall remain eligible for their normal merit increase at the prescribed evaluation period. Special Merit Increases shall be *rare exceptions*, not the rule, and may not exceed the maximum of the established salary range.

SECTION 2.14 CHANGES IN EMPLOYMENT STATUS

2.14.1 Transfer

The City Manager, may, at any time, transfer an employee from one position to another position in the same or comparable class. A comparable class is one with essentially the same maximum salary limits, involves the performance of similar duties, and requires substantially the same basic qualifications. Transfer shall not be used to effectuate a promotion, demotion, advancement, or reduction, each of which may be accomplished only as provided in this Manual. No person shall be transferred to a position for which he/she does not possess the minimum qualifications.

2.14.2 Promotion

A promotion is the appointment of an employee from one classification to a classification having a higher base salary range. A promoted employee shall receive the entrance rate of the new range or a five percent (5%) increase in salary, whichever is greater, provided that no employee is thereby advanced above the final step of the higher base salary range. The promotion effective date shall be the first day of the pay period following the approval of the appointment.

2.14.3 Reclassification

An employee whose position has been reclassified from one class to another class, which has a higher base salary range, shall be placed at the entrance point of the new range or at a step within the range that is not less than 5% and not more than 10% increase in salary. Ensuing merit increases will be due one (1) year from the date of the adopted reclassification. Reclassified employees are not required to serve a probationary period.

2.14.4 Demotion

A demotion is the appointment of an employee from one classification to a classification having a lower maximum rate of pay.

a. An employee demoted for disciplinary reasons shall be placed on the same step within the base salary range of the class to which demoted.

b. A promotional probationary employee who is returned to former classification during the probationary period shall be placed on the same step within the base salary range or the former classification that the employee was on at time of promotion. No credit shall be granted for time spent at the promoted level for next step advance due date.

c. An employee demoted for non-disciplinary reasons shall be retained at the same salary rate, provided that the salary rate does not exceed the maximum of the salary range of the demoted class. With the approval of the City Manager, the employee may be "Y-rated" (rate of pay is frozen at the rate of pay immediately prior to the demotion). The rate of pay of an employee that is Y-rated will not change until the employee's classification salary scale and step equals or exceeds their Y-rated level.

d. An employee who voluntarily demotes from one classification to a classification with a lower maximum salary range shall be placed within the new salary range.

2.14.5 Suspension

The City Manager may suspend, and approve the recommendation of a Department Head, to suspend an employee at any time for just cause, in accordance with Chapter 5 of this Manual.

2.14.6 Reinstatement

With the approval of the City Manager, a regular employee who has resigned with a good record may be reinstated within one (1) year to his/her former position, if vacant, or to a vacant position in the same, comparable, or lesser class provided he/she possesses the minimum qualifications for the position.

Reinstated employees do not retain any benefits or rights previously earned by virtue of his/her former employment unless approved by the City Manager. The employee will be appointed as a new employee and serve a new probationary period, unless specifically waived in writing by the City Manager. No credit for former employment shall be granted in computing salary, vacation, or other benefits except on the specific recommendation of the City Manager at the time of reinstatement unless otherwise required by law. The employee shall have a new hire date that is applicable to all benefits, including retirement and retirement health benefits, unless otherwise required by law.

SECTION 2.15 TRAVEL EXPENSES

The City's administrative policies on Travel and Reimbursement, as they may be amended from time to time, shall serve to provide policy related to this topic.

SECTION 2.16 EDUCATIONAL EXPENSE REIMBURSEMENT

The City will provide all employees with educational expense reimbursement for courses which relate to their job duties or the completion of a degree in a field related to City operations, subject to City Manager approval, at the City Manager's sole discretion. An employee may be reimbursed for up to \$2,500 per fiscal year, not to exceed a cumulative total of \$10,000 for full-time employees and \$5,000 for part-time employees. Note: Reimbursement under this section do not encompass expenses related to any certificates or licenses that are required as provided in an employee's job description. Such expenses are directly reimbursed to the employee and are not subject to the requirements for reimbursement under this section.

To be eligible for reimbursement under this section, an employee must satisfactorily complete 12 months of employment prior to qualifying for course approval and subsequent reimbursement. If eligible, an employee must do the following to obtain reimbursement: 1) receive course approval prior to registration from Human Resources and Risk Management, Department Head, and City Manager; 2) provide Human Resources with evidence of satisfactory ("C" grade or better) completion of the approved course. Human Resources and Risk Management shall, at its own sole discretion, make a determination as to whether the evidence provided by the employee of satisfactory course completion is sufficient; 3) submit receipts for tuition, enrollment fees, and/or books within 60 days of course completion; and 4) sign a form agreeing to repay the City the reimbursed amount if the employee voluntarily separates from the City or is terminated for cause within 24 months of the date of the reimbursement.

If there is insufficient funding to pay for all pending or anticipated future reimbursement requests, the City Manager may devise a fair and equitable manner for allocating the funds available amongst the eligible employees.

CHAPTER 3 EMPLOYEE BENEFITS

SECTION 3.1 HOLIDAYS

All regular full-time employees, regular part-time employees, at-will full time employees, and full-time and part-time employees who are in their probationary period, shall have the following holidays as time off 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. The fourth Thursday in November, known as “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.

The City Council may approve additional paid holiday(s) for employees in any given fiscal year from time to time by resolution.

In the event a holiday falls upon a Friday or Saturday, the prior workday 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. Holidays occurring during an employee’s vacation shall be treated as a paid holiday. Employees who are absent from work on a holiday due to unpaid leave of any form, shall not receive reimbursement or payment for the missed holiday.

All regular part-time employees and regular part-time employees who are in their probation period shall receive the defined holidays as time off with pay at one-half (1/2) (e.g. 5 hours paid holiday). Floating holidays will be provided at the beginning of the calendar year. Floating holidays not used during the calendar year in which they are provided will be converted to vacation time and treated in the same manner as provided in Section 4.2 of this Manual, including counting toward an employee’s maximum vacation accrual and the vacation buy-back provisions.

SECTION 3.2 WINTER HOLIDAY CLOSURE

City Hall closes to the public during the winter holiday period beginning December 17 through January 1 of each year (actual dates may vary depending on the day of the week the holiday falls). Certain City operations may continue during this Winter Holiday Closure while others will not, as determined appropriate by the City Manager.

In conjunction with the City paid holidays, including December 24th, December 25th, December 31st, and January 1st, employees not required to work during all or a portion of the Winter Holiday Closure will be required to use their accrued leave time (vacation, compensatory, management leave, or floating holiday time) to equal the remainder of their regular work schedule hours/days during the Winter Holiday Closure.

The City Manager may approve an employee's ability to work during the Winter Holiday Closure based on the City's needs and at the City Manager's sole discretion. .

If an employee is ordered to return to duty during the Winter Holiday Closure, the time called back during regular work hours will be deducted from the leave hours being used.

SECTION 3.3 INSURANCE BENEFITS

All employees in regular full-time or regular part-time positions, shall be eligible for the City's insurance benefits which may include medical, dental, vision, life, short-term and long-term disability insurance policies including Accidental Death and Dismemberment (AD&D), 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.

3.3.1 Cafeteria Plan

New employees who are hired between the first and the 14th day of the month are eligible for the full amount of the City's cafeteria plan contribution for the first month of employment. Employees hired on or after the 15th of the month are eligible to receive one-half (1/2) of the City's cafeteria plan contribution for the first month of employment.

The current City contribution towards the cafeteria plan for full-time employees is \$2,500.07 per month. This amount reflects the current Kaiser Permanente Region III monthly premium for subscriber and 2+ dependents plus \$250. Regular part-time employees receive \$1250.03 per month. Should the premium for the Kaiser Permanente Region III monthly premium for subscriber and 2+ dependents increase, the City will provide an automatic annual increase on January 1 of each year to the cafeteria plan allowance commensurate with such premium increase to such plan up to a maximum of 5% per annum. Regular part-time employees will receive a pro-rata 50% of such increase amount on an annual basis.

City Council may amend the amount provided as contribution under this section from time to time by resolution.

a. Cafeteria Cashout for Employees Hired Before December 1, 2017

Full-time employees hired before December 1, 2017, are eligible to receive up to \$1,600 per month of their unused cafeteria allowance as cash out benefit on monthly basis. Part-time employees hired before December 1, 2017, are eligible to receive up to \$800 per month of their unused cafeteria allowance as cash out benefit on monthly basis. Cashout amount is divided equally between the first and second paycheck of each month.

b. Cafeteria Cashout for Employees Hired After December 1, 2017 but Before July 1, 2024

Full-time employees hired after December 1, 2017, but before July 1, 2024, are eligible to receive up to \$800 per month of their unused cafeteria allowance as cash out benefit on monthly basis. Part-time employees hired after December 1, 2017, but before July 1, 2024, are eligible to receive up to \$400 per month of their unused cafeteria allowance as cash out benefit on monthly basis. Cashout amount is divided equally between the first and second paycheck of each month.

c. Cafeteria Cashout for Employees Hired After July 1, 2024

Employees hired on or after July 1, 2024, have two options regarding use of their cafeteria allowance: (i) elect coverage in a City plan eligible for credit from the cafeteria allowance. No cashout of unused cafeteria allowance will be provided; or (ii) waive coverage from all City plans eligible for credit from the cafeteria allowance and receive cashout of their unused cafeteria allowance according to the following: full-time employees will receive \$800 per month and part-time employees will receive \$400 per month as cash out benefit on monthly basis. Cashout amount is divided equally between the first and second paycheck of each month.

3.3.2 Life Insurance

Life insurance coverage shall be provided by the City for eligible employees and elected officials as follows:

Level 1 – City Manager and Management – 2x annual salary to a maximum of \$400,000.

Level 2 – All Other Eligible Employees – 2x annual salary with a minimum of \$100,000.

Employees who are eligible for management leave under Section 4.15 shall be considered management employees for the purposes of life insurance benefits.

Life insurance premiums for eligible employees are paid for by the City. Short Term Disability Insurance and Long-Term Disability Insurance

The City does not participate in the State of California’s Disability Insurance (SDI) program which includes the paid family leave program. Employees remain eligible for “unpaid” family and medical leave as provided by State and Federal leave laws. Employees should refer to the City’s Family Care and Medical Leave, Pregnancy Disability Leave, and Military Family Leave Policy for additional details, including eligibility and use of accrued leave to receive pay during leave.

The City’s Short-Term Disability plan provides a maximum benefit period of 83 days, and the Long-Term Disability program goes into effect after 90 days. The City uses a third-party company as the plan administrator. Additional plan information, including elimination periods, and the monthly benefit amounts may be obtained from Human Resources and Risk Management. Short-Term and Long-Term disability insurance premiums for eligible employees are paid for by the City.

3.3.3 Compensation During Parental Leave

The City has contracted with Parento to provide wage replacement, up to \$3,500.00 per week as provided in the agreement between Parento and the City, during an employee’s eligible leave of absence due to the birth of their child, child adoption, child foster care placement, or placement via a government child protection service. This section does not create an independent leave right, rather, this section merely provides a wage replacement plan for employees who are taking parental leave, as provided under a separate City leave entitlement. Wage replacement under this section is available for up to twelve weeks per qualifying event.

SECTION 3.4 RETIREMENT BENEFITS

3.4.1 CalPERS Enrollment

Eligible employees shall be members of the California Public Employees' Retirement System (CalPERS). The City is a member of CalPERS. Eligible employees are required to participate in accordance with the rules of CalPERS. Employees pay the full amount of the employee's contribution to CalPERS. Retirement health insurance benefits are provided to retirees in compliance with the Public Employees' Medical and Hospital Care Act (PEMHCA) and City Council Resolution No. 2011-03. The City shall pay no more than the monthly minimum employer contribution prescribed by Government Code section 22892 and Resolution No. 2011-03 toward retiree health benefits.

3.4.2 Accumulation Program for Part-Time and Limited-Service Employees

Except as otherwise provided by law, employees not eligible for membership in CalPERS, shall be enrolled in the Accumulation Program for Part-Time and Limited-Service Employees (APPLE) in lieu of enrollment in the federal Social Security Retirement System. APPLE-enrolled employees will pay 3.75% of salary into the program and the City will match that amount. Accumulated funds in APPLE will earn interest on contributions. More information about APPLE can be received from Human Resources and Risk Management.

3.4.3 Deferred Compensation Plan

Regular full-time and regular part-time employees are eligible to contribute to the City's 457(b) deferred compensation plan by electing a deduction amount or percentage, subject to maximum limits as designated by the Internal Revenue Service, from each paycheck. Employees may contribute to a pre tax or Roth type account, subject to plan rules and Internal Revenue Service Rules. Employees are immediately vested in their contributions to the 457(b) plan.

a. Matching Contribution for Full-time Employees: The City will provide a 200% matching contribution of the employee's contribution into a 401(a) plan up to a maximum of \$3,000.00 per calendar year. Employees are immediately vested in the City's matching contributions to the 401(a) plan.

b. Matching Contribution for Part-time Employees: The City will provide a 200% matching contribution of the employee's contribution into a 401(a) plan up to a maximum of \$1,500.00 per calendar year. Employees are immediately vested in the City's matching contributions to the 401(a) plan.

3.4.4 Retiree Health Reimbursement-defined Contribution Plan

To award regular employees for their continued City service, the City has established a Health Reimbursement-defined Contribution Plan. The purpose of the plan is to provide eligible employees, as defined in subparagraph (a), and qualifying family members, as defined in subparagraph (b), with a health reimbursement fund that they may use for eligible health care related expenses, as defined under section 213(d) of the Internal Revenue Code, during retirement. The City will contribute to each eligible employee’s account based on the contribution table provided in subparagraph (c). Upon eligibility, employees are immediately fully vested in such contributions and are eligible to access funds upon service retirement or following separation from the City for another reason, subject to plan rules and regulations. During City employment, the City will pay account plan administration fees. Employees will be responsible for their own administration fees upon separation from City employment.

a. Eligibility Requirement

Regular full-time and regular part-time employees are eligible to receive benefits under this section upon completion of five (5) consecutive years of City service. Time served as a temporary employee, intern, whether paid or unpaid, limited term appointment employee, or volunteer does not count towards the five (5) year service requirement. Time served in probation status for a regular full-time or regular part-time position does count towards the five (5) years service requirement.

If an employee separates from City employment and is subsequently rehired, prior duration of City employment will not count towards the calculation of the total number of years of service for the purpose of eligibility or the purpose of determining the amount of monthly contribution to the employee’s account. For example, if an employee separates from City service after 4 years of continuous service, but is rehired following three months of separation, the employee must serve an additional 5 consecutive years from the rehire date to become eligible under this section 3.4.4 and upon eligibility, the employee will receive contribution at level “A” as provided in subparagraph (c) below.

b. Qualifying Family Members

For the purpose of this section 3.4.4, “qualifying family members” means any individual the employee claims as a dependent on their filed tax return for the relevant calendar year.

c. Contribution Schedule

The City will make contributions under this section 3.4.4 according to the following schedule:

Contribution Level	Months of Continuous Service	Monthly Contribution for Full-time Employees	Monthly Contribution for Part-time Employees
A	60 months - 119 months	\$100.00	\$50.00
B	120 months - 179 months	\$125.00	\$62.50
C	180 months - 239 months	\$150.00	\$75.00

D	240 months – 299 months	\$175.00	\$87.50
E	300 months - until separation	\$200.00	\$100.00

SECTION 3.5 TEMPORARY PART-TIME EMPLOYEES

Employees of the City designated as temporary part-time (less than 20 hours per week and no more than 1000 hours in a fiscal year) are non-benefitted and shall be compensated on an hourly basis as specified by the position classification in which they are assigned. Temporary Part-time employees are not eligible for participation in any benefit program established by the City, except as required by State or Federal law or as otherwise expressly provide for in this Manual.

CHAPTER 4 - LEAVE OF ABSENCE

SECTION 4.1 GENERAL INFORMATION

Generally, but not always, leaves of absences are unpaid. Employees have certain rights to substitute accrued paid leave for unpaid leave.

The City will continue to pay the City-sponsored premium portion of the employee health/medical benefits as required by law.

For more detailed information regarding the types of leave, eligibility for leave, payment for leave, and the length of leave normally authorized, see the individual descriptions of each type of leave that follows.

SECTION 4.2 VACATION

All full-time employees accrue vacation time as defined below. All regular part-time employees will accrue vacation hours at one-half (1/2) the rates below. Temporary part-time employees do not accrue vacation.

4.2.1 Amount of Vacation

a. Fifty-nine (59) or fewer months of continuous service: Each employee working in continuous service of fifty-nine (59) or fewer months shall earn 80 hours of paid vacation per year. Vacation shall be earned on a prorated basis for time worked, and employees earn vacation leave accruals on per pay-period basis.

b. Sixty (60) to one hundred twenty (120) months of continuous service: Each employee working in continuous service for sixty (60) to one hundred nineteen (119) months shall earn 120 hours of paid vacation per year. Vacation shall be earned on a prorated basis for time worked, and employees earn vacation leave accruals on per pay-period basis. Additionally, an employee shall receive a one-time credit of forty (40) hours of vacation to their vacation leave accrual balance on the pay-period immediately following the start of their sixtieth month of continuous service.

c. One hundred twenty (120) or more months of continuous service: Each employee working in continuous service for one hundred twenty (120) months or more shall earn 160 hours of paid vacation per year. Vacation shall be earned on a prorated basis for time worked, and employees earn vacation leave accruals on per pay-period basis. Additionally, an employee shall receive a one-time credit of forty (40) hours of vacation to their vacation leave accrual balance on the pay-period immediately following the start of their one hundred twentieth (120) month of continuous service.

To attract and retain experienced at-will management employees and reflect their accruals for other comparable years of experience in a managerial at-will position, the City Manager may authorize an experienced at-will management employee to accrue paid vacation at a higher rate than what applies to other newly-hired employees at the time the at-will management employee is hired or at the time of their performance evaluation via a Personnel Action Form (PAF). However, the rate of accrual for newly-hired at-will management employees shall not exceed what is provided to employees with one hundred twenty (120) or more months of continuous service.

4.2.2 Use of Vacation

- a. Employees shall be eligible to use vacation as it is accrued. Employees are not eligible to advance vacation time to use vacation leave before it is accrued.
- b. Employees shall request use of vacation at least fourteen (14) days in advance. Requests that are less than fourteen (14) days in advance will only be considered on a case-by-case basis, and in emergency situations.
- c. All requests for use of vacation must be approved by the employee's supervisor and the relevant Department Head.
- d. Upon termination of employment, employees shall be compensated for accrued unused vacation at their then current pay rate.
- e. The City 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.

4.2.3 Vacation Sell-Back

- a. Employees who have been employed with the City of Eastvale for a minimum of one (1) year and have used a minimum of forty (40) hours of vacation or management leave during the pertinent calendar year, may elect to sell-back accrued, but unused, vacation hours. An employee may request to sell-back a minimum of ten (10) hours, up to a maximum of forty (40) hours, not more than two (2) times in a calendar year. An employee may not sell-back more than eighty (80) accrued unused vacation hours in any calendar year. To sell vacation hours, an employee must have a minimum remaining balance of forty (40) hours of vacation leave accrual after the sale of said vacation hours. The employee will be compensated for such vacation sell-back hours at the salary rate in effect for that employee at the time the hours are paid.
- b. Vacation accruals for which the employee receives compensation will be deducted from the employee's accumulated total.
- c. Any employee who has been given a disciplinary reduction in pay, disciplinary demotion, or suspension, shall be excluded from the use of this provision for sixty (60) calendar days from the date of the implementation of the disciplinary action.
- d. An employee desiring to sell back vacation hours under this section, must make a written request to the City Manager for approval. All vacation sell back requests will be processed in the payroll cycle following the date the request was approved whenever possible, or the following payroll cycle.
- e. The City Manager reserves discretion to inactivate this provision based on the City's financial ability to pay.

SECTION 4.3 SICK LEAVE

4.3.1 Sick Leave Accruals

a. All full-time employees will accrue paid sick leave at the rate of 90 hours for each 12 months of the employee's active service. Full time employees are credited 3.46 hours towards their sick leave per pay period. 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. An employee who reaches the maximum accumulation shall cease accruing sick leave until his/her balance is under the maximum accumulation. 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 California Public Employees' Retirement System (CalPERS). If sick time is not converted to years of service, it is forfeited.

b. All regular and probationary part-time employees will accrue paid sick leave at the rate of 45 hours for each 12 months of the employee's active service. Regular and probationary part-time employees are credited 1.73 hours towards their sick leave per pay period. 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 225 hours. An employee who reaches the maximum accumulation shall cease accruing sick leave until his/her balance is under the maximum accumulation. Upon termination for any cause other than retirement, sick leave time is forfeited. However, if the City rehires an employee within twelve (12) months of termination, the employee shall receive a credit for accrued unused sick leave that the employee had at termination. If an employee retires from City service, sick time may be converted to years of service as regulated by the California Public Employees' Retirement System (CalPERS). If sick time is not converted to years of service, it is forfeited.

c. All temporary part-time employees who work 30 or more days within a year shall receive 40 hours of sick leave in their sick leave bank immediately upon commencement of employment. Employees who qualify for sick leave under this subsection are entitled to use accrued sick days beginning on the 90th day of employment. Unused sick leave at the end of the calendar year may not be carried forward and sick leave may not be cashed out. Thereafter, at the beginning of each subsequent calendar year, the employee shall begin the year with 40 hours of leave time in their sick leave bank.

4.3.2 Sick Leave Usage

The following are permitted uses of sick leave:

a. Diagnosis, care, or treatment of an existing health condition of an employee or a member of the employee's Immediate Family. For the purposes of this section, Immediate Family member means any of the following: A child, a parent, a spouse, a registered domestic partner, a grandparent, a grandchild, a sibling, or a designated person.

b. Preventative care for an employee or an employee's Immediate Family member.

c. For employees who are victims of a qualifying act of violence, as that term is defined under Government Code section 12945.8, leave taken for the purposes described in Government Code section 12945.8.

Sick leave may be used upon an employee's oral or written request. If the need for paid sick leave is foreseeable, an employee must provide "reasonable" advance notice. If not, the employee must provide notice to their supervisor "as soon as practicable" or within one-half (1/2) hour of the beginning of their work shift of each sick day, or prior to leaving the worksite when becoming ill during the work shift. Failure to provide notice in accordance with this policy may be cause for disciplinary action. Eligibility of sick leave usage shall commence when accrued. Observed holidays occurring during sick leave shall not be counted as days of sick leave.

Vacation leave may not be used in lieu of paid sick leave unless employee's sick leave accrual has been exhausted, and the employee receives approval from their supervisor.

4.3.3 Annual Sick Leave Buy-Back

Employees may receive compensation for unused sick leave, per calendar year as follows:

a. Full-time employees and regular part time employees may be eligible to sell back accrued sick leave provided that they, following any sale of such hours to the City, maintain a minimum of forty-eight (48) hours of accrued unused sick leave.

b. A full time or regular part time employee desiring to sell back accrued sick leave to the City must make a written request to the City Manager for approval during the first two weeks of January each calendar year.

c. Compensation for unused accumulated sick leave, processed under this section, will only be paid the second pay period in February of each year at the employee's current rate of pay, based on a buy-back rate of 50% for each hour that the City buys back. (e.g., 40 hours of sick leave sold back to the City will be cashed out at 20 hours.)

d. The City Manager reserves discretion to inactivate this provision based on the City's financial ability to pay.

e. Employees are not eligible to sell-back accrued unused sick leave under this section upon termination of employment, which includes disciplinary termination, resignation, retirement, layoff, "at-will" or probationary separation.

SECTION 4.4 FAMILY CARE AND MEDICAL LEAVE; PREGNANCY DISABILITY LEAVE; MILITARY FAMILY LEAVE

The City provides employees with family care and medical leave, pregnancy disability leave, and military family leave. Information about these leaves is set forth in a separate administrative policy.

SECTION 4.5 CIVIL AIR PATROL LEAVE

The City will provide employees with leave as required by the Civil Air Patrol Employment Protection Act. Employees who are also volunteer members of the Civil Air Patrol are annually entitled to up to 10 days of leave for Civil Air Patrol duty to respond to an emergency operation mission. The employee must have been a City employee for at least 90 days before the beginning of leave. Generally, leave for a single emergency cannot exceed 3 days. Leave is unpaid. Employees may use available vacation leave. The employee must provide written certification of the need for leave from the proper Civil Air Patrol.

SECTION 4.6 CRIME VICTIMS' LEAVE

Employees are allowed time off from work to attend judicial proceedings related to a violent felony, serious felony, or felony theft or felony embezzlement (as defined in Labor Code 230.2), if the employee, an immediate family member (which includes spouse, child, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father, or stepfather) of the employee, registered domestic partner of the employee, or the child of a registered domestic partner is a crime victim. The employee can use available sick leave, compensatory time off, or vacation leave for crime victims' leave.

SECTION 4.7 VICTIMS OF DOMESTIC VIOLENCE OR SEXUAL ASSAULT

Employees who are the victims of domestic violence or sexual assault can take time off, as required by law, to obtain relief, such as a temporary restraining order, a restraining order, or other court-ordered relief, to help ensure the safety of the victim or the victim's child. Employees can use available vacation time or compensatory time off for this type of leave.

Unless not feasible, employees are expected to provide reasonable advanced notice of the need for leave and to supply documentation supporting the leave request.

SECTION 4.8 MILITARY LEAVE

Military Leave will be provided in accordance with state and federal law. All employees must notify their department head as soon as practicable of their need for military leave. When possible, the employee must also present a copy of their military orders prior to taking military leave. The department head must immediately notify the Human Resources and Risk Management Director about the employee's need for military leave.

SECTION 4.9 ORGAN AND BONE MARROW DONATION LEAVE

Employees who are donating an organ are entitled to up to 30 business days of paid leave in a one (1) -year period. Employees who are donating bone marrow are entitled to five (5) business days of paid leave in a one (1) -year period. Group health insurance is maintained during the leave period.

For leave under this section, a year is measured as 12 consecutive months from the date leave begins. These leaves do not run concurrently with CFRA leave. Eligible employees are those employees who have been employed by the City for least a 90-day period before the leave begins. Employees who take bone marrow donation leave must take up to five (5) days of accrued sick leave or vacation time. Employees who take organ donor leave may take up to two (2) weeks of accrued sick leave or vacation time. Prior to taking a leave under this section, an employee shall provide a written verification to the City that the employee is an organ or bone marrow donor and that there is a medical necessity for the leave.

SECTION 4.10 SCHOOL ACTIVITIES/SCHOOL APPEARANCE LEAVE

The City will grant a leave of absence to an employee who is the parent, guardian, or grandparent of a child, in accordance with the following provisions.

- a. Permissible Purposes:

(i) To participate in the activities of the child's primary or secondary school or licensed childcare provider;

(ii) To find, or to enroll, or reenroll the child in, a primary or secondary school or licensed childcare provider.

(iii) To address an emergency, such as:

(A) A request from childcare provider or school that the child be picked up.

(B) A provision in the attendance policy for the childcare provider or school, other than a planned holiday, that prohibits the child from attending.

(C) Closure or unexpected unavailability of the childcare provider or school, other than during planned holidays.

(D) A natural disaster, including, but not limited to, fire, earthquake, or flood.

(iv) To appear at the school of a suspended child pursuant to a request made by the child's school under California Education Code section 48900.1.

b. An employee may take up to 40 hours of leave per calendar year, but no more than eight hours in one calendar month. However, no limit shall be placed on the amount of leave taken under Section 4.10(a)(iv). If more than one City employee requests leave in connection with the same child, only the first employee to provide notice is entitled to receive leave. The second employee may also be permitted to take a simultaneous leave of absence if the second employee obtains written supervisory approval. The amount of leave available is fixed at a maximum of 40 hours per calendar year, regardless of the number of children, grandchildren, or wards that an employee may have.

c. An employee must provide reasonable advance notice of the need for leave and must make all reasonable efforts to schedule the leave so as not to unduly disrupt the operations of the City. If an emergency makes such notice impossible, the employee shall notify the employee's Department Head as soon as possible. Employees returning from leave are required to provide written verification from the school or childcare provider of the employee's need for leave at the specific time and date. If an employee fails to provide sufficient verification, the City may determine that the leave time was unauthorized.

d. Leave under this section is unpaid. However, an employee may choose to use any accrued vacation time when taking leave under this section.

SECTION 4.11 VOLUNTEER FIREFIGHTERS, RESERVE PEACE OFFICERS, AND EMERGENCY RESCUE PERSONNEL LEAVE

No employee shall be disciplined for taking time off to perform emergency duty as a volunteer firefighter, reserve peace officer, or emergency rescue personnel. If an employee is an official volunteer firefighter, reserve peace officer, or emergency rescue personnel, the employee shall alert their supervisor about the potential to take time off for emergency duty. When taking time off for emergency duty, the employee is required to alert their supervisor before doing so when

possible. Further, employees are entitled to take a leave of up to fourteen (14) days per calendar year for fire or law enforcement training. Employees may use their accrued vacation leave or take unpaid leave time.

SECTION 4.12 VOTING LEAVE

Employees of the City are expected to vote prior to or following their assigned working hours. If an employee does not have sufficient time outside regular working hours to vote at statewide elections, the employee may take off such working time as will enable the employee to vote. A maximum of two hours may be taken with pay. To receive time off for voting, the employee must notify the employee's Department Head in advance. Employees who need Voting Leave, must take such leave at the beginning or end of the employee's work shift, based on the needs of the Department and the employee's schedule. The exact amount of time off work and the scheduling of time off shall be decided between the employee and the employee's Department Head. Employees who use Voting Leave are required to present a voter's receipt to their Department Heads.

SECTION 4.13 PERSONAL LEAVE OF ABSENCE WITHOUT PAY

4.13.1 Request for Leave.

Upon the request of the employee, a leave of absence without pay may be granted by the City Manager to an employee.

a. An employee shall not be entitled to a leave of absence under this section as a matter of right, but only upon good and sufficient reason.

b. Request for leave of absence without pay shall be made in writing to Human Resources and Risk Management, and shall state specifically the reason for the request, the date when it is desired to begin the leave, and the probable date of return. Human Resources and Risk Management will transmit the request to the City Manager. In evaluating the leave request, the City Manager may request further reasonable documentation in support of the employee's request for a leave of absence without pay, including confirmation that the employee is reasonably expected to return to work with the City upon conclusion of the authorized leave period, in accordance with applicable laws.

c. **Mandatory Exhaustion of Paid Leaves.** If an employee is requesting a leave of absence for medical reasons, the employee is required to first fully exhaust all of employee's paid leaves to be eligible to receive a leave of absence without pay. If an employee is requesting a leave of absence for non-medical personal reasons, the employee is required to fully exhaust all of the employee's paid leaves, except sick leave, in order to be eligible to receive a leave of absence without pay.

d. **Authority to Grant a Leave of Absence Without Pay.** The City Manager may grant an employee a leave of absence without pay for a period not to exceed six months. After three months, the leave of absence may be extended if so authorized by the City Manager. Extensions of leaves of absence will not be granted unless, in the judgment of the City Manager, the City would not experience undue hardship from the employee's continued absence, or the particular circumstances would otherwise justify the extension. The approval or rejection of the City Manager will be in writing, final, and not subject to any appeal.

e. Return to Work. Upon expiration of a regularly approved leave, the employee will be reinstated in the position held at the time leave was granted, provided such position continues to exist. An employee on leave who fails to report to duty promptly at its expiration will be subject to disciplinary action for being on an unauthorized absence and may trigger Job Abandonment provisions under Section 7.3.

4.13.2 Conditions of Leave.

A leave of absence without pay granted by the City Manager shall not be construed as a break in continuous service or employment, and rights accrued at the time leave is granted shall be retained by the employee. A person granted such leave shall not accrue any paid leaves of absence (vacation, sick leave), shall not receive increases in salary and other similar benefits, and shall not be eligible to receive cafeteria contributions and reimbursements during the period of absence, unless required by law. An employee reinstated after leave of absence without pay shall receive the same step in the salary range he/she received when he began his/her leave of absence. Time spent on such leave without pay shall not count toward service for increases within the salary range, and the employee's salary anniversary date shall be set forward one month for each thirty (30) consecutive days taken.

SECTION 4.14 JURY DUTY OR WITNESS APPEARANCE LEAVE

Every employee of the City who is called to jury duty will be granted leave to perform the same. Upon receipt of a jury duty summons, employees must promptly notify their supervisor and provide a copy of the notice to their supervisor or department head. Further, an employee who is ordered or subpoenaed to appear as a witness in any judicial proceeding during their normally scheduled work hours will be given leave to fulfill their obligation. An Employee requesting leave to appear as a witness pursuant to an order or subpoena must provide verification of their witness obligation to their supervisor or department head. The City may require any employee on leave under this section to report to duty during regularly scheduled work hours if such scheduled work hours are outside of two hours of the employee's required jury duty service or subpoena to appear as a witness.

Any regular full-time employee or regular part-time employee, 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 up to forty (40) days of their base pay while performing services as a juror or a witness for the duration of such service; provided that any such employee shall be required to pay over to the City any amount he/she receives for jury fees, exclusive of approved travel and subsistence.

SECTION 4.15 EXECUTIVE AND MANAGEMENT LEAVE

At-will executive and management employees, as shown on the City's approved Salary Schedule, and as detailed in the attached appendix "A", are authorized a paid leave (time off with pay) each calendar year. At-will executive employees will receive one-hundred (100) hours of paid leave per calendar year, and at-will management employees will receive eighty (80) hours of paid leave per calendar year. Such employees shall receive paid leave according to the following schedule:

a. During first calendar year as an at-will executive or management employee: At-will executive employees shall be credited twenty-five (25) hours at the beginning of each calendar quarter beginning with the employee's date of hire as an at-will executive employee until the end of the same calendar year. At-will management employees shall be credited twenty (20) hours

at the beginning of each calendar quarter beginning with the employee's date of hire as an at-will management employee until the end of the same calendar year.

b. During the second calendar year, at will executive and management employees shall be credited leave according to the following schedules:

(i) At-will Executive Employees:

(A) January 1 until the end of the quarter encompassing the employee's anniversary date as an at-will executive employee: the at-will executive employee shall be credited twenty-five (25) hours for each calendar quarter starting with January 1 until the end of the quarter encompassing the employee's anniversary date as an at-will executive employee.

(B) quarter following the quarter encompassing the employee's anniversary date as an at-will executive employee until the end of the second calendar year: the at-will executive employee shall be credited the remaining leave amount for the second calendar year as a lump sum credit.

(ii) At-will Management Employees:

(A) January 1 until the end of the quarter encompassing the employee's anniversary date as an at-will management employee: the at-will management employee shall be credited twenty (20) hours for each calendar quarter starting with January 1 until the end of the quarter encompassing the employee's anniversary date as an at-will management employee.

(B) quarter following the quarter encompassing the employee's anniversary date as an at-will management employee until the end of the second calendar year : the at-will management employee shall be credited the remaining management leave amount for the second calendar year as a lump sum credit.

c. During the third calendar year and each subsequent calendar year thereafter as an at-will executive or management employee: : At-will executive employees shall be credited their annual one-hundred (100) hours of leave on January 1. At-will management employees shall be credited their annual eighty (80) hours of management leave on January 1.

Leave hours provided under this section 4.15 not used within the calendar year in which they are credited are forfeited and not subject to cash out. At-will executive and management employees shall receive cash out of any unused accrued management leave at termination of employment.

SECTION 4.16 BEREAVEMENT LEAVE

An Employee is eligible to receive leave under this section if the employee has been employed by the City for at least thirty days prior to commencement of leave. If an employee loses an immediate family member, as defined in this section below, the employee will be allowed paid time off of up to five (5) days. Leave days under this section need not be consecutive, but shall be completed within three months of the date of death of the immediate family member.

For the purposes of this section, an immediate family member means: a spouse, domestic partner, child, parent, sibling, grandparent, grandchild, parent-in-law, or foster children or legal wards and legal guardians. An employee must inform the employee's supervisor prior to commencing

bereavement leave. In administering this section, the City may require verification of death within 30 days of the first day of the leave. Any documentation provided by the employee to support leave under this section shall be maintained as confidential.

SECTION 4.17 REPRODUCTIVE LOSS LEAVE

Upon completion of thirty (30) days of employment with the City, an employee shall be eligible to receive reproductive loss leave as provided in this section.

a. Definitions applicable to this section.

(i) Reproductive loss event: means the day or, for a multiple-day event, the final day of a failed adoption, failed surrogacy, miscarriage, stillbirth, or an unsuccessful assisted reproduction.

(ii) Failed adoption: means the dissolution or breach of an adoption agreement with the birth mother or legal guardian, or an adoption that is not finalized because it is contested by another party. This event applies to any person who would have been the parent if the adoption was completed.

(iii) Failed surrogacy: means the dissolution or breach of a surrogacy agreement, or a failed embryo transfer to the surrogate. This event applies to any person who would have been the parent if the child was born as a result of the surrogacy.

(iv) Miscarriage: means a miscarriage by a person, by the person's current spouse or domestic partner, or by another individual if the person would have been a parent of a child born as a result of the pregnancy.

(v) Stillbirth: means a stillbirth resulting from a person's pregnancy, the pregnancy of a person's current spouse or domestic partner, or another individual, if the person would have been a parent of a child born as a result of the pregnancy that ended in stillbirth.

(vi) Unsuccessful assisted reproduction: means an unsuccessful round of intrauterine insemination or of an assisted reproductive technology procedure. This event applies to a person, the person's current spouse or domestic partner, or another individual, if the person would have been a parent of a child born as a result of the pregnancy.

b. Leave Entitlement. An employee may receive up to five (5) days of unpaid leave under this section following a reproductive loss event. If an employee experiences more than one reproductive loss event within a twelve (12)-month period, the City may grant additional reproductive loss leave, under this section, up to twenty (20) days within a twelve (12) month period. An employee may use leave entitlement under this section nonconsecutively. Except as otherwise provided in subsection 3 "Impact of Other Leave" below, leave under this section shall be completed within three (3) months of the reproductive loss event.

c. Impact of Other Leave. If prior to or immediately following a reproductive loss event, an employee is on or chooses to go on leave under section 4.4, or any other leave entitlement under state or federal law, the employee shall complete leave under this section within three (3) months of the end date of the other leave.

d. **Use of Accrued Paid Leave.** An employee may use vacation leave, sick leave, or other leave that is otherwise available to the employee to receive compensation while on leave under this section.

e. **Nonretaliation; Noninterference.** The City will not retaliate against an employee, including imposing any disciplinary action, because of the employee's exercise of the right for leave under this section or an employee giving information or testimony as to their own reproductive loss leave, or another person's reproductive loss leave. Further, the City will not interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right provided under this section.

f. **Confidentiality Provision.** The City will maintain the confidentiality of any employee requesting leave under this section. Any information provided to the City pursuant to this section will be maintained as confidential and will not be disclosed except, as necessary, to internal personnel, legal counsel, or as may otherwise be required by law.

SECTION 4.18 INDUSTRIAL ILLNESS AND/OR INJURY LEAVE

4.18.1 Industrial Illness/Injury Leave.

The City will grant a leave of absence to any employee who is unable to work due to an industrial illness/injury.

a. **Duration.** Leave duration under this section shall continue until: a) the City determines that the employee is released to return to work by the employee's health care provider without restrictions; b) the employee's health care provider releases employee to work with restrictions, and the City determines that it has a reasonable accommodation for the restrictions; or c) the City receives evidence, which the City deems satisfactory, from the employee's health care provider that the employee is unable to return with or without restrictions. The City may also terminate a leave of absence under this section if the employee retires from City employment or the employee fails to cooperate in good faith in the interactive process with the City to determine whether reasonable accommodation is available to return to work.

b. **Coordination.** If leave under this section is also designated as FMLA/CFRA leave of absence, the employee may coordinate any unused accumulated sick and vacation hours with any workers' compensation insurance, long term disability, and any other wage replacement benefits, up to an amount equal to the employee's regular salary. Employee taking leave under this section that is not designated as FMLA/CFRA, shall coordinate unused accumulated sick hours with workers' compensation insurance, long term disability, and any other benefits provided to the employee, up to an amount equal to the employee's regular salary.

SECTION 4.19 FITNESS FOR DUTY LEAVE AND EXAMINATION

Employees are expected to report to work fit for duty, which means able to perform their job duties in a safe, appropriate, and effective manner, free from adverse effects of physical, mental, emotional, and/or personal issues. This section is intended to provide a safe environment and protect the health and welfare of employees and the public. If an employee feels that the employee is not fit to perform the employee's duties, the employee must notify the employee's supervisor immediately.

a. Reasons for Fitness for Duty Leave. In the discretion of the City, an employee may be placed on a paid Fitness for Duty Leave and/or ordered to participate in a fitness for duty examination in any of the following situations:

(i) An employee returns from a medical leave of absence of more than five working days.

(ii) An employee is involved in the interactive process with the City to determine whether there is a reasonable accommodation for the employee's medical or mental condition.

(iii) Supervisor observes or receives a reliable report of an employee's possible lack of fitness for duty. Observations and reports may be based on, but are not limited to, employee's own self-report of potential unfitness, dexterity, coordination, alertness, speech, vision acuity, concentration, disproportionate response to criticism, and inappropriate or uncharacteristic interactions with the public, co-workers, and supervisors.

(iv) Fitness for duty examinations based on a reasonable suspicion that an employee is under the influence of impairing drugs or alcohol shall be conducted in accordance with the City's Alcohol and Drug Policy.

b. Procedures for Ordering a Fitness for Duty Examination. When a Supervisor becomes aware of or observes behavior that makes the Supervisor reasonably suspect that the employee may not be fit for duty, the Supervisor, shall refer the employee to Human Resources and Risk Management who will determine if a fitness for duty examination is appropriate, and, if so, will schedule the employee for a fitness for duty examination. If the circumstances warrant it, the Department Head may place the employee on paid leave pending the results of the employee's fitness for duty examination. The examination shall be paid for by the City.

c. Procedure Following Receipt of Examination Results. The doctor examining the employee shall be limited to finding the employee "fit for duty" or "fit for duty with restrictions" or "unfit for duty." In the case of finding an employee fit for duty, the doctor may issue work restrictions. In no case shall the doctor reveal the underlying cause of the fitness or unfitness for duty without the employee's permission.

(i) Fit for Duty. If the doctor finds the employee is fit for duty, the employee shall return to work immediately and perform all duties of the employee's position.

(ii) Fit for Duty with Restrictions. If the doctor finds the employee is fit for duty with restrictions, the doctor shall specifically enumerate what restrictions are necessary and for how long those restrictions are necessary. The City shall then evaluate those restrictions, and determine if the City can reasonably accommodate those restrictions. If the employee's restrictions are based on a disability as defined by the ADA and/or FEHA, the City shall engage in the interactive process as required by law.

(iii) Unfit for Duty. If the employee is found to be unfit for duty, the employee shall not be permitted to work. The employee may request a leave of absence in accordance with the appropriate applicable provision(s) of this Manual. If the employee can provide certification of fitness for duty prior to the exhaustion of all paid and unpaid leave that the employee is entitled to under this Manual, the employee shall be returned to work. However, if such certification is from the employee's own health care provider, the City may request a second opinion from a

doctor of its choosing and at its cost to evaluate the employee under the requirements of this section. If the two certifications conflict, a third opinion will be sought from a doctor chosen by the City and the employee, at the expense of the City. The opinion of fit or unfit rendered by the third doctor shall be binding. If the employee's restrictions are based on a disability as defined by the ADA and/or FEHA, the City shall engage in the interactive process as required by law.

CHAPTER 5 – EMPLOYEE CONDUCT, DISCIPLINE AND DISCIPLINARY APPEALS

SECTION 5.1 GENERAL POLICY STATEMENT

Regular full-time and regular part-time employees in the classified service of the City may not be suspended, demoted, dismissed, or reduced in pay for disciplinary reasons, without just cause. This Chapter 5 of this Manual does not apply to probationary employees, “at-will” employees, and temporary part-time employees.

Discipline may be necessary when this Manual or standalone City policies are violated, or City expectations are not met, including an employee’s failure to satisfactorily perform assigned job duties. The causes for disciplinary action against an employee may include, but are not limited to, the following:

SECTION 5.2 TYPES OF DISCIPLINARY ACTIONS

While the City maintains a progressive disciplinary system, the City may impose discipline at any level that is appropriate for the employee’s action up to and including termination.

5.2.1 Verbal Reprimand.

An employee may be verbally reprimanded about his/her inappropriate behavior. The supervisor may 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 may be made in a subsequent written reprimand or performance evaluation. The procedures in Sections 5.6 and 5.7 are inapplicable to verbal reprimands. Verbal reprimands are not subject to any employee appeal or grievance.

5.2.2 Written Reprimand.

An employee may 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. The written reprimand may include details about 1) the date and time of the conduct underlying the reprimand, 2) what occurred and/or the nature of the violation, and 3) what the employee must do to correct the situation. The written reprimand must be signed by the employee and the employee’s supervisor or department head and then filed with Human Resources and Risk Management. If the employee refuses to sign the written reprimand, their refusal must be noted on the written reprimand. Once issued, the employee will receive one copy of the fully executed written reprimand and a second copy will be placed in the employee’s personnel file. The procedures in Sections 5.6 and 5.7 are inapplicable to written reprimands. Written reprimands are not subject to any employee appeal or grievance.

5.2.3 Suspension.

An employee may be suspended without pay for disciplinary reasons.

5.2.4 Disciplinary Reduction in Pay.

An employee’s pay rate within their pay range and class may be reduced for disciplinary reasons.

5.2.5 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 for disciplinary reasons. The demotion may be permanent or temporary.

5.2.6 Dismissal.

An employee may be dismissed from City service for disciplinary reasons.

SECTION 5.3 GROUNDS FOR DISCIPLINARY ACTION

Discipline will not be imposed except upon a showing of just cause, which may include, but shall not be limited to the following:

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; unsatisfactory, inefficient, or careless work; the inability or refusal to improve work performance in accordance with written or verbal direction after a reasonable time period.
3. Neglect of Duty. Failure to perform one or more essential duties required of the employee's position; unauthorized sleeping while on duty; intentional, negligent or reckless behavior resulting in spoilage or waste of City property; sabotage of City property, equipment, vehicles or work product; failing to take reasonable action while on duty or when required by law.
4. Poor performance. Substandard job performance.
5. Inability to maintain qualification. failure of an employee to maintain minimum job qualifications.
6. Insubordination. Willful failure to conform to a supervisor's legitimate requests and directions; refusing to comply with reasonable work assignments made by a supervisor.
7. Alcohol or Drug Use. Any violation of the City's Drug- and Alcohol-Free Workplace Policy.
8. Absence Without Leave. Being away from work during assigned duty hours without permission, tardiness, failure to return from leave, and/or improper use of leave.
9. Discourteous Treatment of Others. Disparaging remarks that discredit a co- worker or disrupt or subvert the good order, efficiency and discipline of the City or any department thereof; engaging in gossip or rumor mongering or other behavior which creates discord and disharmony in the workplace; engaging in bullying behavior; general discourteous, uncooperative, or offensive treatment of employees, contractors, the public or others doing business with the City.

10. Conduct that is Unbecoming a City Employee. Conduct which tends to discredit the City, whether on duty, off-duty in uniform or on City property.
11. Improper or Unauthorized Use of City Property. Using City telephone, or computer equipment for personal use or gain; using City equipment or City vehicles for personal use or gain; unauthorized possession of, loss of, or damage to any City property; theft or removal of any City property; violating the California Vehicle Code while operating a City vehicle; operating City vehicles or equipment or privately-owned vehicles on City business without a current driver's license; involvement in preventable traffic accident while on duty.
12. Conflict of Interest/Employment/Activity/Enterprise. Outside employment, activity or enterprise not authorized by the City Manager.
13. Gifts. Acceptance of any 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, in violation of applicable laws, regulations and/or policies.
14. Falsifying Records. Falsifying, modifying, or altering City reports or records, including timesheets, or making misleading entries or statements, or failing to disclose material facts, or destroying or mutilating any City record or other document.
15. Dishonesty. The lack of honesty, deceit, and willful misrepresentation of facts.
16. Unethical Behavior. Failure of any employee to report any activities on his/her part where such activities may result in criminal prosecution or result in discipline under this policy; failure of any employee to report official contacts by any law enforcement agency; concealing or attempting to conceal defective work; the exercise of authority for any improper purpose; making false, misleading or malicious statements to a supervisor or which harm or destroy the reputation, authority or official standing of a co-worker; using a badge, uniform, identification card or other City property for personal gain or other improper purpose; attempted or actual theft of City property or the property of others.
17. Discrimination and Harassment and/or Sexual Harassment. Discrimination or harassment in violation of the City's Policy Prohibiting Discrimination, Harassment, and Retaliation.
18. Safety. Violating safety rules; failing to wear required safety equipment; tampering with safety equipment; failing to report any on-the job or work-related accident or injury within 24 hours; engaging in reckless behavior that endangers self or safety or that of a co-worker or member of the public; threatening or engaging in acts of violence, engaging in horseplay, while on duty, or off-duty in uniform or on City property; unauthorized possession of a weapon, firearm or explosive while on duty, or off-duty in uniform or on City property, during working hours, or while acting in the capacity of a City employee; smoking/vaping/using e-cigarettes outside of designated smoking areas.

19. Security. Unauthorized access to confidential information or records; unauthorized release of confidential information or records; unauthorized access into secured City offices, City buildings, or both; providing unauthorized access into City offices or City buildings to third parties, whether co-workers or members of the public; negligently misplacing security access codes, keys, electronic keys or cards that provide access to secured City offices or City buildings; loitering on City property.
20. Convictions. The conviction of either a misdemeanor or a felony where the conviction has a nexus (as reasonably determined by the City in its sole discretion) with the employee's duties. The conviction shall be conclusive evidence of the misconduct having occurred for disciplinary purposes. A plea or verdict of guilty, or a conviction showing a plea of Nolo Contendere is deemed to be a conviction for disciplinary purposes.
21. Threats. Threatening, intimidating or coercing co-workers or members of the public while on duty, or while off-duty in uniform or on City property.
22. Interference. Interfering with investigations conducted by the City, its management or designated agents of the City.
23. Obscene Language. Obscene or abusive language toward a co-worker, a member of the public, or other person while on duty, or while off-duty in uniform or on City property.
24. Supervisor Obligations. Failure of a supervisor to ensure that subordinates comply with the written rules, regulations, policies and procedures of the City or any department thereof; failure of a supervisor to report misconduct of a subordinate to his/her supervisor or to document such misconduct; discriminatory treatment of subordinates.
25. Gambling. Gambling on City property or during work hours.
26. Violation of Rules. Violation of this Manual or any of the City's policies, ordinances, and resolutions. This also includes violations of rules, regulations, or orders established by the employee's supervisor or department head.

SECTION 5.4 DISCIPLINING AUTHORITY

The employee's Department Head shall be the Disciplining Authority. For employees in the classified service who report directly to the City Manager, the City Manager shall be the Disciplining Authority.

The Disciplining Authority may issue proposed discipline, may serve as the Skelly Officer, and may impose discipline. The Disciplining Authority may not serve also serve as the Appeal Officer.

SECTION 5.5 MAJOR AND MINOR DISCIPLINE

5.5.1 Major Discipline.

Major discipline is defined to include dismissal, suspension of five (5) or more days, reduction in pay, or involuntary demotion.

5.5.2 Minor Discipline.

Minor discipline is defined to include verbal reprimand, written reprimand, and suspension of four (4) days or less.

SECTION 5.6 DISCIPLINARY PROCEDURES

5.6.1 For disciplinary action more severe than a written reprimand, the following procedures apply: Written Notice of Intent to Discipline (“Skelly Notice”).

When the Disciplining Authority determines that an employee has committed an act or omission that justifies discipline more severe than a written reprimand, the Disciplining Authority or his/her designee shall provide the employee with written notice of the proposed disciplinary action. Such notice shall include:

- a. A statement which clearly defines the intent to take action, the proposed action to be taken, and the proposed effective beginning and ending time of intended action.
- b. A statement of the specific grounds and particular facts upon which the proposed disciplinary action will be taken.
- c. A copy of all written materials, reports, or documents upon which the intended action is based.
- d. A statement that the employee will be afforded the right to respond to the Notice of Intent, either verbally, in writing, or both within five business days upon receipt of the intended disciplinary action, to the designated Skelly Officer.
- e. A statement that if the employee fails to respond in the time frame specified will constitute a waiver of the right to respond.
- f. If personally delivered, the employee’s signature on the Notice of Intent will acknowledge receipt of said notice by the employee. If the employee refuses to sign, it will be noted as such on the Notice of Intent. The signature documentation on the Notice of Intent will acknowledge that the employee received the Notice of Intent.

5.6.2 Employee Response/Pre-Disciplinary (“Skelly”) Conference.

Within five business days after the employee has been served with the Notice of Intent, the employee will have the right to respond, verbally or in writing, at the employee’s option, to the Skelly Officer. If, within the five business days response period, the employee does not provide a written or verbal response, the proposed action of the City will be considered conclusive and will take effect as set forth in the Notice of Intent. Prior to the expiration of the five business days, the response date may be adjusted by mutual agreement, but unreasonable delay will not be tolerated.

The employee’s response will be fully considered before the City issues any final notice of disciplinary action. During the Skelly Conference, the employee will be given a full opportunity to respond to the Notice of Intent. This is not intended to be an adversarial hearing. The employee will not be accorded the opportunity to cross-examine City witnesses, or to present a formal case in opposition to the proposed discipline.

Should the Skelly Officer determine that the employee's response warrants further investigation, the Skelly Officer may delay the implementation or modification of the proposed disciplinary action until such time as the further investigation is completed. In the event the investigation produces facts that warrant more severe disciplinary action than originally proposed, the Skelly Officer will re-implement the Written Notice of Intent to Discipline procedures, above.

5.6.3 Written Notice of Final Disciplinary Action.

The Skelly Officer has the authority, after considering the employee's response and additional investigation, if any, to modify, revoke, or impose the proposed disciplinary action.

If the Skelly Officer decides to modify the proposed action, the Skelly Officer will notify the employee by either issuing a revised Notice of Intent (for more severe disciplinary action than originally proposed) or a Notice of Imposition (for less severe disciplinary action than originally proposed). The Notice of Imposition will also include the effective date of any disciplinary action issued. The decision of the Skelly Officer is final and shall be imposed.

If the Skelly Officer decides to revoke the disciplinary action, the Skelly Officer will advise the employee in writing, and the original intent to impose disciplinary action will be discarded and no record made in the employee's personnel file. The decision of the Skelly Officer is final and shall be imposed.

If the Skelly Officer decides to implement the discipline as originally proposed in the Notice of Intent, the Skelly Officer will notify the employee in writing by providing him/her with a Notice of Imposition. The Notice of Imposition will also include the effective date of any disciplinary action issued. The decision of the Skelly Officer is final and shall be imposed.

The employee will be advised in writing of any right of appeal. The Notice of Imposition or other final decision of the Skelly Officer will be delivered to the employee in accordance with Section 5.10, and shall include the following details:

- a. The disciplinary action imposed;
- b. The grounds upon which the disciplinary action is based;
- c. The specific acts or omissions that constitute the basis for the disciplinary action;
- d. Notice of the employee's right to appeal the Department Head's decision to the City Manager, if identified as an appealable decision;
- e. Copies of all materials upon which the disciplinary action is based;
- f. Notice of the employee's right to review and copy anything contained in his or her personnel file;
- g. Where applicable, notice that failure to file an appeal within a specified time frame will constitute a waiver of the right to appeal.

SECTION 5.7 APPEAL PROCEDURES

5.7.1 Minor Discipline.

There is no appeal for minor discipline.

5.7.2 Major Discipline.

Any employee who has received a Notice of Decision imposing major discipline shall be entitled to request an evidentiary appeal of the imposition of discipline. Such appeal shall provide all rights afforded by due process under the law, including the employee's right to call witnesses, cross examine witnesses, and present evidence in support of the employee's appeal.

a. Request for Appeal Hearing. An employee wishing to appeal any major discipline shall have ten (10) calendar days after receipt of the Notice of Imposition to submit a written and signed request for appeal hearing. The employee's request for appeal must be addressed to the City Manager and shall identify the subject matter of the appeal, the grounds for the appeal, and the relief desired by the employee. All appeal hearings shall be conducted in private unless the employee requests a public hearing.

b. Scheduling of Appeal Hearing. The City Manager shall schedule the appeal hearing within a reasonable time after the designation of an Appeal Officer, considering the availability of the Appeal Officer, the employee, and any witnesses.

c. Appeal Officer.

(i) When a person other than the City Manager was the Disciplining Authority, the City Manager may choose to act as the Appeal Officer and conduct the hearing himself/herself and make the final decision.

(ii) When a person other than the City Manager was the Disciplining Authority, the City Manager may, at the City Manager's sole discretion, refer the hearing to an outside Appeal Officer, who will be selected by contacting the California State Mediation and Conciliation Service. The California State Mediation and Conciliation Service shall be requested to submit a list of seven persons qualified to act as an Appeal Officer to the City and the employee. Within ten days following receipt of the list of Appeal Officers, the parties shall meet to select the Appeal Officer. The parties shall alternately strike one name from the list of hearing officers (the right to strike the first name to be determined by lot) until one name remains, and that person shall be the Appeal Officer.

(iii) When the City Manager was the Disciplining Authority, the City Manager shall refer the hearing to an outside Appeal Officer by contacting the California State Mediation and Conciliation Service. The California State Mediation and Conciliation Service shall be requested to submit a list of seven persons qualified to act as Appeal Officers to the City and the employee. Within ten days following receipt of the list of Appeal Officers, the parties shall meet to select the Appeal Officer. The parties shall alternately strike one name from the list of Appeal Officers (the right to strike the first name to be determined by lot) until one name remains, and that person shall be the Appeal Officer. . .

d. Representation and Employee Appearance at Appeal Hearing. The employee is entitled to be represented by counsel or other representative at the appeal hearing. However, an

employee who requests an appeal hearing must be present during the appeal hearing. Failure to be present shall constitute a waiver of the employee's right to an appeal. Waiver will not occur if the employee can demonstrate good cause for his/her failure to be present within three (3) working days from the date the employee fails to appear.

e. Conduct of Appeal Hearing. The proceedings before the Appeal Officer shall be conducted as follows:

(i) All parties shall have the following rights:

1. To call and examine witnesses;
2. To introduce evidence;
3. To cross examine opposing witnesses on any matter relevant to the issue, even if the matter is not covered in the direct examination;
4. To impeach any witness regardless of which party first called him/her to testify;
5. To rebut the evidence against them; and
6. To present oral and written arguments

(ii) The City shall have the burden of proof at the appeal hearing and shall be required to prove the charges against the employee by a preponderance of the evidence.

(iii) The party imposing discipline shall be permitted to make an opening statement.

(iv) The appealing party shall then be permitted to make an opening statement.

(v) The party appealing from such disciplinary action may then open the appealing party's defense and offer evidence in support of the appealing party's position; the employee bears the burden of proof and the burden of producing evidence for any affirmative defenses asserted.

(vi) The parties may then, in order, respectively offer rebutting evidence only, unless the Appeal Officer for good reason, permits them to offer evidence upon their original case

(vii) Closing arguments shall be permitted at the discretion of the Appeal Officer; and Written briefs may be permitted at any point in the proceedings at the discretion of the Appeal Officer.

(viii) The appeal hearing shall not be conducted in accordance with the technical rules relating to evidence and witnesses, but shall be conducted in a manner most conducive to the determination of the truth. Any relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rules

(ix) which might make improper admission of such evidence over objection in a court of law. The Appeal Officer's decision shall not be invalidated by any informality in the proceedings.

(x) Hearsay evidence may be used for the purpose of explaining any direct evidence but shall not be sufficient in and of itself to support a finding, unless it would be admissible over objections in civil actions.

(xi) The Appeal Officer shall not take testimony from one (1) party outside the presence of the other.

(xii) The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions.

(xiii) Irrelevant evidence and unduly repetitious evidence shall be excluded.

(xiv) The Appeal Officer shall determine the relevancy, weight, and credibility of testimony and evidence.

(xv) The Appeal Officer shall have the power to exclude any witnesses.

f. Appeal Officer's Decision. Within thirty (30) days after the close of the hearing, a written statement of decision, containing findings of fact, shall be issued by the Appeal Officer. The Appeal Officer shall have the authority to recommend affirming, revoking, or reducing the Disciplinary Action imposed against the employee. The Appeal Officer may not provide for discipline more stringent than that imposed by the City. The Appeal Officer shall present their advisory opinion to the City Manager, the City Manager shall have an additional fifteen (15) days to consider the advisory opinion and any written objections to the advisory opinion filed by the parties before the City Manager must issue a final decision. The parties shall have seven (7) days from the date the advisory opinion is issued to file written objections with the City Manager.

The City Manager's decision constitutes a final and binding resolution of any Disciplinary Action, and no further appeal shall be permitted within the City's administrative process. A copy of the City Manager's final decision shall be provided to the employee.

In cases where the City Manager was the Disciplining Authority, The Appeal shall provide advisory decision to the City Council, who will then make their final decision to ratify or modify the Appeal Officer's decision at their next regularly scheduled City Council meeting. City Council's decision shall be final and binding on the parties.

Notwithstanding the above, the Appeal Officer shall not have binding authority to add, modify, or subtract from the Personnel Policies and Procedures Manual, or any resolutions, ordinances, or policies adopted by the City. Further, the Appeal Officer shall not have the authority or power to render a binding decision that requires the City to expend additional funds, to hire additional personnel, to buy additional equipment or supplies, or to pay wages or benefits not specifically provided for in the Personnel Rules, or any resolutions, ordinances, or policies adopted by the City. The Appeal Officer shall not have the authority to require the City to perform any other action that would violate state or federal laws.

SECTION 5.8 PLACEMENT ON PAID ADMINISTRATIVE LEAVE PENDING DETERMINATION OF DISCIPLINARY ACTION

An employee may be placed on an Administrative Leave with Pay to allow the City time to investigate potential allegations of misconduct, while the Disciplinary Action is in process, or when the City Manager determines that it is in the best interest of the City. The employee must be

available by telephone during his/her normal working hours and able to report to the City within sixty (60) minutes if directed to do so. The employee may also be required to provide an email address that may be used for written communications. When an employee is placed on Administrative Leave with Pay during an investigation, the City may direct him/her to not discuss the alleged violation or the Disciplinary Action with anyone, except a representative of his/her choice. Failure to remain available as provided in this section will be a separate and independent ground for Disciplinary Action, unless the employee has requested and received authorization to use vacation, sick, or other leave time for the time in question. This section is not intended to prevent the employee from communicating with his/her representative of choice, including legal counsel.

SECTION 5.9 TIME EXTENSIONS

Any time limitations or requirements as set forth under this Chapter may be extended or changed by mutual written agreement of the parties.

SECTION 5.10 DELIVERY OF NOTICES

When notice is required under this Chapter, the notice shall be given to the affected employee either by delivery of the notice to the employee in person; or if the employee is not available for personal delivery, by sending by overnight delivery, or by placing the notice in the United States mail, first Class, postage paid, and by Certified Mail, return receipt requested, in an envelope addressed to the employee's last known home address. It shall be the responsibility of the employee to inform the City, in writing, of his/her current home address and of any change in such address, and the information so provided shall constitute the employee's "last known home address". Such personal delivery or mailing shall be presumed to provide actual notice to the employee.

SECTION 5.11 DISCIPLINARY RECORDS

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

CHAPTER 6 – EMPLOYEE SAFETY

SECTION 6.1 DRUG- AND ALCOHOL-FREE WORKPLACE

It is the policy of the City to maintain a workplace that is free from the effects of alcohol and drugs. The City's policy on a drug and alcohol-free workplace is set forth in a separate administrative policy.

SECTION 6.2 EMPLOYEE SAFETY

6.2.1 General Safety

Employee safety is of utmost concern and each employee is expected to exercise safe work practices for his/her own benefit and the benefit and welfare of his/her co-workers. The City's Injury and Illness Prevention Program provides more specific information regarding workplace safety. Each employee is responsible for reviewing and complying with the Injury and Illness Prevention Program.

6.2.2 Entering and Leaving the Premises

At the time of hire, employees will be advised about the proper entrances and exits for employees, as well as unauthorized areas, if any. Employees should not be in City work areas except for their regularly scheduled or overtime shifts or attendance at a City authorized meeting. For insurance purposes, unescorted or unauthorized visitors in our facilities is prohibited. If an employee is expecting visitors, such as clients, customers or friends, the employee should notify his/her supervisor. Certain employees are authorized to arm and disarm the building alarms, and they will be given instruction on the alarms and codes. Employees are expected to abide by these rules at all times. Failure to do so may lead to disciplinary action, including and up to termination of employment.

6.2.3 Security Checks – Packages/Parcels

The City may exercise its right to inspect all packages and parcels entering and leaving our premises.

6.2.4 Parking Lot

Employees are encouraged to use the parking areas designated for our employees. Please keep in mind that the parking spaces adjacent to or in front of our building(s) are for customers and visitors only. Employees are reminded to lock their car every day and park within the specified areas.

Courtesy and common sense in the parking lot will help eliminate accidents, personal injuries, and damage to employee vehicles. **Remember that the area around all buildings, especially the City's administration building, has a great deal of pedestrian walking activity - please maintain a safe driving speed at all times.** If an employee should damage another car while parking or leaving, he/she must immediately report the incident, along with the license numbers of both vehicles and any other pertinent information he/she may have, to his/her supervisor.

The City cannot be and is not responsible for any loss, theft or damage to an employee's vehicle or any of its contents.

6.2.5 Security

Maintaining the security of City buildings and vehicles is every employee's responsibility. Develop habits that ensure security as a matter of course. For example:

- Always keep cash properly secured. If you are aware that cash is insecurely stored, immediately inform the person responsible.
- Know the location of all alarms and fire extinguishers and familiarize yourself with the proper procedure for using them, should the need arise.
- Note and promptly report suspicious circumstances or persons about the premises.

CHAPTER 7 – SEPARATION FROM EMPLOYMENT AND FURLOUGH

SECTION 7.1 RESIGNATION/RETIREMENT

An employee wishing to resign is asked to submit a written notice two weeks prior to leaving. The notice should include the reasons for resignation and the effective date. The last day of employment shall not fall on a paid holiday. Employees contemplating retirement should contact Human Resources and Risk Management at least 90 days prior to their anticipated retirement date. Employees will not be considered as “retired” from the City for purposes of any terms or conditions for City “retirees” unless the employee resigns from City service and also retires with CalPERS in accordance with applicable statutes, rules, and regulations.

Prior to leaving, the Human Resources and Risk Management Director, will arrange an exit interview to collect issued items, where the employee will be expected to return all City property, including keys to City facilities or work areas, uniforms, equipment and the City Employee Identification Card.

SECTION 7.2 LAYOFF

7.2.1 General Policy

Whenever, in the judgment of the City Manager, and subject to City Council approval by resolution, it becomes necessary to abolish any position or employment, the employee holding such position or employment may be laid off without disciplinary action and without the right of appeal. The City Manager will determine the class and number of positions to be affected, and the layoff date. Action under this section may be taken for any of the following reasons:

- a. Lack of Work;
- b. Budgetary Reasons;
- c. Elimination of Programs;
- d. Elimination of Services; or
- e. Any other legitimate reason as determined by the City Manager

7.2.2 Order of Layoff

In each class of positions, employees will be laid off according to employment status in the following order: temporary, part-time, probationary, then regular. Temporary, part-time, and probationary employees will be laid off according to the needs of the service as determined by the City Manager. In cases where there are two or more regular employees in the class from which the layoff is to be made, such employees will be laid off on the basis of the most recent performance evaluation, with the employee with the least satisfactory performance being laid off first. In cases where their most recent performance evaluations are equal, the employee with less seniority will be laid off first. For purposes of layoff, “seniority” is defined as total time employed by the City from the employee’s date of hire to present.

7.2.3 Vacancy and Demotion

Except as otherwise provided, whenever there is a layoff, the City Manager may, but is not required to, first demote an employee identified for lay-off to a vacancy, if any, within the department in a lower class for which the employee is qualified. Secondly, employees may request to demote to a vacant position within the organization. An employee who is offered a demotion has the right to refuse the demotion without losing his/her right to be placed on a reemployment list.

7.2.4 Recall List

The name of every regular employee who is laid off, transferred, or demoted to a classification in the same department for longer than one (1) pay period due to layoff, shall be placed on the Recall List maintained by Human Resources and Risk Management.

Vacancies to be filled within a department shall be offered, first in order of performance, to individuals named on the Recall List who at the time of the layoff, held a position in the same regular full time job classification or in the same regular part time job classification within the department as the vacancy to be filled. Individual names may be removed from the Recall List by the Human Resources and Risk Management representative, for any of the following reasons:

- a. The expiration of one (1) year from the date of placement on the List.
- b. Reemployment with the City in a regular full-time position in a department other than that from which the employee was laid off.
- c. Failure to respond within fourteen (14) calendar days of mailing of a certified letter regarding availability for employment.
- d. Failure to report to work within fourteen (14) calendar days of mailing of a certified letter containing a notice of reinstatement to a position absent mitigating circumstances.
- e. Request in writing to the City Manager to be removed from the List.

7.2.5 Status on Re-employment

A regular employee who has been laid off and is reemployed in a regular position within one (1) year from the date of his/her layoff or termination shall be entitled to:

- a. Restoration of seniority accrued prior to and during layoff.
- b. Credit for all service prior to layoff for the purpose of determining the rate of accrual of vacation leave.
- c. Placement in the salary range at the same job classification in the same department from which he/she was laid off.

SECTION 7.3 ABANDONMENT OF EMPLOYMENT

7.3.1 Determination and Notification

When an employee has been absent without authorization from work for more than three workdays, and in the opinion of the Department Head the employee has abandoned his/her position, the Department Head shall notify the City Manager. The City Manager, or designee, shall notify the employee that the City has determined he/she has abandoned his/her position and that the employee has four working days upon receipt of the notice to contact the City regarding his/her intent to return to work. The notice shall also advise the employee that failure to contact the City within the four-day period shall be deemed an automatic resignation effective on the fifth day. Such notice shall be in writing and sent by regular U.S. mail, via overnight delivery, certified mail, or personal service to the last address listed in the employee's personnel records.

7.3.2 Employee's Response

Where an employee fails to respond within four working days to the notice of abandonment of position, the employee may be considered to have abandoned his/her position of employment with the City. Abandonment of position shall constitute an automatic resignation from the City service.

If the employee contacts the City within the four-day period, the employee may avoid automatic resignation as provided in this section, however, the employee may still be subject to disciplinary action.

7.3.3 Circumstances When Abandonment Occurs

Abandonment of position may include, but is not limited to:

- a. Where an employee fails to return to his/her employment upon conclusion of any authorized leave of absence;
- b. Where an employee fails to properly notify by telephone, verbally, or in writing his/her immediate Supervisor of absence due to sickness or injury, except as otherwise required by law; or
- c. Where an employee fails to appear for work without notification or express agreement between the Supervisor and the employee as to the use of any leave time set forth under the City's personnel policies, except as otherwise required by law.

SECTION 7.4 Furlough And Reduction Of Hours

7.4.1 Determination and Notification

The City may implement a furlough or temporary reduction of scheduled hours whenever, in the judgment of the City Council, it becomes necessary to take such actions. The City Manager will consult with affected Department Heads to determine the number of affected employees and will notify affected employees in writing of their selection for furlough or temporary reduction of hours. Such written notice will include the start and end date, the resulting reduction in pay, and any other applicable terms and conditions. Affected employees are not entitled to appeal their selection through either disciplinary appeal or grievance procedures. Affected employees may not

use accrued, paid leave time during designated furlough time or to supplement reduced work hours.

7.4.2 Status While on Furlough

Affected employees may not use accrued, paid leave time during designated furlough time or to supplement reduced work hours. Affected employees will be deemed to remain in paid status for purposes of accrual of leave, seniority, and other eligibility for benefits, and will not be considered to have a break in service for purposes of these Rules. Furlough or reduced schedule time will not be considered "hours worked" for purposes of overtime and will not be counted towards completion of probationary periods under these Rules.

APPENDIX A

Executive Classifications

- Assistant to the City Manager
- Assistant Community Services & Recreation Director
- Assistant Finance Director
- Assistant Human Resources & Risk Management Director
- Community Safety Director
- Government Services Director/City Clerk
- Human Resources & Risk Management Director
- Deputy City Manager
- Community Services & Recreation Director
- Community Development Director
- Finance Director/City Treasurer
- Public Works Director/City Engineer
- Assistant City Manager
- City Manager

Management Classifications:

- Associate Planner
- Emergency Management Coordinator
- Senior Management Analyst
- Senior Environmental Compliance Analyst
- Senior Planner
- Principal Accountant
- Senior Information Technology Business Systems Analyst
- Senior Human Resources & Risk Management Analyst
- Public Works Superintendent
- Landscape & Facilities Superintendent
- Associate Engineer
- Principal Management Analyst
- Community Services & Recreation Manager
- Purchasing Manager
- Maintenance & Operations Manager
- Code Compliance Manager
- Public Works Manager
- Principal Planner
- Economic Development Manager
- Finance Manager
- City Clerk
- Senior Engineer
- Information Technology Manager
- Public Information Officer
- Risk Manager

- Human Resources & Risk Manager
- Principal Engineer
- Building Official
- Principal Engineer
- City Planner

ACKNOWLEDGEMENT OF RECEIPT

Each employee shall verify that he/she has been given a copy of this manual. The acknowledgement shall be dated and signed by the employee and the original maintained in the employee's personnel file.

I have been given a copy of the City of Eastvale's ("City") Personnel Policies and Procedures Manual ("Manual"). This Manual applies to all employees of the City and to others as indicated.

I understand that it is my responsibility to read the Manual and to comply with its provisions. I also understand as a City employee, I must maintain my City badge on my person at all times while performing City business.

I further understand that the Manual contains important information governing my employment with the City, including regulations and obligations that are expected of me as a City employee. Furthermore, I understand that I am obligated under the California Constitution that I am declared to be a Disaster Service Worker, as outlined in Government Code 3102, and as further defined in this Manual under Section 2.1.i.

I understand that my failure to comply with these policies may result in disciplinary action, up to and including termination. If I have questions concerning these policies, I will bring them to the attention of my supervisor, department head, or Human Resources and Risk Management.

I understand that because it is not possible to anticipate every situation that may arise in the workplace and because laws and programs change, the City reserves the right to modify, supplement, rescind, or revise any provisions of this Manual (other than the employment at-will provisions and provisions compelled by law), at any time as it deems necessary or appropriate in its sole discretion.

I understand that nothing in this Manual is intended to create a contract of employment with the City, or to create an expectation of continued employment for any specified term.

I understand that the original of this acknowledgement of receipt will be placed in my personnel file.

Dated: _____

Signature

Employee's Name