

CITY OF GRIDLEY

PERSONNEL RULES

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Resolution Number _____

CHAPTER 1.0
PURPOSE

I. SHORT TITLE

This resolution shall be known as "City of Gridley Personnel Policies and Practices Resolution".

II. EFFECTIVE DATE

These policies are adopted by Resolution _____ and is meant to replace any previous Resolution in its entirety. Except as may be specifically provided for herein below, it is the intent of the City that all provisions of this Resolution shall be effective _____, unless a different effective date is provided for in a specific section.

III. APPLICABILITY

This Resolution (Personnel Policies and Practices Resolution) shall set forth the basic personnel rules and City procedures for employees generally. In the event there is a conflict between any provision(s) of this Resolution and an operable Memorandum of Understanding or an Employment Agreement, then the terms of said Memorandum of Understanding or Employment Agreement shall prevail.

CHAPTER 2.0

DEFINITIONS

2.1 ADEQUATE NOTICE OF ACTION

Where provisions of these regulations require that a party or parties concerned be delivered, served or notified of actions, notification by letter to that party or parties' last known address shall constitute adequate notice of such action.

2.2 ADMINISTRATIVE APPOINTMENT

The appointment of a person to a department head position using merit system principles or as prescribed by law.

2.3 ALLOCATION

The assignment of a classified position to a budget unit.

2.4 ANNIVERSARY DATE

For the purpose of determining the due date of step raises, vacation and sick leave accrual or seniority, an anniversary date of any employee shall be the first day of the following pay period that employment or promotion occurred. This section to take affect January 1, 2014

2.5 APPEAL

A written statement by the person affected which declares a personal belief that: A discharge, demotion or suspension action was without reasonable cause; does not agree with a grievance ruling or the results of a selection process or that an action of discrimination has occurred.

2.6 APPOINTING AUTHORITY

The City Administrator has the final authority to make the appointment of an employee provided such appointment is consistent with the approved budget and/or City Council approval.

2.7 APPOINTMENT DATE

2.8 APPROPRIATE UNIT

A unit of employee classes or positions, established pursuant to the City's Employer-Employee Relations Resolution.

2.9 BUDGET UNIT

Any number of classifications allocated together in a section of the salary ordinance for budgetary purposes.

2.10 CITY

The City of Gridley and where appropriate herein, refers to the City Council or any duly authorized representative.

2.11 CIVIL RIGHTS COMPLIANCE OFFICER

The Personnel Director of the City of Gridley or the Director's designated representative.

2.12 CLASS OR CLASS OF POSITION

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

2.13 CLASSIFICATION PLAN

An orderly arrangement of positions under separate and distinct classes so that each class will contain all those positions which are sufficiently similar in respect to duties and responsibilities to meet the requirements as established under the definition of "class."

2.14 CLASS SERIES

An orderly progression of closely related classifications arranged in a manner of ascending responsibility, skills and duties.

2.15 COMPENSATION

Salaries and wages paid to employees

2.16 COMPENSATION PLAN

The schedule of salary ranges or wage rates set forth in the City's budget for the various classes of positions in such budget.

2.17 CONFIDENTIAL EMPLOYEE

An employee who, in the course of his or her duties, has job related access to information to the City's labor negotiations with various employee organizations on a regular basis.

2.18 COUNCIL

The City Council of the City of Gridley.

2.19 CRITICAL ILLNESS

An illness of a member of an employee's immediate family of such serious nature to require the attendance of the employee.

2.20 DAYS

As used in these rules, days shall be calendar days unless specifically stated.

2.21 DEMOTION

The voluntary/involuntary movement of an employee from one class of position to another class of position for which the employee qualifies having lesser responsibilities and a lower salary range.

2.22 DEPARTMENT

One or more budget units grouped together by the City Council, under the supervision and control of one appointed official.

2.23 DISCIPLINARY ACTION

As used in these regulations, disciplinary action means dismissal, demotion, reduction in compensation, suspension or any other action taken for disciplinary reasons. The appointing authority, or a designated representative of that authority, may take disciplinary action against an employee for reasonable cause. Procedures may be further defined in MOU Agreements.

2.24 EMPLOYEE

Employee is a person legally occupying a position in the City service. The salary or wage of such position has been authorized by the City Council of the City of Gridley in the salary resolution or memorandum of understanding.

2.25 EMPLOYEE ORGANIZATION

An employee organization is any lawful organization which includes City employees and which has as one of its primary purposes representing employees in their employment relationships with the City (Section 3501 (a) Government Code). See the Employee-Employer Relations Policy for specific details.

2.26 EMPLOYEE RELATIONS OFFICER

The Personnel Director of the City of Gridley: The City Administrator

2.27 EMPLOYEE TYPE

- a. Regular Full-time Employee: An employee appointed to fill on a regular full-time basis a budgeted position shown in the salary resolution.
- b. Regular Part-time Employee: An employee appointed to fill, on a less than full-time basis, a budgeted position shown in the City's budget.
- c. Extra Help Employee: An employee temporarily appointed to supplement the city work force because of unusual workload activities or relief.

2.28 EXTRA HELP APPOINTMENT

The temporary appointment of a qualified person to a position on a relief, special project, or unusual workload basis.

2.29 HOURS

As used in these rules the hours reported shall be work hours. The smallest portion of an hour reported shall be one quarter (.25) of an hour.

2.30 IMMEDIATE FAMILY

The following members of an employee's family: spouse, child, parent, brother, sister, grandchild, grandparent, mother-in-law and father-in-law.

2.31 MERIT ADVANCEMENT

A salary increase within the limits of the pay range established for a class in accordance with applicable MOUs or employment agreements..

2.32 MERIT ADVANCEMENT DATE

The date on which an employee is eligible for merit advancement in accordance with applicable MOUs or employment agreements.

2.33 MEMORANDUM OF UNDERSTANDING (MOU)

An agreement negotiated with applicable labor representatives pursuant to Section 3500 of the Government Code and adopted by the City Council.

2.34 NEPOTISM

The employment in a department of a member of any employee's immediate family to a regular or extra help position.

2.35 PERFORMANCE REVIEW DATE

Performance reviews are to be accomplished annually.

2.36 PERMANENT STATUS

The status of an employee following the successful completion of a probationary period which entitled the employee to the rights and privileges provided in these rules.

2.37 POSITION

A collection of duties and responsibilities which require the full or part-time services and employment of one person.

2.38 PROBATIONARY PERIOD

The period of time following regular appointment during which an employee demonstrates satisfactory performance in order to justify the right to permanent status.

2.39 PROBATIONARY STATUS

The status of an employee, following appointment to a regular position. While in this status the employee may not appeal probationary rejection.

2.40 PROBATIONARY REJECTION

An action by an appointing authority, which results in the termination or voluntary demotion of an employee who in the opinion of the appointing authority fails to demonstrate satisfactory performance in the position.

2.41 PROMOTION

The movement of an employee from one class of position to another class of position having greater responsibilities and a higher salary range.

2.42 PROVISIONAL APPOINTMENT

The appointment to a regular budgeted position when no eligible list exists of a person who meets the minimum qualifications of the position for a period of time not to exceed sixty (60) days after the establishment of an eligible list for such position.

2.43 REASONABLE CAUSE

The condition or conditions existing which may justify the discharge, demotion or suspension of an employee who has successfully passed probationary status. Reasonable cause may include, but not be limited to the following:

- a. fraudulent employment application
- b. willful disobedience
- c. unsatisfactory performance
- d. inefficiency
- e. insubordination
- f. disrespectful to superiors or to the public
- g. failure to get along with other employees
- h. conviction of a felony
- i. improper political activity
- j. other conduct either during or outside duty hours which causes discredit to the department of the City
- k. unauthorized absence from duty

2.44 REGULAR APPOINTMENT

The appointment of a person to a budgeted position.

2.45 SAFETY OFFICER

The Safety Officer shall be designated by the City Administrator .

2.46 SENIORITY DATE

The date on which a regular employee began consecutive service with the City.

2.47 SUPERVISORY EMPLOYEE

Any employee, regardless of job description, regularly having authority in the interest of the City to assign, evaluate, or discipline other employees or the responsibility to assign work to and direct them if, in connection with the foregoing function, the exercise of such authority is not merely routine or clerical nature, but requires the use of independent judgment.

2.48 SUSPENSION

The involuntary placement of an employee in a non-compensated status up to a maximum of thirty (30) working days as a result of disciplinary action by the City.

2.49 TRANSFER

The permanent movement of a regular employee from one budgetary unit to another budgetary unit.

2.50 UNDERFILLING

The filling of a position with a lower classification authorized in the salary ordinance.

2.51 UNIT OF SERVICE

The completion by a regular full-time employee of one (1) full month of compensated employment. Regular employees working less than full-time shall accumulate a unit of service on a pro rata basis.

2.52 VARIOUS WORDS

Words used in the present tense include the future, except where the natural construction of this resolution otherwise indicates. Words in the singular number include the plural, and words in the plural number include the singular; and the word “shall” is mandatory and not discretionary and the word “may” is permissive; words of masculine gender include feminine and neuter.

2.53 VOLUNTARY DEMOTION

The voluntary movement of a regular employee from one class of position to another class of position with a lesser salary range for which the employee is qualified.

2.54 VOLUNTEERS

A volunteer is any and all persons allowed by an appointing authority to perform any service, activity or duty in the name of the City of Gridley without compensation.

2.55 WORK DAY

A normal number of hours of assigned work excluding overtime is eight (8) hours unless specifically changed by MOU or employment agreement.

2.56 “Y” RATE

A salary rate which may be assigned to an incumbent employee whose salary range has been reallocated to a lower range, for which there is no comparable rate in the reallocated range. An employee receiving a Y-rate is not eligible for any COLA or salary increases until such time as the employee reaches the top of the range in the new lower salary range.

CHAPTER 3.0 ADMINISTRATION

3.1 PERSONNEL SYSTEM ORGANIZATION

The City Council has final responsibility for all personnel actions except as provided by MOU, Employment agreement, or as otherwise provided by the City Council.

The City Administrator is designated as Personnel Officer for the City and is responsible for administering the personnel system and maintaining individual employee records and performing necessary duties for the effective administration of the system.

3.2 PERSONNEL DIRECTOR

The Personnel Director shall be responsible for establishing procedures for the administration of rules as set forth in this resolution. A department head may appeal an action of the Personnel Director to the City Council.

3.3 AMENDMENT OF RULES

These rules may be amended by resolution of the Council. A proposed amendment or revision shall be posted for at least five (5) days before consideration by the City Council. At the time of consideration, any interested party may appear and be heard. An amendment or revision becomes effective upon adoption by the City Council.

3.4 SERVICES

The Personnel Director shall make available to the department heads and employees such counseling and services that will assist them in personnel matters which are covered by but no necessarily limited to the provisions of these rules.

3.5 PERSONNEL RECORDS

The Personnel Director shall keep a file for each employee and place in the employee's file a copy of the employee's application and any other personnel records affecting the employee's status. The Personnel Director shall have access to review any City employee personnel record maintained by a department head.

3.6 PAYROLL RECORDS

The Finance Officer shall maintain such records which are necessary for payroll and retirement system purposes. The Personnel Director may inspect such records from time to time for the purpose of administering these rules.

3.7 PERSONNEL FORMS

Every appointment, promotion, transfer, demotion, salary change, separation or other information or action required which affects an employee shall be initiated on appropriate forms supplied by the personnel Director.

3.8 VOLUNTEER RECORDS

Each appointing authority allowing volunteers to participate in City of Gridley service activities shall maintain records of such service including the name of the employee or official authorizing the service, the name of the volunteer, the nature of the service and the time the service was performed. Information concerning each volunteer shall be provided to the Personnel Director in a manner and form prescribed by the Personnel Director.

3.9 DESTRUCTION OF RECORDS

Any personnel records may be destroyed as provided by law.

3.10 RECORDS ACCESS

An employee or representative authorized in writing by the employee shall have the right during normal business hours to review said employee's individual personnel records.

3.11 EMPLOYEE KNOWLEDGE

Each employee is responsible for a general knowledge of these rules and regulations.

3.12 LINES OF AUTHORITY

In order to maintain principles of good administration, employees shall utilize the lines of authority in respect to policy and personnel decisions. Employees who consider the decisions unfair may request their supervisor to grant an interview with the next higher authority. This request shall not be ignored. Yet, at no time, shall an employee contact a Councilman or other department head with the covert intent to persuade, deride or circumvent policy or personnel decisions.

Further, department heads and other City officials should respect the lines of authority of other City departments and follow proper chains of command regarding interdepartmental or other City related business.

CHAPTER 4.0
Discrimination/Harassment Policy and Complaint Procedure

4.1 PURPOSE

The purpose of this Policy is to confirm the City's commitment to maintain a work environment free from unlawful discrimination and/or harassment for all current and prospective District employees.

4.2 OBJECTIVE

This Policy defines discrimination and harassment under this policy; confirms the District's commitment to prohibit and prevent unlawful discrimination and harassment in employment; and provides a District complaint and investigation procedure to resolve complaints of alleged discrimination or harassment in violation of law or this Policy.

4.3 POLICY

4.3.1 It is the policy of the District to provide all current and prospective employees with equal opportunity in employment without discrimination on the basis of race, color, creed, national origin, ancestry, religion, disability, medical condition (including pregnancy, child birth, and cancer-related conditions), gender, height, weight, physical characteristics, marital status, sex, age, sexual orientation, organizational affiliation, disabled veteran status, or status as a veteran of the Vietnam era (except when age, disability, or medical condition is a bonafide occupational qualification), and to further assure that all such current and prospective employees are guaranteed a work environment free from unlawful discrimination. In applying and interpreting this Policy, any person charged with doing so shall define the terms of art used in the Policy in a manner which is consistent with all applicable federal, state, and municipal statutes, regulations and ordinances. This Policy pertains to all aspects of employment with the District or the application for employment with the District including, but not limited to, recruitment, selection, placement, assignment, training, transfer, promotion, evaluation, discipline, termination, compensation, and benefits. The District's non-discrimination/non-harassment policy prohibits any form of unlawful conduct and the District will take aggressive steps to prevent discrimination and harassment from occurring in the workplace. When such discrimination or harassment is detected in the workplace, the District will take aggressive, prompt, and fair measures to eradicate the misconduct. To this end the District, upon confirming the existence of discrimination or harassment prohibited by this Policy, shall take disciplinary action against those responsible for the discrimination or harassment up to and including termination of employment.

4.3.2 This policy is promulgated in recognition of the fact that discrimination and harassment of the type prohibited by this Policy, if allowed to exist, not only violates federal and state law, but also serves to undermine employee integrity, creates low employee morale, reduces employee productivity, and causes skilled and valuable workers to leave District employment. All of this, in turn, is detrimental to the general health and welfare of the community, which depends upon a highly motivated and skilled body of District employees to deliver essential municipal services.

4.3.3 The City further acknowledges and understands that in order to implement a non-discrimination/non-harassment policy of the type hereby promulgated, it is essential that all persons who witness or experience discrimination or harassment of the type prohibited by this Policy, report that discrimination or harassment immediately in order to facilitate early, effective, efficient, and impartial investigation and intervention by the City. Accordingly, retaliation against a person for filing a discrimination/harassment complaint, or reporting discrimination/harassment which he or she has witnessed, or assisting in a discrimination/harassment investigation is strictly prohibited. Employees found to have participated in retaliatory action in contravention of this Policy shall, therefore, be subject to disciplinary action up to and including termination.

4.3.4 In interpreting and implementing this policy, the constitutional rights of free speech and association shall be accommodated in a manner consistent with applicable federal and state law in a manner consistent with the intent of this Policy.

4.4 DISCRIMINATION

"Discrimination" as used in this Policy is defined to include, but is not limited to:

A. Basing an employment decision as to a job applicant or employee (e.g., decision to hire, promote, transfer, terminate, etc.) on one's protected status (e.g., race, sex, age, religion, etc.)

B. Treating an applicant or employee differently with regard to any aspect of employment because of his or her protected status;

C. Engaging in harassment, as more specifically defined below;

D. Taking adverse employment action (i.e., demotion, transfer, discipline, termination) against an employee based on the employee opposing discrimination in the workplace, assisting, supporting, or associating with a member of a protected group who complains about discrimination, or assisting in an investigation of discrimination.

4.5 HARASSMENT

"Harassment" as used in this Policy is defined to include, but is not limited to:

A. Speech, such as epithets, derogatory comments or slurs, and lewd propositioning on the basis of race, color, creed, national origin, ancestry, religion, disability, medical condition (cancer-related), gender, height, weight, physical characteristics, marital status, sex, age, sexual orientation, organizational affiliation, disabled veteran status, or status as a veteran of the Vietnam era. Prohibited speech may include inappropriate sex-oriented comments on appearance, including dress or physical features, or race-oriented stories and jokes.

B. Physical acts, such as assault, impeding or blocking movement, offensive touching, or physical interference with normal work or movement when directed at an individual on the protected bases listed in the policy. Prohibited physical acts include pinching, grabbing, patting, propositioning, leering, or making explicit or implied job threats or promises in return for

submission to physical acts.

C. Visual insults, such as derogatory posters, cartoons, or drawings related to the protected bases listed in the policy (e.g., race, sex, religion, etc.).

D. Unwanted sexual advances, requests for sexual favors and other acts of a sexual nature, where submission is made a term or condition of employment, where submission to or rejection of the conduct is used as the basis for employment decisions, or where the conduct is intended to or actually does unreasonably interfere with an individual's work performance or create an intimidating, hostile, or offensive working environment.

4.6 DUTIES

4.6.1 City Administrator or designated representative shall be responsible for:

A. insuring that this policy and complaint procedures are disseminated to all employees;

B. providing training and assistance to management, supervisors, and employees in preventing and addressing discrimination and harassment; and

C. investigating, resolving, and making findings and recommendations on complaints of unlawful discrimination and harassment.

4.6.2 Management/Supervisors shall be responsible for:

A. Shall disseminate this policy and ensuring that the workplace remains free of discrimination and/or harassment;

B. coordinate and cooperate with the City Administrator or designated representative in resolving complaints involving employees in their respective departments; and, when discrimination/ harassment has occurred, taking prompt and appropriate remedial action against the perpetrator/harasser taking reasonable steps to protect the complainant from further discrimination/ harassment taking reasonable steps to protect the complainant from retaliation as a result of communicating the complaint taking action to remedy the effects of discrimination/harassment.

4.6.3 Employees

Employees shall cooperate fully with all investigations of discrimination and harassment and implementation of remedial measures, and not retaliate against complainants or witnesses.

4.7 DISSEMINATION OF POLICY AND TRAINING

All employees, supervisors, and managers shall receive a copy of this policy, and all regular employees shall attend sexual harassment training as prescribed by the City Administrator or designated representative.

4.8 DISCRIMINATION/HARASSMENT COMPLAINT PROCEDURE

This complaint procedure is available to City employees and individuals that believe that they have been subjected to discrimination and/or harassment in relation to employment with the City.

4.9 FILING A COMPLAINT

Complaints may be submitted to an employee's immediate supervisor, any supervisor or manager within or outside the department, or the City Administrator or designated representative, within one (1) year of the date the alleged action occurred. Any supervisor, manager, or department head who receives a discrimination/harassment complaint shall notify the City Administrator or designated representative as soon as possible after receiving the complaint. Complaints may be presented orally, or in writing.

If possible, written complaints should include the following information:

The name, address, and telephone number of the complainant.

The basis for the alleged discrimination or harassment (i.e., race, color, religion, age, sex, etc.).

The specific discriminatory practice(s) or incident(s) that have occurred.

The names of any persons thought to be responsible for the discrimination/harassment.

The remedy the complainant is seeking as a result of the complaint.

The name, address, and telephone number of the complainant's representative, if any.

If complainants wish to file the complaint in person and receive assistance, they may contact the City Administrator or designated representative.

4.10 INVESTIGATION AND RESOLUTION

4.10.1 Informal Resolution

If an employee desires primarily to discuss personal thoughts and feelings or consider meetings in which to deal individually with the incident(s), the City Administrator or designated representative will offer consultation and advice.

When any complaint is received, the City Administrator or designated person will ask the complainant to define his or her perception of the problem and the desired solution. The City Administrator or designated representative will explain the rights involved and discuss potential solutions. The City Administrator or designated representative may conduct a brief informal investigation and make every effort to resolve the problem on a very informal basis.

4.10.2 Any complaint which cannot be satisfactorily resolved through a discussion between the aggrieved person and the harassing party or through the informal resolution process, should be referred to City Administrator or designated representative for formal investigation. The City Administrator or designated representative will have full authority to investigate all aspects of the complaint. The investigatory authority includes accessibility to records and cooperation of any involved employees. No influence will be used to suppress any complaint, and no one will be subject to any recrimination or reprisal for filing a complaint.

4.10.3 After reviewing the discrimination/harassment complaint, the City Administrator or designated representative shall determine if an investigation is necessary to resolve the issues of the complaint and, if so, authorize and supervise the investigation of the complaint. The complainant will be contacted by the investigator upon the investigator's receipt of the complaint, and will be kept apprised of the status of the investigation. Every effort will be made to conclude the investigation as soon as possible.

4.10.4 The City Administrator or designated representative will not proceed with the investigation of a complaint if the complaint contains no assertion that the alleged acts occurred based on one or more of the nineteen discriminatory bases; or, if a nexus cannot be established between the alleged act(s) and discrimination based on one of the nineteen protected categories.

4.10.5 When the investigation is completed, the City Administrator or designated representative will determine if there is sufficient evidence to substantiate a violation of the City's Discrimination/Harassment Policy, and if remedial action is necessary to resolve the issues of the complaint. The complainant and alleged perpetrator/harasser will be notified. If discipline is imposed, the discipline will not be communicated to the complainant.

4.11 CONFIDENTIALITY

To the extent feasible, proceedings under this policy and all reports and records filed shall be confidential to the parties involved, and reasonable effort shall be made to protect the privacy interests of the parties. Confidentiality may not be feasible under certain circumstances, including, but not limited to: (1) disclosure of any fact is necessary to the appropriate investigation of or response to a harassment or discrimination incident; (2) disclosure of any fact is necessary to assure due process to any person accused of harassment or discrimination if that person may be subject to disciplinary action; or (3) disclosure of any fact is necessary to comply with lawful orders or rules governing any court proceeding.

4.12 ADDITIONAL REMEDIES

As an alternative option, all complainants may file complaints of discrimination or harassment directly to a confidential Action Line, (800) 775-5463. The Action Line is an independent third party who will receive and report the information to the appropriate official or may file a complaint with the State of California Department of Fair Employment and Housing (DFEH) and the Federal Equal Employment Opportunity Commission, whether or not complainants choose to use the District's complaint procedure. Time limits for filing complaints with State and Federal compliance agencies vary and those agencies should be contacted directly for specific information. The telephone numbers and website of the DFEH (as of the revision date of this procedure) are:

Department of Fair Employment and Housing
(800) 884-1684
<http://www.dfeh.ca.gov/DFEH/Complaints/fileComplaint.aspx>

CHAPTER 5.0 CLASSIFICATION OF POSITIONS

5.1 CLASSIFICATION PLAN

All permanent positions shall be included in a classification plan. The classification plan shall be maintained by the Personnel Director so that all positions substantially similar in duties, responsibilities, authority and qualifications required are so classified that schedules of compensation may be applied equitably. Each classification shall have a written specification setting forth the title of the class, defining the class, describing duties and responsibilities of the positions in the class, and setting forth qualifications of applicants for positions in the class.

5.2 ADOPTION, AMENDMENT AND REVISION OF PLAN

The classification plan shall be adopted and may be amended from time to time by resolution of the City Council

5.3 ALLOCATION OF POSITIONS

The number and classification of permanent positions shall be as approved by the City Council in a resolution or budget document. The City Administrator shall not appoint any more employees to a class of position than is provided in the resolution except that a new employee may be appointed to a position not more than ten (10) working days before the employee being replaced is separated.

5.4 POSITION RECLASSIFICATION

The Council may reclassify a position when it appears that there has been a significant change in the duties and responsibilities of the position. Either a department head or the Personnel Director, after consulting the department head, may request that a position be reclassified. When a request is made by a department head, it shall be reviewed by the Personnel Director prior to action by the Council. When a position is reclassified to a higher classification, the department head shall make a determination whether or not an incumbent is qualified to advance to the higher class. If there are other qualified employees in the same class as the incumbent whose position was reclassified, the Personnel Director may conduct promotional examinations for the higher class of position.

CHAPTER 6.0
APPLICATION, QUALIFICATIONS, CERTIFICATION AND APPOINTMENT

6.1 RECRUITMENT

The Personnel Director shall be responsible for the recruitment of persons who are to be considered for employment. The Personnel Director may make use of announcements, advertising and any other method of publicizing employment opportunities so that a sufficient number of qualified applications may be recruited.

6.2 APPLICATION FOR EXAMINATION

A separate application must be submitted for each position opening. The application form must be completed in sufficient detail to allow a job-related comprehensive review and evaluation. Failure to complete the application in sufficient detail will constitute failure of the initial step of the examination process and the application will be placed in the inactive files. It is the applicant's responsibility to notify the Personnel Director of any change of address, name or other pertinent information. Application shall become void one (1) year after filing or when a new recruitment is initiated.

6.3 QUALIFICATIONS

All examination applicants for appointment or promotion to a class of position in the classified service must be qualified for the work they will be required to do. In determining whether or not an applicant is qualified, the Personnel Director shall apply any or all of the following selection processes as may, in the opinion of the personnel Director, be necessary:

- a. Satisfactory evidence of certification, registration, license or educational attainment where such requirement is stated in a class specification.
- b. Satisfactory evidence of compliance with experience requirements as set forth in a class specification.
- c. Satisfactory evidence of an applicant's character, integrity and success in previous employment.
- d. Satisfactory evidence that the applicant has not been convicted of a felony by the review of criminal offender record information pursuant to California Penal Code Section 11105. For this purpose, the Personnel Director is authorized to receive criminal offender record information.
- e. Successful completion of a written, performance or oral examination, or a combination of two or more of such examinations, designed to test the applicant's knowledge, skills, physical ability and personal attributes as related to the class of position for which the examination is established. Ratings of such examinations shall be in conformity with the

provisions set forth on the examination announcement and shall be applied equally using appropriate scientific techniques and procedures determining the final scores.

- f. Satisfactory evidence of status of the applicant's physical and mental health with regard to the job-related factors of the classification.
- g. Prior to beginning work all persons selected for appointment must execute a loyalty oath to support and defend the Constitution of the United States and of the State of California and also agree to submit to the fingerprinting and photographing for the purpose of identification, as well as undergo a thorough physical examination by a local physician.
- h. Candidates who are applying for City positions wherein the job description details that said position would participate directly in the formation, execution or review of broad public policies having a substantial impact upon the public, including but not limited to positions such as Director of Public Works, City Clerk, Treasurer and Chief of Police are required to be citizens of the United States. Candidates for the positions within the Police Department which are termed "sworn" personnel, such as police officer, sergeant or lieutenant, must be citizens of the United States.

The Citizenship requirement does not apply to any other City positions other than those listed above (Amended Resolution #76 (1980 Series)).

6.4 EXAMINATION

- a. Promotional examinations may be conducted whenever, in the opinion of the department head, the needs of the service require, and subject to approval of City Administrator and budget needs. Only regular or probationary employees who meet the requirements set forth in the promotional examination announcements may compete in promotional examinations.
- b. The City Council may contract with any competent agency or individual for the preparing and/or administering of examinations.
- c. Each candidate in an examination shall be given written notice of his results.
- d. The Personnel Officer may consult with and receive input from a department head involved in the recruitment concerning test subject, material, scoring, and/or conduct of the tests.

6.5 EXAMINATION REVIEW

Participants in a written examination process may, within five (5) days following the examination, review their individual test answer sheet to obtain assurance no scoring errors were made. Standardized written examinations are not subject to review.

6.6 SELECTION PROCESS APPEAL

Any applicant who has participated in a selection process and not selected may appeal to the City Administrator for review of the selection process within five (5) workdays after notification of the results. The City Administrator shall notify the Council of such appeal at the next Council meeting by placing the appeal as an information item on the Council Agenda.

6.7 CERTIFICATION

When a vacancy in an authorized position occurs or is about to occur, the department head shall notify the Personnel Director and may request a list of qualified applicants. If the vacancy is to be filled, the personnel Director shall take the necessary steps to certify to the department head an eligible list of qualified applicants. The names of the applicants shall be listed in the order of their qualifications as determined by the Personnel Director.

6.8 ELIGIBLE LISTS

- a. Establishment of Eligible Lists. The Personnel Director shall establish eligible lists for each class of position in the classified service whenever it is deemed necessary.
- b. Composition of Eligible List. An eligible list consists of the names and scores of applicants who qualified for the class of position in the selection process. The final scores of the applicants shall be reported by rounding fractions to the nearest whole number. The names and scores shall be arranged in order of final score starting with the highest. In case of identical final scores, the names of the persons shall be placed in alphabetical order.
- c. Certification from Comparable Eligible List. Where no eligible list is in existence for a classification, the Personnel Director may certify names and scores from an eligible list or lists for a related class. Waiver of certification from such comparable lists will not affect the eligible's standing on the original list.
- d. Effective Date of Eligible List. All eligible lists shall be in effect from the date on which it is approved by the Personnel Director.
- e. Duration of Eligible List. All eligible lists shall continue in force for a period of one (1) year from the effective date unless extended or shortened by the Personnel Director.
- f. Exhaustion of Eligible List. If there are fewer than three (3) eligibles available, the Personnel Director may consider the list to be exhausted.
- g. Merging Eligible Lists. The Personnel Director may create an additional eligible list for a class whenever it is deemed necessary. Such a list may be merged with an existing list. Names shall be placed in order of their scores on the original lists starting with the highest score. Persons whose names appear on merged lists shall retain their eligibility until the date the original list on which they appeared would have expired.

- h. Order of Eligible Lists. The Personnel Director shall certify names and scores to the appointing authority in the following order:
 - 1) re-employment lists
 - 2) promotional eligible lists
 - 3) open eligible lists
- i. Re-employments Lists. The Personnel Director shall establish a reemployment list for each class in which a lay-off occurs. Such lists shall contain names of permanent employees who have been laid off or demoted in lieu of lay-off. Names of persons laid off or demoted in lieu of lay-off shall be placed on the appropriate re-employment list in the inverse order of separation, the most senior first. Names on the re-employment list shall be automatically removed upon the expiration of one (1) year. Names on the re-employment list shall be removed for any of the reasons set forth in these rules (R-29-1987).
- j. Contacting Eligible. Eligibles may be contacted to ascertain interest in City employment. Such eligible shall be given five (5) days from the date of notice to respond. The conditions of employment will be described in sufficient detail to identify the job on the contact notice.
- k. Waivers. An eligible's name which appears on a list resulting from an open competitive examination, shall be removed from the eligible list when the eligible indicates no interest in City employment on three (3) written inquiries. Employees whose names appear on promotional eligible lists or re-employment lists shall be allowed an unlimited number of waivers. Once an eligible's name is removed from a list, it may not be restored to the list.
- l. Placement of Eligibles Inactive. The names of eligibles may be placed inactive for any of the following reasons:
 - 1) A request by the eligible in writing that the eligible's name be temporarily withdrawn.
 - 2) On evidence that the eligible cannot be located by the postal authorities.
 - 3) On receipt of a statement from the eligible declining an appointment or statement that he no longer desires consideration for a position with the City.
 - 4) For failure to respond within stipulated time after notice of certification, without suitable explanation.

- m. Inactive Eligibles. An eligible's name may be restored to the active eligible list for the duration of the original list upon written request by the eligible to the Personnel Director.

6.9 CERTIFICATION OF NAMES

- a. Re-employment List to Lay-Off Department. The Personnel Director shall certify to a department head whose department has had a lay-off, the name of the most senior available eligible who has expressed a willingness to accept re-employment in a vacant position.
- b. Re-employment List to Other Departments. The Personnel Director shall, in addition to a departmental promotional list, certify to a department head whose department has not had a lay-off in the class of position vacant, the entire re-employment list of available eligibles who have expressed a willingness to accept re-employment in a vacant position.
- c. Promotional and Open Eligible Lists. The Personnel Director shall certify from the appropriate promotional or open eligible list for the class of position to the department head names of the highest ranking five (5) eligibles who have indicated a willingness and availability to accept the conditions of employment. The number of names to be certified to the department head shall be on the basis of the number of appointments to be made plus four (4) except that when the score for the last certifiable name on an eligible list is the same as one (1) or more scores following it, all names having that same score shall be certified in alphabetical order.
- d. List Waiver. If an eligible receives a probationary or permanent appointment, such appointment shall constitute a waiver of all rights to certification from any other eligible list on which the eligible's name appears for a class, the salary of which, is either lower or equal to that salary covered by the appointment, unless the eligible requests in writing that the name be retained for certification from such lists.
- e. Selective Certification. When a position which is assigned special duties or is required by law to meet certain requirements becomes vacant, the Personnel Director may determine which applicants on the eligible list meet these special requirements. The Personnel Director shall certify the names of the highest ranking five (5) eligibles who meet the special requirements.

6.10 APPOINTMENTS

- a. Regular. Appointments shall be made from the eligibility list certified by the Personnel Director. When a department head has received from the Personnel Director a list of qualified applicants, the department head may interview any or all of the applicants certified and may recommend an appointment to the appropriate vacant position. No department head may recommend appointment of more employees to a class of position than authorized by the Council or as provided in these rules.

- b. Provisional. The Personnel Director shall approve provisional appointment made by an appointing authority only when an eligibility list cannot be certified. Any person appointed provisionally shall meet the minimum standards for the appointed class. A provisional appointment shall not exceed six (6) months in duration or sixty (60) days following establishment of an eligibility list for the position whichever is less. A provisional employee may apply for the examination to qualify for the probationary position.
- c. Extra Help. A department head may make a temporary extra help appointment when an appropriation for extra help has been budgeted. The notice of appointment shall be sent to the Personnel Director. Any person employed for temporary work shall meet the minimum qualifications of applicants in order to assist the Council in making an appointment.
- d. Emergency Appointments. The Council may make emergency appointment to fill a regular or extra help position deemed to be critical and essential to the department when not eligible list or no one who meets the minimum qualifications is available. Emergency appointments shall be for no longer than thirty (30) days.

CHAPTER 7.0
CONDITIONS OF EMPLOYMENT

7.1 STATUS OF ADMINISTRATIVE APPOINTEES

Appointed department heads shall serve at the pleasure of the Council subject to the conditions of applicable contracts, regulations or law.

7.2 PROBATIONARY PERIOD OF NEW EMPLOYEES

All new regular employees shall serve a six (6) month probationary period except that employees appointed to the classification of Police Officer shall serve a twelve (12) month probationary period. During the probationary period, the department head shall observe the employee's performance. If the department head rejects the employee at any time during the probationary period, the department head shall, in writing, inform the employee, the Personnel Director, and the City Council. The employee shall then be terminated. Employee shall have no right to appeal a rejection during the probationary period. If, at the end of the probationary period, the department head believes the employee is performing satisfactorily, the department head shall, in writing, inform the employee and the Personnel Director and the employee shall be granted permanent status and may enjoy such privileges which are set forth in these rules. In the event the Department Head inadvertently misses the end date of the probationary period, upon notification of such error, the Department Head shall make a determination as to whether the employee has successfully completed the probationary period within five work days from the date of notification of the error. In the event the Department Head determines such employee has successfully passed the probationary period, the date of such event shall be retroactively applied to the date the probationary period would have normally ended. The City Administrator may

extend probation for a period not to exceed an additional 7 months. City Administrator will inform the applicable union or association in the event probation periods need to be extended.

7.3 PROBATIONARY PERIOD OF PROMOTED EMPLOYEES

An employee who is promoted shall serve a six (6) month probationary period in the higher classification except employees promoted to the class of Police Officer, who shall serve a twelve (12) month probationary period. During the probationary period an employee who has permanent status in the lower class shall be regarded as having permanent status in the former class. If the employee is rejected during the probationary period in the higher class of position, the employee shall have the right, in lieu of termination, to voluntarily demote back to the former class of position in which permanent status was held. If, at the end of the probationary period, the department head believes the employee is performing in a satisfactory manner, the department head shall, in writing, inform the employee and the Personnel Director. The employee shall then have permanent status in the higher classification-

In the event the Department Head inadvertently misses the end date of the probationary period, upon notification of such error, the Department Head shall make a determination as to whether the employee has successfully completed the probationary period within five work days from the date of notification of the error. In the event the Department Head determines such employee has successfully passed the probationary period, the date of such event shall be retroactively applied to the date the probationary period would have normally ended. The City Administrator may extend probation for a period not to exceed an additional 7 months. City Administrator will inform the applicable union or association in the event probation periods need to be extended.

7.4 PROBATIONARY PERIOD OF DEMOTED EMPLOYEES

An employee who is demoted shall serve a probationary period in the new class unless the employee previously held permanent status in that class or a higher class in the same class series.

7.5 RESIDENCE REQUIREMENTS

Within three (3) months after completion of the probationary period, the employees in the following occupations shall reside close enough to their principal duty stations so that they can report to duty within the following time limits:

Police and Public Works Department Employees	30 minutes
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7.6 HOURS OF WORK

- a. Appointing authorities shall schedule the employee's hours in such a manner as to maintain City offices open for business 8:00 A.M. to 5:00 P.M. each day of the week except Saturdays, Sundays and Holidays. Departments which necessitate a different daily operation schedule shall maintain and post an employee assignment schedule. No employee, except in the case of emergency, shall be required to work a different schedule

than assigned unless the employee has been notified at least ten (10) days in advance of the change in the work schedule.

- b. The normal work period of each full-time City employee shall be two (2) weeks.

7.7 ATTENDANCE

- a. Employees shall be in attendance at their work in accordance with the rules regarding hours of work, holidays and leaves. All department heads shall keep daily attendance records of employees. The Personnel Director may establish procedures for reporting such attendance records to the Personnel Department. An employee who, without approved leave, fails to report to duty for two (2) consecutive work days, shall be deemed to have voluntarily terminated from the position.
- b. All employees who report for work, as scheduled, who are capable of performing their duties, and are not put to work, shall receive four (4) hours of pay for so reporting. All regular employees who report for work, as scheduled, who are capable of performing their duties and are put to work, shall be guaranteed four (4) hours of work or pay.
- c. Shift employees in the Police Department, other than those personnel in patrolman and sergeant classifications, shall work five (5) eight-hour shifts each seven (7) day period. Patrolmen and sergeants shall work six (6) eight-and-one-half hour shifts each nine (3) day period. In the event a member of the Police Department is required to make a court appearance at a time other than on regular shift, the employee shall be compensated for a minimum of two (2) hours at time and a half (Amended 4/6/81, Reso. 17 (1981)).
- d. Those employees in the Public Works Department assigned to stand-by duty by the Director shall be available for emergency and other work at non-duty hours. Such persons are not required, however, to remain in a certain place, but instead must keep in touch with City Hall so that they may be located by telephone.
- e. Department Directors shall be required to be in attendance at regular or special meetings of the City Council when, in the opinion of the City Administrator, their presence is needed (Amended 8/21/89, Reso. 30 (1989)).

7.8 POLITICAL ACTIVITIES

All employees shall comply with the applicable provisions of county, state, and federal law, including the Federal Hatch Act, which specifically controls employees' political activities.

7.9 OUTSIDE EMPLOYMENT

No regular full-time employee or department head of the City shall engage in any occupation or outside activity which is incompatible with City employment. Any employee who proposes to

engage in an occupation or outside employment for compensation shall inform the department head in advance of the nature of such employment.

The department head shall make a determination whether said proposed “outside” employment is incompatible with City employment. If the requesting employee opposes the decision of his department head, he may appeal his case to the City Council.

A department head who proposes to engage in any occupation or outside activity shall use his discretion as to whether his activity is incompatible with City employment provided such discretion is consistent with law and approved by the City Administrator for consistency with practice and related issues. Should sufficient doubt be present, the department head and City Administrator shall present the-situation to Council for final determination.

7.10 PERFORMANCE REVIEW

The department head shall, by the employee’s performance review date, conduct a scheduled performance evaluation of each regular help employee.

Performance evaluations shall be in writing on forms prescribed by the Personnel Director. A performance evaluation shall provide recognition of effective performance and also identify areas which need improvement. The performance evaluation shall be discussed with the employee. A copy of the performance review form shall be given to the employee and the original copy forwarded to the Personnel Director to be placed in the employee’s personnel file. Unscheduled performance evaluations may be made at the discretion of the department head.

7.11 PROMOTION

The Personnel Director and department heads shall inform employees of opportunities for promotion to more responsible positions in the merit system. All employees in the classified service shall be entitled to necessary time off with pay for the purpose of taking qualifying or promotional examinations conducted by the Personnel Director. Satisfactory performance for the City will be an important consideration in reviewing qualifications of an applicant.

7.12 NOTICE OF DISCIPLINARY ACTION

A department head who takes disciplinary action against a regular employee shall serve the employee a written notice. The notice shall be served at least five (5) days prior to the effective date of action and shall be served on the employee personally or by certified mail. The notice shall clearly specify the action taken, the reason for the action including the particular facts and specific incident(s) involved and the effective date(s) of the action and, in case of demotion, shall contain a statement as to the wages and duties of the new position. The notice shall also advise the employee that a copy of the material upon which the action is based is attached or available for review upon request during normal business hours, the right to be represented and to respond verbally or in writing to the appointing authority or designated representative prior to the effective date of the action; and the right to appeal the action and the time within which the appeal may be made.

7.13 MEDICAL DEMOTION, TRANSFER, TERMINATION OR RETIREMENT

The department head shall require an employee to submit to a medical examination by a physician or physicians designated by the Personnel Director to evaluate the capacity of the employee to perform the work of the position. When such a requirement is made of an employee, fees for the examination shall be paid by the City. When the department head, after considering the conclusions of the medical examination provided for by this section, or medical reports from the employee's physician and other pertinent information, finds a medical cause that the employee is unable to perform the work of the present class of position, but is qualified and able to perform the work of another class of position of less capacity, the department head may recommend that the employee be demoted or transferred to such an available position in the department.

When the department head finds a medical cause exists and the employee is unable to perform the work of the present position, or any other available position in the department, the employee must be terminated. All original copies of medical reports, findings and information shall be submitted by the department head to the Personnel Director to be placed in a separate employee's file and apart from the official employee's personnel file.

7.14 LAY-OFF

Whenever, in the judgment of the City Council, it becomes necessary in the interest of economy or because the necessity for a position no longer exists, the City Council may abolish any position, and the employee holding such position may be laid off without taking disciplinary action and without right of appeal.

The Personnel Director shall establish a list and shall consider length of service and job performance in determining which employee or employees are to be laid off.

The names of regular and probationary employees laid off or demoted-in-lieu-of-lay-off shall be placed on a re-employment list for one (1) year pursuant to provisions of Section 6.8. These persons who are re-employed from such list within the prescribed period, shall be regarded as having been on leave of absence during the period of lay-off and are entitled to all benefits accruing from such leave. (Reso. 29 (1987)).

7.15 SENIORITY LIST

Employees appointed to a position with City of Gridley shall receive credit for compensated employment that has not been broken by a permanent separation. When there has been a permanent separation, credit shall be given only for employment following such break in service.

7.16 ORDER OF SEPARATION IN REDUCTION OF FORCE

The order of lay-off of employees shall be established by the Personnel Officer on the recommendation of the department head. The department head shall take into consideration the job performance thus far and length of service of employees in preparing a recommended lay-off

list. No regular or probationary employee shall be laid off from his position in any department while any emergency, temporary or provisional employee is serving in the same class in that department. Employees to be laid off shall be given at least fourteen (14) days prior notice.

7.17 DEMOTION IN LIEU OF LAY-OFF

In lieu of being laid off, a regular employee may elect demotion to:

- a. any position held by an employee with a lower lay-off list score in a class with substantially the same or lower maximum salary in which the lay-off employee held permanent status; or
- b. any vacant position in a class in the same line of work as the class of lay-off, but of lesser responsibility if such classes are designated by the Personnel Director.

Demotion rights to specified classes shall be applicable only within the department of lay-off.

To be considered for demotion in lieu of lay-off, an employee must notify the Personnel Director in writing of this election no later than five (5) days after receiving the notice of lay-off.

7.18 DEMOTION

The department head, with the City Council's approval, may demote an employee if his ability to perform his duties falls below standard, or for disciplinary purposes. No employee may be demoted to a position for which he does not possess the minimum qualification. The employee is entitled to written notice of the demotion fourteen (14) days before the effective date of the demotion.

7.19 REINSTATEMENT

With the approval of the City Council and the department head, a regular employee or probationary employee who has completed at least six (6) months of probationary service and who has resigned with a good record may be reinstated within two (2) years of the effective date of resignation, to a vacant position in the same or comparable class. Upon reinstatement, the employee shall be subject to the probationary period prescribed for the class. No credit for former employment shall be granted in computing salary, vacation, sick leave, or other benefits except on the specific recommendations of the department head and approval of the City Council at times of reinstatement.

7.20 SUSPENSION

The City Administrator may suspend an employee from his position at any time for a disciplinary purpose. Suspension without pay shall not exceed thirty (30) calendar days. Department heads may suspend a subordinate employee for not more than five (5) working days at any one time, and not more than once in a thirty (30) day period. Suspensions shall be reported immediately to the Personnel Director. Any employee who has been suspended shall

receive a written statement of the reasons for such action at the time of suspension and shall be entitled to a hearing if he so requests, as provided in the personnel resolution and these rules.

7.20 DISCHARGE

An employee in the competitive service may be discharged at any time by the City Administrator, with concurrence of the affected department head. Whenever it is the intention of the appointing power to discharge an employee in the competitive service, the Personnel Director shall be notified. Any employee who has been discharged shall receive a written statement of the reason for such actions at the time of discharge and shall be entitled to a hearing if he so requests, as provided in the personnel resolution and these rules.

7.21 RESIGNATION

An employee wishing to leave the competitive service in good standing shall file with the department head, a written resignation stating the effective date and reasons for leaving at least two (2) weeks before leaving the service, unless such time limit is waived by such official. A statement as to the resigned employee's service performance and other pertinent information shall be forwarded to the Personnel Director. Failure to give notice as required by this rule may be cause for denying future employment by the City, and will be cause to forfeit all accrued vacation leave earned after January 1 of the year of resignation.

CHAPTER 8.0 GRIEVANCE PROCEDURE

8.1 PURPOSE

The purpose of a grievance procedure is to:

1. promote improved employer-employee relations by establishing grievance procedures on matters for which appeal or hearing is not provided by other regulations;
2. give each employee a systematic means of obtaining further consideration of problems after every reasonable effort has failed to resolve them through discussion;
3. settle grievances as nearly as possible at the point of origin;
4. provide that appeals shall be conducted as informally as possible.

8.2 DEFINITION AND SCOPE OF A GRIEVANCE

- a. A grievance may be filed by an employee if a management interpretation or application of a law, ordinance, resolution, regulation or rule adversely affects the employee's wages, hours or conditions of employment.
- b. Specifically excluded from the grievance procedure are subjects involving the amendment of state or federal law, City Council resolution, ordinance or minute orders; dismissals, demotions, suspension; discriminatory acts; and other matters which have other means of appeal.
- c. This Grievance Procedure shall not supersede the Grievance Procedures outlined in applicable MOUs, and shall not apply to employees with employment agreements.

8.3 EMPLOYEE RIGHTS

An employee shall have the right to present a grievance pursuant to the provisions of these rules. The employee may be represented by an individual or organization of the employee's choosing in the formal steps of the procedures. Employees who present a grievance shall not suffer reprisal or other punitive actions by City management because of the exercise of the right to present or appeal a grievance.

8.4 GRIEVANCE PROCEDURE STEPS

The grievance procedure shall consist of the following steps, each of which must be completed prior to any request for further consideration of the matter.

Step 1. Immediate Supervisor. If an employee believes that there is a grievance which involves said employee, the employee may request an informal meeting with the immediate supervisor within ten (10) days from the occurrence, or the employee's knowledge of the occurrence, which gives rise to the grievance. The immediate supervisor shall meet with the employee within five (5) days after the employee's request and discuss the grievance in an effort to clarify the issue and to cooperatively work towards settlement. The immediate supervisor shall present a verbal, and written decision to the employee within five (5) days from the time of the informal discussion.

Step 2. Department Head. If the grievance is not settled under Step 1 option, it may be formally submitted to the department head. The grievance shall be submitted within five (5) days after receipt of verbal and written decision of Step 1. Within five (5) days after receipt of the written grievance, the department head or designated representative shall meet with the employee. Within five (5) days thereafter, a written decision shall be delivered to the employee.

Step 3. City Administrator/Personnel Director. If the grievance is not settled under Step 2 and it concerns the interpretation of federal, state or county law, resolution, minute order or agreement directly affecting an employee's wages, hours or conditions of employment, it may be submitted to the Personnel Director within five (5) days from the time the department head renders a decision. Within five (5) days thereafter, a written decision shall be delivered to the employee and the appointing authority involved.

Step 4. City Council. If the grievance is not settled under Step 2 or, if appropriate, Step 3, it may be appealed to the City Council. Such appeal shall be filed in writing with the Clerk of the Council within ten (10) days from the time a decision was rendered. The Clerk of the Council shall advise the City Council of the grievance appeal. As soon as practicable thereafter, the City Council shall hear the grievance and make a written decision which shall be binding on all parties involved.

8.5 BASIC RULES

- a. If an employee does not present the grievance, or does not appeal the decision rendered regarding the grievance within the time limits, the grievance shall be considered resolved.
- b. If a City representative does not render a decision to the employee within the time limitations, the employee may, within five (5) days thereafter, appeal to the next step in the procedure.
- c. If, in the judgment of any management representative, he does not feel he has the authority to resolve the grievance, the grievance may be referred to the next step in the procedure.
- d. A copy of all formal grievance decisions shall be forwarded to the Personnel Director who shall file the decision with the employee's permanent personnel file.

CHAPTER 9.0 APPEAL TO COUNCIL

9.1 RIGHT OF APPEAL

Any employee shall, within seven (7) days, have the right to appeal to the City Council any disciplinary action, interpretation or alleged violation of the personnel resolution except in instances where the right of appeal is specifically prohibited by the personnel ordinance or these rules.

9.2 METHOD OF APPEAL

Appeals shall be in writing, subscribed by the appellant, and filed with the Personnel Officer, who shall, within five (5) days after receipt of the appeal, inform each member of the City Council, the department head and such other persons or officers named or affected by the appeal of the filing of the appeal. The appeal shall be a written statement, addressed to the City Council, explaining the matter appealed from and setting forth therein a statement of the action desired by the appellant, with his reasons therefore. The formality of a legal pleading is not required.

9.3 NOTICE

Upon filing of an appeal, the Personnel Director shall set the matter on the City Council agenda not less than ten (10) days, nor more than thirty (30) days from the date of filing. The Personnel Director shall notify all interested parties of the date, time and place of the hearing.

9.4 INVESTIGATION

Upon the filing of an appeal, the City Council may make such independent investigation of the matter as it may deem necessary. The results of such investigation shall be made a part of the record of the proceedings and the appellant shall have the right to have reasonable time within which to answer or to present evidence in opposition to the findings of this independent investigation.

9.5 HEARINGS

The appellant shall appear personally unless physically unable to do so, before the City Council at the time and place of the hearings. He may be represented by any person or attorney as he may select and may at the hearing produce on his behalf relevant oral or documentary evidence. Appellant shall state his case first and, at the conclusion, opposition matter may then be presented. Rebuttal matter not repetitive may be allowed at the discretion of the City Council. Cross examination of witnesses shall be permitted. The conduct and decorum of the hearing shall be under the control of the City Council by its Mayor, with due regard to the rights and privileges of the parties appearing before it. Hearings need not be conducted according to technical rules relating to evidence and witnesses. Hearings shall be closed unless the appellant, in writing, requests an open hearing.

9.6 FINDINGS

The City Council shall, within fourteen (14) days after the conclusion of the hearing, certify its findings and decision in writing to the appellant and to the person, officer or body from whose action the appeal was taken.

9.7 POLICE OFFICER

Any disciplinary action taken against a police officer shall be subject to the provisions of Sections 830.1 and 830.2 (a) and (b) of the Penal Code (more commonly termed “Police Officers Bill of Rights”). (See addendum #1 Attached).

ADDENDUM #1 (TO SECTION 9.7)

Section 830.1 of Penal Code defining Police Officer.

Section 3300 et seq. of Government Code entitled “Public Safety Officer’s Procedural Bill of Rights Act.”

CHAPTER 10.0
EMPLOYEE SAFETY

10.1 SAFETY PROGRAM

- a. Purpose. The purpose of the Safety Program is to safeguard the lives of City employees by providing a safe work environment and require that employees follow safe work methods.

Therefore, it shall be the policy of the City of Gridley to establish and maintain a city-wide safety and accident prevention program to encompass every function, wherever located. Accident prevention shall be the direct responsibility of each official (whether elected or appointed), Council person, department head, supervisor, foreman and employee of this City. Each department head shall be responsible for motivating employees to practice safe work habits. Each employee is responsible for compliance with safety regulations and procedures.

- b. Objective. The City of Gridley Safety Program is established to eliminate and prevent accidents. Accidents can be eliminated and prevented by stopping the unsafe acts of individuals and removing unsafe working conditions. The success of this program can be achieved by the complete understanding for its need and the positive support for its implementation by all City officials, supervisors and employees.
- c. Plan. In order to fulfill the program objective, City of Gridley initiates a safety program which shall include but not necessarily be limited to the following:
1. Administration. The safety program shall be administered and coordinated by the Safety Officer.
 2. City Safety Committee. The City Safety Committee is established to develop an annual safety goal, to review and evaluate safety and accident prevention programs among the City employees. The committee shall consist of a minimum of three (3) members to a maximum of five (5) members. The committee shall be composed of the following persons or their designated representative.
 - (a) Safety Officer (designated by Council)
 - (b) Public Works Director
 - (c) City Administrator
 - (d) Any other department head as appropriate

The Committee shall develop rules and procedures for the conduct of the committee operations. The committee shall meet as needed and may submit an annual report to the Council.

a. Responsibilities:

1. The Safety Officer shall:

- (a) Design and implement the safety program to target losses, exposures to loss, and compliance with applicable government standards.
- (b) Monitor the effectiveness of the program and make recommendations for change.
- (c) Act as liaison between the day-to-day operations of the safety program and the City Administrator and the City Council.
- (d) Conduct or direct department heads to conduct employee and supervisory safety training.
- (e) Make recommendations to eliminate, control or correct unsafe conditions in the work environment.
- (f) Conduct periodic safety inspections of all facilities.
- (g) Participate and be involved in accident investigations.
- (h) Design, implement and participate in safety committees, as appropriate.
- (i) Design additional programs to increase the completeness of the City of Gridley's loss control efforts.
- (j) Serve as Chairman of the City Safety Committee.

In the absence of the safety officer, his/her immediate supervisor shall assume the duties.

2. All appointed department officials shall:

- (a) Be responsible for the safety of their individual department.
- (b) Develop general and specific safety guidelines for their department, with help from the appointed safety officer.
- (c) Actively participate in accident investigations.
- (d) Participate in safety committees, as appropriate.
- (e) Ensure that unsafe conditions and practices are corrected.
- (f) Conduct appropriate safety orientation and training.

- (g) Conduct accident investigations and immediately upon notification of an injury.
 - (h) Conduct safety inspections of their work areas.
 - (i) Ensure that the personnel know, understand and follow established safety guidelines.
 - (j) Correct unsafe conditions and practices.
 - (k) Maintain material and equipment in good conditions.
 - (l) Provide the necessary personal protective equipment and train personnel in its use.
 - (m) Contribute to the continued success of the safety program.
3. Employees are responsible for following all written and verbal safety instructions, and will:
- (a) Report all injuries no matter how minor to their supervisors.
 - (b) Accomplish their duties using safe work practices.
 - (c) Coach fellow employees on safe work practices, whenever appropriate.
 - (d) Notify a supervisor in the event of an observed unsafe condition or practice.
 - (e) Perform only authorized jobs.
 - (f) Actively contribute to the success of the overall safety program.

10.2 VOLUNTEERS, BOARDS AND COMMISSIONS

All volunteers, board members and commission members who are performing non-paid authorized service for the City of Gridley pursuant to city and state law, are covered by the City's Workers' Compensation Insurance Policy while performing such service.

CHAPTER 11.0
EMPLOYEE RELATIONS

EMPLOYER-EMPLOYEE ORGANIZATION RELATIONS RESOLUTION

11.1 Statement of Purpose

A. This Resolution implements Chapter 10, Division 4, Title 1 of the Government Code of the State of California (Sections 3500 et seq.) The Meyers-Milias-Brown Act, by providing orderly procedures for the administration of employer-employee relations between the City and its employees . This Resolution is intended to strengthen the administration of the City's employer-employee relations through the establishment of uniform and orderly methods of communications between employees, Employee Organizations and the City.

B. It is the purpose of this Resolution to provide procedures for meeting and conferring in good faith with Exclusively Recognized Employee Organizations regarding matters that directly affect and primarily involve the wages, hours and other terms and conditions of employment of employees in appropriate units and that are not preempted by Federal or State law. However, nothing herein shall be construed to restrict any legal or inherent exclusive City rights with respect to matters of general legislative or managerial policy, which include among others: The exclusive right to determine the mission of its constituent departments, commissions and boards; set standards of service; determine the procedures and standards of selection for employment; direct its employees; take disciplinary action; relieve its employees from duty because of lack of work or for other lawful reasons; maintain the efficiency of governmental operations; determine the methods, means and personnel by which government operations are to be conducted; take all necessary actions to carry out its mission in emergencies; determine the time and hours of operation of City services; approve policies, goals and objectives; determine staffing patterns and the number and kinds of personnel required; build, move or modify facilities, determine the methods of raising revenue, contract out work; and take action on any matter in the event of an emergency, and exercise complete control and discretion over its organization and the technology of performing its work, and the exercise of the foregoing powers, rights, authorities, duties, and responsibilities of the City and its adoption of policies, rules, regulations and practices in furtherance thereof shall not be limited, except to the extent required by law or applicable agreement to which the city is a party.

C. It is also the purpose of this Resolution to respect the rights of Employees, including their rights to form, join and participate in the activities of Employee Organizations of their own choosing for the purpose of representation in all employer-employee relations matters. Employees also have the right to refuse to join or participate in the activities of Employee Organizations and have the right to represent themselves individually in their employment relations with the City. As required by applicable law, no Employee shall be interfered with, intimidated, restrained, coerced or discriminated against by the City or by any Employee Organization because of his or her exercise of these rights. In addition, employees have additional rights as may be granted to them by the Gridley Municipal Code and by any memorandum of understanding which may be entered into by the City and an Exclusively Recognized Employee Organization.

11.2 Definitions

As used in this Resolution, the following terms shall have the meanings indicated:

"Appropriate Unit" means a unit of employee classes or positions, established pursuant to Article II hereof.

"City" means the City of Gridley, and, where appropriate herein, refers to the City Council or any duly authorized City representative as herein defined.

"Confidential Employee" means an employee who has been appointed by the City Administrator or designee, and who, in the course of his or her duties, has access to confidential information relating to the City's administration of employer-employee relations that may be used in "closed session" of the City Council, or for purposes of negotiation, or in preparation of the City's bargaining position for an MOU with an Exclusively Recognized Employee Organization.

"Consult/Consultation in Good Faith" means to communicate orally or in writing for the purpose of presenting and obtaining views or advising of intended actions; and, as distinguished from meeting and conferring in good faith regarding matters within the scope of the duty to meet and confer, does not involve an exchange of proposals and counterproposals with an Exclusively Recognized Employee Organization in an endeavor to reach agreement in the form of a Memorandum of Understanding, nor is it subject to Article IV (Impasse Procedures) hereof."

"Day" means calendar day unless expressly stated otherwise.

"Employee" means any employee of the City subject to the Personnel Ordinance of the City pursuant to Gridley Municipal Code § -----.

"Employee, professional" means any employee engaged in work requiring specialized knowledge and skills attained through completion of a recognized course of instruction, including but not limited to attorneys, physicians, registered nurses, engineers, architects, teachers and various physical chemical and biological scientists.

"Employee Organization" means a bona fide organization of any legal form that has, as one of its primary purposes, representing employees in their employment relations with the City that has no restriction on membership based on race, color, creed, sex, national origin, age, or physical disability or any other unlawful basis.

"Employee Relations Officer" means the City Administrator or his/her duly authorized representative.

"Exclusively Recognized Employee Organization" means an Employee Organization which has been formally acknowledged by the City as the sole Employee Organization representing the employees in an Appropriate Unit pursuant to Article II (Representation Proceedings) hereof,

having the exclusive right to meet and confer with the City in good faith concerning statutorily required subjects pertaining to unit employees, and thereby assuming the corresponding obligation to fairly represent such employees.

"Impasse" means that the representatives of the City and an Exclusively Recognized Employee Organization have reached a point in their meeting and conferring in good faith at which their differences on matters to be included in a Memorandum of Understanding as to which they are required to meet and confer remain so substantial and prolonged that further meeting and conferring would be futile.

"Management Employee" means an employee having responsibility for formulating, administering or managing the implementation of City policies and programs.

"Proof of Employee Support" means (1) an authorization card recently signed and personally dated by an employee, or (2) a verified authorization petition recently signed and personally dated by one or more employees, or (3) employee dues deduction authorization signed and personally dated by an employee, using the payroll register for the period immediately prior to the date a petition is filed hereunder, except that multiple dues deduction authorizations bearing the same date for more than one Employee Organization for the account of any one employee shall not be considered as proof of employee support for any Employee Organization. The only authorization which shall be considered as proof of employee support hereunder shall be the authorization most recently signed by an employee. The words "recently signed" shall mean within one hundred eighty (180) days prior to the filing of a petition.

"Overlapping Unit" means a unit claimed to be an Appropriate Unit which includes some but not all the classifications or positions in a unit claimed to be an Appropriate Unit by a recognition petition filed by an Employee Organization seeking recognition as an Exclusively Recognized Employee Organization.

"Supervisory Employee" means any employee having authority, in the interest of the City, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action if, in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment subject to appropriate administrative review for legal and policy considerations.

11.3 Filing of Recognition Petition by Employee Organization

An Employee Organization that seeks to be formally acknowledged as the Exclusively Recognized Employee Organization representing the employees in an Appropriate Unit shall file a petition with the Employee Relations Officer containing the following:

Name and address of the Employee Organization.

Names and titles of its officers.

Names of representatives who are authorized to speak on behalf of the organization.

A statement that the Employee Organization has, as one of its primary purposes, the responsibility of representing employees in their employment relations with the City.

A statement whether the Employee Organization is a chapter of, or affiliated directly or indirectly in any manner, with a local, regional, state, national or international organization, and, if so, the name and address of each such other organization.

Certified copies of the Employee Organization's constitution and bylaws if any.

A designation of those persons, not exceeding two in number, and their addresses, to whom notice sent by regular United States mail will be deemed sufficient notice on the Employee Organization for any purpose.

A statement that the Employee Organization has no restriction on membership based on race, color, creed, sex, national origin, age, or physical disability or other restriction prohibited by law.

The job classifications or position titles of employees in the unit claimed to be appropriate and the approximate number of member employees therein.

A statement that the Employee Organization has in its possession Proof of Employee Support to establish that a majority of the employees in the Unit claimed to be appropriate have designated the Employee Organization to represent them in their employment relations with the City. Such written proof shall be submitted for confirmation to the City's designated Employee Relations Officer.

A request that the Employee Relations Officer formally acknowledge the petitioner as the Exclusively Recognized Employee Organization representing the employees in the unit claimed to be appropriate.

The Petition, including the proof of employee support and all accompanying documentation, shall be declared to be true, correct and complete, under penalty under the law of the State of California, by the duly authorized officer(s) of the Employee Organization executing it.

11.4 City Response to Recognition Petition

Upon receipt of a Petition, the Employee Relations Officer shall determine whether:

There has been compliance with the requirements of these Rules regarding the recognition petition, and

The unit claimed to be appropriate is an Appropriate Unit in accordance with Sec. 8 of this Article II.

If the Employee Relations Officer determines these two conditions are met, he shall so inform the petitioning Employee Organization, shall give written notice of such request for recognition to the employees in the unit, and shall take no action on said request for thirty (30) days thereafter. If the Employee Relations Officer determines that either of the foregoing conditions is not met, he/she shall offer to consult with the petitioning Employee Organization regarding his/her determination and, if such determination remains unchanged after such consultation, he or she shall inform that organization in writing of the reasons for his/her determination. The petitioning Employee Organization may appeal such determination in accordance with Sec. 10 of these rules.

11.5 Open Period for Filing Challenging Petition

Within thirty (30) days of the date written notice was given to affected employees that a valid recognition petition for an appropriate unit has been filed, any other Employee Organization may file a competing request to be formally acknowledged as the exclusively recognized Employee Organization of the employees in the same or in an Overlapping Unit, by filing a petition evidencing proof of employee support in the unit claimed to be appropriate of at least thirty (30) percent and otherwise in the same form and manner as set forth in Sec. 3 of this Article II. If such a challenging petition seeks establishment of an Overlapping Unit, the Employee Relations Officer shall call for a hearing on the competing petitions for the purpose of ascertaining the Appropriate Unit, at which time the petitioning Employee Organizations shall be heard. Thereafter, the Employee Relations Officer shall determine the Appropriate Unit or Appropriate Units pursuant to Sec. 8 of this Article II and give notice to the petitioning Employee Organizations of that determination. The petitioning Employee Organizations shall have fifteen (15) days from the date of that notice to amend their petitions to conform to that determination or to appeal that determination pursuant to Sec. 10 of this Article II.

11.6 Election Procedure

A. The Employee Relations Officer shall arrange for a secret ballot election to be conducted by a party agreed to by the Employee Relations Officer and the concerned Employee Organization(s), in accordance with this Resolution. In the event that the parties are unable to agree on a third party to conduct an election, the election shall be conducted by the State Conciliation Service. All Employee Organizations which have submitted petitions determined to be in conformance with this Article II shall be included on the ballot. The ballot shall also offer employees the choice of representing themselves individually in their employment relations with the City under the label “no exclusive bargaining agent” or some other label determined by the party conducting the election. Costs of conducting elections shall be borne in equal shares by the City and by each Employee Organization appearing on the ballot.

B. Employees entitled to vote in such election shall be those persons employed in regular permanent positions within the Appropriate Unit during the pay period immediately prior to the date which ended at least fifteen (15) days before the date the election commences, including those who did not work during such period because of illness, vacation or other authorized leaves

of absence, and who are employed by the City in the same Appropriate Unit on the date the election commences.

C. An Employee Organization shall be formally acknowledged as the Exclusively Recognized Employee Organization for the designated appropriate unit following an election or run-off election if it received a numerical majority of all valid votes cast in the election. In an election involving three or more choices in which none of the choices receives a majority of the valid votes cast, a run-off election shall be conducted between the two choices receiving the largest number of valid votes cast; the rules governing an initial election being applicable to a run-off election.

D. There shall be no more than one valid election in a 12-month period affecting the same Appropriate Unit.

11.7 Procedure for Decertification of Exclusively Recognized Employee Organization

A. A decertification petition alleging that an Exclusively Recognized Employee Organization no longer represents a majority of the employees in an Appropriate Unit may be filed with the Employee Relations Officer during the month of October of any year, following the first full year of recognition of an Employee Organization.

B. A decertification petition may be filed by two or more employees or their representative, or an Employee Organization, and shall contain the following declared by the duly authorized signatory under penalty of perjury under the laws of the State of California to be true, correct and complete:

The name, address and telephone number of the petitioner and not more than two designated representatives authorized to receive notices or requests for further information.

The name of the Appropriate Unit and of the Exclusively Recognized Employee Organization sought to be decertified as the representative of that unit.

An allegation that the incumbent Exclusively Recognized Employee Organization no longer represents a majority of the employees in the Appropriate Unit, and any other relevant and material facts relating thereto.

Proof of Employee Support that at least thirty (30) percent of the employees in the Appropriate Unit no longer desire to be represented by the Exclusively Recognized Employee Organization. Such proof shall be submitted for confirmation to the Employee Relations Officer or to a mutually agreed upon, disinterested third party.

C. An Employee Organization may, in satisfaction of the decertification petition requirements hereunder, file a petition under this section in the form of a recognition petition that evidences Proof of Employee Support of at least thirty (30) percent of the employees in the

Appropriate Unit that includes the allegation and information required under paragraph B.3 of this Section 7, and otherwise conforms to the requirements of Section 3 of this Article.

D. The Employee Relations Officer shall determine whether a petition complies with this Article II. If the Employee Relations Officer determines that a petition does not comply with this Article II, he shall offer to consult with the representative(s) of the petitioning employees or Employee Organization and, if his/her determination remains unchanged after that consultation, the Employee Relations Officer shall return the petition to the employees or Employee Organization with a written statement of the reasons for doing so. The petitioning employees or Employee Organization may appeal such a determination pursuant to Sec. 10 of this Article II. If the Employee Relations Officer determines a petition complies with this Article II or his/her contrary determination is reversed on appeal, he shall give written notice of that fact to the Exclusively Recognized Employee Organization, to unit employees and to the petitioner(s).

E. The Employee Relations Officer shall arrange for a secret ballot election to be held on or about fifteen (15) days after such notice to determine the wishes of unit employees as to decertification and, if a recognition petition was duly filed hereunder, the question of representation. Such election shall be conducted in conformance with Sec. 6 of this Article II.

F. During the period specified in paragraph A. of this Sec. 7, when he has reason to believe that a majority of unit employees no longer wish to be represented by the incumbent Exclusively Recognized Employee Organization, the Employee Relations Officer may on his/her own initiative give notice to that Exclusively recognized Employee Organization and to all employees in the Appropriate Unit that he will arrange for an election to determine the issue. Within fifteen (15) days of such notice, any other Employee Organization may file a recognition petition in accordance with this Sec. 7, which the Employee Relations Officer shall act on in accordance with this Sec. 7.

G. If, pursuant to this Sec. 7, a different Employee Organization is acknowledged as the Exclusively Recognized Employee Organization, such organization shall be bound by all the terms and conditions of any Memorandum of Understanding then in effect for its remaining term.

11.8 Policy and Standards for Determination of Appropriate Units

A. The standard for determining the appropriateness of units shall be the effect of a proposed unit on (1) the efficient operations of the City and the proposed unit's compatibility with the primary responsibility of the City and its employees to effectively and economically serve the public, and (2) providing employees with effective representation by defining units to include employees who share a community of interest. This standard requires that the appropriate unit shall be the broadest feasible grouping of positions that share an identifiable community of interest. Factors to be considered shall be:

Similarity of general kinds of work performed, qualifications required, and general working conditions.

History of representation in the City and similar employment; except however, that no unit shall be deemed to be an appropriate unit solely on the basis of the extent to which employees in the proposed unit have organized.

Consistency with the organizational patterns of the City.

Number of employees and classifications, and the effect on the administration of employer-employee relations created by the fragmentation of classifications and proliferation of units.

Effect on the classification structure and impact on the stability of the employer-employee relationship of dividing a single or related classifications among two or more units.

B. Notwithstanding the foregoing provisions of this section, positions occupied by Management, Supervisory and Confidential Employees may only be included in a unit consisting solely of Management, Supervisory or Confidential employees respectively. Management, Supervisory and Confidential Employees may not represent any Employee Organization which represents employees who are not Management, Supervisor or Confidential Employees. Professional employees shall not be denied the right to be represented separately from nonprofessional employees

C. The Employee Relations Officer shall, after notice to and consultation with affected Employee Organizations, allocate new classifications or positions, delete eliminated classifications or positions, and retain, reallocate or delete modified classifications or positions from previously designated Appropriate Units in accordance with the provisions of this section .

11.9 Requests for Modification of Established Appropriate Units

Requests by Employee Organizations for modifications of established appropriate units may be considered by the Employee Relations Officer only during the period specified in Sec. 7 of this Article II. Such requests shall be submitted in the form of a Recognition Petition and, in addition to the requirements set forth in Sec. 3 of this Article, shall contain a complete statement of all relevant facts and citations in support of the proposed modified unit in terms of the policies and standards set forth in Sec. 5 hereof. The Employee Relations Officer shall process such petitions as other Recognition Petitions under this Article II. The Employee Relations Officer may on his/her own motion, propose during the period specified in Sec. 7 of this Article that an established unit be modified. The Employee Relations Officer shall give written notice of the proposed modification(s) to any affected Employee Organization and shall hold a meeting concerning the proposed modification(s), at which time all affected Employee Organizations shall be heard. Thereafter the Employee Relations Officer shall determine the composition of the appropriate unit or units in accordance with Sec. 8 of this Article II, and shall give written notice of such determination to the affected Employee Organizations. The Employee Relations Officer's determination may be appealed as provided in Section 10 of this Article. If a unit is modified pursuant to the motion of the Employee Relations Officer hereunder, Employee Organizations

may thereafter file Recognition Petitions seeking to become the Exclusively Recognized Employee Organization for such new appropriate unit or units pursuant to Sec. 3 hereof.

11.10 Appeals

A. An Employee Organization aggrieved by a determination of an Appropriate Unit may, within ten (10) days of notice thereof, request the intervention of the Division of Conciliation of the Department of Industrial Relations pursuant to Government Code §§ 3507.1 and 3507.3, or may, in lieu thereof or thereafter appeal such determination to the City Council for final decision within fifteen (15) days of the later of (i) notice of the Employee Relations Officer's determination and (ii) the termination of proceedings pursuant to Government Code Sections 3507.1 and 3507.3.

B. The Employee Relations Officer may appeal a decision of the Division of Conciliation of the Department of Industrial Relations to the City Council.

C. An Employee Organization aggrieved by a determination of the Employee Relations Officer that a recognition petition (Sec. 3); challenging petition (Sec. 5) or decertification of recognition petition (Sec. 7) or employees aggrieved by a determination of the Employee Relations Officer that a decertification petition (Sec. 7) has not been filed in compliance with this Article may, within fifteen (15) days of notice of such determination, appeal the determination to the City Council for final decision.

D. Appeals to the City Council shall be filed in writing with the City Clerk, and a copy shall be served on the Employee Relations Officer. The City Council shall commence consideration of the matter within thirty (30) days of the filing of the appeal. The City Council may, in its discretion, refer the dispute to a third party for hearing, hear the matter itself, or approve such other procedure it deems appropriate to determine the facts and make a final decision. Any decision of the City Council on the use of such procedure, and any decision of the City Council determining the substance of a dispute, shall be final and binding. The failure of any party to file a timely appeal within the time limits specified herein shall constitute a waiver of the right to pursue such appeal.

11.11 Submission of Current Information by Recognized Employee Organizations

All changes in the information filed with the City by an Exclusively Recognized Employee Organization under items (a.) through (h.) of its Recognition Petition under Sec. 3 of this Resolution shall be submitted in writing to the Employee Relations Officer within fourteen (14) days of such change.

11.12 Payroll Deductions on Behalf of Employee Organizations

- A. Only an Exclusively Recognized Employee Organization may be granted permission by the City to have the dues or other authorized charges deducted from paychecks of its members, in accordance with procedures prescribed by the City.
- B. Dues deduction shall be for a specified amount and shall be made only upon the written authorization of an Employee. Dues deduction authorization may be canceled and the dues check-off payroll discontinued at any time by an Employee upon written notice to the City. Dues deduction authorization or cancellation shall be made available upon forms provided by the City.
- C. Should any Employee choose not to join an Exclusively Recognized Employee Organization and therefore not pay dues and other charges, the Employee may be required to pay an agency fee if required by an agency shop agreement between the City and an Exclusively Recognized Employee Organization adopted pursuant to §§ 3502.5 and 3508.5 of the Government Code.
- D. An Employee's earnings must be regularly sufficient after other legal and required deductions are made to cover the amount of any dues check-off authorized. When a member in good standing of an Exclusively Recognized Employee Organization is in a non-paid status for an entire pay period, no dues shall be withheld to cover that pay period from future earnings nor shall the Employee deposit the amount with the City which would have been withheld if the Employee had been in paid status during that period. If an Employee is in a non-paid status during only a part of a pay period but the earnings are not sufficient to cover the full withholding, no deduction shall be made. All other legal and required deductions shall have priority over Employee Organization dues.
- E. Dues or other charges withheld by the City shall be transmitted to the officer or organization designated in writing by the Exclusively Recognized Employee Organization at the address specified in that designation.
- F. All Exclusively Recognized Employee Organizations who receive dues from the City shall indemnify, defend, and hold the City and its officers and employees harmless against any claims made and against any suit instituted against the City on account of withholding of Employee Organization dues, including but not limited to all costs of defending against any such claims or suits. In addition, all such Employee Organizations shall refund to the City any amounts paid to them in error upon presentation of supporting documentation or other evidence.

11.13 Employee Organization Activities -- Use of City Resources

Access to City work locations and the use of City-paid time, facilities, equipment and other resources by Employee Organizations and those representing them shall:

- A. be authorized only to the extent provided for in Memoranda of Understanding and/or the specific written approval by the City Administrator;
- B. be limited to lawful activities consistent with the provisions of this Resolution that pertain directly to the employer-employee relationship and not such internal Employee

Organization business such as soliciting membership, campaigning for office, and organization meetings and elections; and,

C. shall not interfere with the efficiency, safety and security of City operations.

11.14 Availability of data

A. The City shall make available to Exclusively Recognized Employee Organizations such non-confidential information pertaining to employer-employee relations as is contained in the public records of the City subject to the limitations and conditions set forth in this resolution and the California Public Records Act, Government Code §§ 6250 et seq.

B. Such information shall be made available during regular office hours in accordance with the City's rules and procedures for making public records available and after payment of reasonable costs.

C. Information that shall be made available to Exclusively Recognized Employee Organizations includes regularly published data covering subjects under discussion. Data collected on a promise to keep its source confidential may be made available in statistical summaries, but shall not be made available in such form as to disclose the source or otherwise to invade the promised confidentiality.

D. Nothing in this rule shall be construed to require disclosure of records that are:

(a) Personnel, medical and similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy;

(b) Working papers or memoranda that are not retained in the ordinary course of business or any records when the public interest served by not making the record available clearly outweighs the public interest served by disclosure of the record;

(c) Records pertaining to pending litigation to which the City is a party, or to claims or appeals that have not been settled; or

(d) Any other records exempt from disclosure under the California Public Records Act or other applicable law.

E. Nothing in this paragraph shall be construed to require the City to do research for an inquirer or to do programming or to assemble data in a manner or to an extent other than usually done by the City or is required by law.

11.15 Administrative Rules and Procedure

The City Administrator is hereby authorized to establish such rules and procedures as appropriate to implement and administer the provisions of this Resolution after consultation with affected Employee Organizations.

11.16 Memoranda of Understanding

A. When the meeting and conferring process is concluded between the City representatives and an Exclusively Recognized Employee Organization, all matters agreed upon shall be incorporated in a written memorandum of understanding signed by the Employee Relations Officer and authorized representatives of the Exclusively Recognized Employee Organization.

B. A memorandum of understanding is subject to City Council approval and, should the City Council refuse approval of a memorandum of understanding, the parties shall resume good faith negotiations toward agreement.

11.16 Impasse Procedures

If the meet and confer process has reached impasse as defined in this Resolution, either party may initiate the impasse procedures by filing with the other party a written request for an impasse meeting, together with a statement of its position, on all issues. An impasse meeting shall then be scheduled promptly by the Employee Relations Officer. The purpose of such meeting shall be:

To review the position of the parties in a final effort to reach agreement on a Memorandum of Understanding; and

If the impasse is not resolved, to discuss arrangements for the utilization of the impasse procedures provided herein.

11.17 Impasse Procedures

Impasse procedures are as follows:

The City or an Employee Organization may request the other party to submit a dispute not resolved pursuant to Section 15.0 of this Resolution to mediation, and request the State Mediation and Conciliation Service to provide a mediator within thirty days from the date the Impasse was declared by either party. All mediation proceedings shall be private. The mediator shall make no public recommendation nor take any public position concerning the issues at any time.

If the parties fail to (i) agree to submit the dispute to mediation, (ii) to agree on the selection of a mediator, or (iii) to resolve the dispute through mediation within fifteen (15) days after the mediator first met with the parties, the parties may agree to submit the Impasse to fact-finding.

If the parties agree on fact-finding, they may agree on the appointment of one or more fact finders. If they fail to agree on one or more fact finders, a fact-finding panel of three (3) shall be appointed as follows: One member of the panel shall be appointed by the Employee Relations Officer, one member shall be appointed by the Exclusively Recognized Employee Organization which is party to the Impasse, and those two members shall name a third, who shall be the chairperson. If the two mediators appointed by the parties are unable to agree upon a third, they shall select by agreement the third member from one or more lists of seven (7) names of

individuals having fact-finding experience in the municipal sector to be provided by the State Mediation and Conciliation Service.

The jurisdictional and procedural requirements for fact-finding are:

The fact-finders shall consider and be guided by applicable Federal and State law.

Subject to the stipulations of the parties, the fact finders shall determine and apply the following measures and criteria in arriving at their findings and recommendations:

First, as relevant to the issues in dispute, the fact finders shall compare the total compensation, hours and conditions of employment of the employees involved in the fact-finding proceeding with the total compensation, hours and conditions of employment of other employees performing similar services in public and private employment in the same and comparable communities. "Total compensation" shall mean all wage compensation, including but not limited to premium, incentive, minimum, standby, out-of-class and deferred pay; all paid leave time; all allowances, including but not limited to educational and uniform benefits; and employer payments for all health, welfare and pension benefits.

The fact-finders shall then adjust the results of the above comparisons based on the following factors:

- (i) The compensation necessary to recruit and retain qualified personnel.
- (ii) Maintaining compensation relationships between job classifications and positions within the City.
- (iii) The pattern of change that has occurred in the total compensation of the employees in the unit at Impasse as compared to the pattern of change in the average "consumer price index" for goods and services, and the pattern of change in wages and compensation of other wage earners.

The fact finders shall then determine preliminary recommendations based on the comparisons as adjusted above which, however, shall be reduced as appropriate based on the financial resources of the City. In assessing the City's financial resources, the fact finders shall be bound by:

Other legislatively determined and projected demands on City resources, i.e., budgetary priorities as established by the City Council; and

Allowance for equitable compensation increases for other employees and employee groups for the corresponding fiscal period(s); and

Revenue projections shall not exceed currently authorized tax and fee rates for the relevant fiscal year(s); and

Maintenance of sufficient and sound budgetary reserves consistent with policy adopted by the City Council; and

Constitutional, statutory limitations on the level and use of revenues and expenditures.

The fact-finders shall make written findings of fact and recommendations for the resolution of the issues in dispute, which shall be presented in terms of the criteria, adjustments, and limitations specified above. Any member of a fact-finding panel may file dissenting written findings of fact and recommendations. The fact finder or chairperson of the fact-finding panel shall serve such findings and recommendations on the Employee Relations Officer and the Exclusively Recognized Employee Organization. If these parties have not resolved the Impasse within ten (10) days after service of the findings and recommendations upon them, the fact-finder or the chairperson of the fact-finding panel shall make them public by submitting them to the City Clerk for consideration by the City Council in connection with the Council's legislative consideration of the Impasse.

If an Impasse is not resolved through mediation, and the parties do not agree on fact-finding, or having so agreed, the Impasse remains unresolved thereafter, the City Council may take such action regarding the Impasse as it deems in its discretion to be appropriate and in the public interest. Any legislative action by the City Council on the Impasse shall be final and binding.

11.18 Costs of Impasse Procedures

The costs for the services of a mediator and fact-finder or chairperson of a fact-finding panel utilized by the parties, and other mutually incurred costs of mediation and fact-finding, shall be borne equally by the City and Exclusively Recognized Employee Organization. The cost for a fact-finding panel member selected by each party, and other separately incurred costs, shall be borne by such party.

11.19 Construction

This Resolution shall be construed as follows:

- A. Nothing in this Resolution shall be construed to deny to any person, employee, organization, the City, or any authorized officer, body or other representative of the City, the rights, powers and authority granted by Federal or State law .
- B. This Resolution shall be interpreted so as to carry out its purposes as set forth in Article I.

11.20 Amendment

Proposed amendments to this Resolution are excluded from the scope of meeting and conferring but are subject to consultation with Exclusively Recognized Employee Organizations pursuant to Government Code § 3507.

11.21 Severability

If any provision of this Resolution, or the application of such provision to any persons or circumstance, shall be held invalid or unenforceable by any decision-maker with jurisdiction to do so, the remainder of this Resolution, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby and, to that end, the provisions hereof are severable.

11.1 STATEMENT OF PURPOSE

These rules implement Chapter 10, Division 4, Title 1 of the Government Code of the State of California (Sections 3500 et seq.) Captioned “Local Public Employee Organizations,” by providing orderly procedures for the administration of employer-employee relations between the City and its employee organizations. However, nothing contained herein shall be deemed to supersede the provisions of the State law, City ordinances, resolutions and rules which establish and regulate the merit and civil service system, or which provide for other methods of administering employer-employee relations. These rules are intended, instead, to strengthen merit, civil service and other methods of administering employer-employee relations through the establishment of uniform and orderly methods of communications between employees, employee organizations and the City.

It is the purpose of these rules to provide procedures for meeting and conferring in good faith with Recognized Employee Organizations regarding matters that directly affect and primarily involve the wages, hours and other terms and conditions of employment of employees in appropriate units and that are not preempted by federal or state law. However, nothing herein shall be construed to restrict any legal or inherent exclusive City rights with respect to matters of general legislative or managerial policy, which include among others: The exclusive right to determine the mission of its constituent departments, commissions and boards; set standards of service; determine the procedures and standards of selection for employment; direct its employees; take disciplinary action; relieve its employees from duty because of lack of work or for other legitimate reasons; maintain the efficiency of governmental operations; determine the methods, means and personnel by which government operations are to be conducted; take all necessary actions to carry out its mission in emergencies; and exercise complete control and discretion over its organization and the technology of performing its work.

11.2 FILING OF RECOGNITION PETITION BY EMPLOYEE ORGANIZATION

An employee organization that seeks to be formally acknowledged as the Recognized Employee Organization representing the employees in an appropriate unit shall file a petition with the Employee Relations Officer containing the following information and documentation:

Name and address of employee organization.

Names and titles of its officers.

Names of employee organization representatives who are authorized to speak on behalf of the organization.

A statement that the employee organization has, as one of its primary purposes, representing employees in their employment relations with the City.

A statement whether the employee organization is a chapter of, or affiliated directly or indirectly in any manner with, a local, regional, state, national or international organization and, if so, the name and address of each such other organization.

Certified copies of the employee organization's constitution and by-laws.

A designation of those persons, not exceeding two (2) in number, and their addresses to whom notice sent by regular United States mail will be deemed sufficient notice on the employee organization for any purpose.

A statement that the employee organization has no restriction on membership based on race, color, creed, sex or national origin.

The job classifications or titles of employees in the unit claimed to be appropriate and the approximate number of member employees therein.

A statement that the employee organization has in its possession proof of employee support as herein defined to establish that a majority of the employees in the unit claimed to be appropriate have designated the employee organization to represent them in their employment relations with the City. Such written proof shall be submitted for confirmation to the Employee Relations Officer or to a mutually agreed upon disinterested third party.

A request that the Employee Relations Officer formally acknowledge the petitioner as the Recognized Employee Organization representing the employees in the unit claimed to be appropriate for the purpose of meeting and conferring in good faith.

The petition, including the proof of employee support and all accompanying documentation, shall be declared to be true, correct and complete, under affirmation, by the duly authorized officer(s) of the employee organization executing it.

11.3 CITY RESPONSE TO RECOGNITION PETITION

Upon receipt of the Petition, the Employee Relations Officer shall determine whether:

There has been compliance with the requirements of the Recognition Petition, and

The proposed representation unit is an appropriate unit in accordance with these rules.

If an affirmative determination is made by the Employee Relations Officer on the foregoing two 92) matters, the Employee Relations Officer shall so inform the petitioning employee organization, shall give written notice of such request for recognition to the employees in the unit and shall take no action on said request for thirty (30) days thereafter. If either of the foregoing matters are not affirmatively determined, the Employee Relations Officer shall offer to consult

thereon with such petitioning employee organization, and, if such determination thereafter remains unchanged, shall inform that organization of the reasons therefore in writing. The petitioning employee organization may appeal such determination in accordance with these rules.

11.4 OPEN PERIOD FOR FILING, CHALLENGING PETITION

Within thirty (30) days of the date written notice was given to affected employees that a valid recognition petition for an appropriate unit has been filed, any other employee organization may file a competing request to be formally acknowledged as the recognized employee organization of the employees in the same or in an overlapping unit (one which corresponds with respect to some but not all the classifications or positions set forth in the recognition petition being challenged) by filing a petition evidencing proof of employee support in the unit claimed to be appropriate of at least thirty percent (30%) and otherwise in the same form and manner as set forth in these rules. If such challenging petition seeks establishment of an overlapping unit, the Employee Relations Officer shall call for a hearing on such overlapping petitions for the purpose of ascertaining the more appropriate unit, at which time the petitioning employees organizations shall be heard. Thereafter, the Employee relations Officer shall determine the appropriate unit or units in accordance with the standards in these rules. The petitioning employee organizations shall have fifteen (15) days from the date of notice of such determination is communicated to them by the Employee Relations Officer to amend their petitions to conform to such determination or to appeal such determination pursuant to these rules.

11.5 ELECTION PROCEDURE

The employee Relations Officer shall arrange for a secret ballot election to be conducted by a party agreed to by the employee Relations Officer and the concerned employee organization(s), in accordance with its rules and procedures subject to the provisions of these rules. All employee organizations who have duly submitted petitions which have been determined to be in conformance with these rules shall be included on the ballot. The choice of “no organization” shall also be included on the ballot. Employees entitled to vote in such election shall be those persons employed in regular positions within the designated appropriate unit who were employed during the pay period immediately prior to the date which ended at least fifteen (15) days before the date the election commences, including those who did not work during such period because of illness, vacation or other authorized leaves of absence, and who are employed by the City in the same unit on the date of the election. An employee organization shall be formally acknowledged as the Recognized Employee Organization for the designated appropriate unit following an election or run-off election if it received a numerical majority of all valid votes cast in the election. In an election involving three (3) or more choices, where none of the choices receives a majority of the valid votes cast, a run-off election shall be conducted between the two (2) choices receiving the largest number of valid votes cast; the rules governing an initial election being applicable to a run-off election.

There shall be no more than one (1) valid election under these rules pursuant to any petition in a twelve (12) month period affecting the same unit.

In the event that the parties are unable to agree on a third party to conduct an election, the election shall be conducted by the California State Conciliation Service. Costs of conducting election shall be borne equally by each employee organization appearing on the ballot.

11.6 PROCEDURE FOR DECERTIFICATION OF RECOGNIZED EMPLOYEE ORGANIZATION

A Decertification Petition alleging that the incumbent Recognized Employee Organization no longer represents a majority of the employees in an established appropriate unit may be filed with the Employee Relations Officer only during the month of January of any year following the first full year of recognition. A Decertification Petition may be filed by two (2) or more employees or their representative, or an employee organization, and shall contain the following information and documentation declared by the duly authorized signatory under penalty of perjury to be true, correct and complete:

The name, address and telephone numbers of the petitioners and a designated representative authorized to receive notices or requests for further information.

The name of the established appropriate unit and of the incumbent Recognized Employee Organization sought to be decertified as the representative of that unit.

An allegation that the incumbent Recognized Employee Organization no longer represents a majority of the employees in the appropriate unit, and any other relevant and material facts relating thereto.

Proof of employee support that at least thirty percent (30%) of the employees in the established appropriate unit no longer desire to be represented by the incumbent Recognized Employee Organization. Such proof shall be submitted for confirmation to the Employee Relations Officer or to a mutually agreed upon disinterested third party within the time limits specified in these rules.

An employee organization may, in satisfaction of the Decertification Petition requirements hereunder, file Petition under this section in the form of a Recognition Petition that evidences proof of employee support of at least thirty percent (30%) and otherwise conforms to the requirements of these rules.

The Employee Relations Officer shall initially determine whether the Petition has been filed in compliance with the applicable provisions of these rules. If the determination is in the negative, the Employee Relations Officer shall offer to consult thereon with the representative(s) of such petitioning employees or employee organization and, if such determination thereafter remains unchanged, shall return such Petition to the employees or employee organization with a statement of the reasons therefore in writing. The petitioning employees or employee organization may appeal such determination in accordance with these rules. If the determination of the Employee Relations Officer is in the affirmative, or if the negative determination is reversed on appeal, the Employee Relations Officer shall give written notice of such

Decertification of Recognition Petition to the incumbent Recognized Employee Organization and to unit employees.

The Employee Relations Officer shall thereupon arrange for a secret ballot election to be held on or about fifteen (15) days after such notice to determine the wishes of unit employees as to the question of decertification, and, if a Recognition Petition was duly filed hereunder, the question of representation. Such election shall be conducted in conformance with these rules.

11.7 SUBMISSION OF CURRENT INFORMATION BY RECOGNIZED EMPLOYEE ORGANIZATIONS

All changes in the information filed with the City by a Recognized Employee Organization under these rules shall be submitted in writing to the Employee Relations Officer within thirty (3) days of such change.

11.8 ADMINISTRATIVE RULES AND PROCEDURES

The Employee Relations Officer is hereby authorized to establish such rules and procedures as-appropriate to implement and administer the provisions of these rules.

11.9 SEVERABILITY

If any provision of these rules, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of these rules, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

CHAPTER 12.0 COMPENSATION

12.1 PREPARATION OF SALARY AND WAGE PLAN

Upon request of the City Council, the City Administrator shall recommend a wage and salary plan. The City Administrator, in consultation with the employee association, and department heads shall give consideration to prevailing rates of pay and consideration of working conditions for comparable work in other public agencies of the same relative population and financial size, difficulty and responsibility of work, current costs of living, suggestions of department heads, the City's financial condition and policies, and other factors. The Council may contract with a consultant for such services.

12.2 ADOPTION AND APPLICATION OF PLAN

The City Council shall adopt a salary and wage plan and amend it from time to time. Suggested changes may be submitted to the City Council through the City Administrator.

12.3 APPLICATION OF COMPENSATION RATES

An employee shall be paid a salary or wage within the range or rate or equivalent hourly rate established for the class of position to which the person has been appointed as provided in the salary ordinance except as provided by these rules.

12.4 SCHEDULE OF PAYMENTS

- a. The pay period for employees of the City of Gridley biweekly.
- b. Deductions. Each deduction from an employee's wages shall be made in accordance with prevailing laws, contracts, rules and regulations.

Deduction required by law and contracts: Federal Withholding Tax, State Withholding Tax, City Retirement Premium, Medicare Tax.

Deductions made on written agreement from each employee: health and life insurance, survivor insurance for safety personnel, deferred comp. Plans, IRAs.

- c. Claims for Non-Payment of Debts. Claims for non-payment of debts for the purpose of garnisheeing employee's wages shall be made to the City Clerk under Section 710 of the code of Civil Procedure.
- d. Terminal Pay. Employees separated from the City shall receive the number of days' vacation which has been accumulated, and these amounts shall be computed and added to the final pay check with full explanation made on the payroll. Compensation for any time taken in excess of the entitlement shall be deducted.

In the case of employee's death, the City shall pay the employee's beneficiary the sums he has so designated on the forms provided by the City Clerk.

Terminal pay is paid to an employee only upon submission by the employee of all city-owned property in his possession including keys, ID cards, bages, credit cards and equipment.

12.5 COMPENSATION AT HIRING

- a. New employees.

All newly appointed regular employees shall be paid at the first step of the salary range for the class of position to which the employee is appointed unless otherwise specified in these rules. Extra help employees shall be appointed at the hourly rate of the first step of the salary range of the position to which appointed.

- b. Advanced Step Hiring.

If the Personnel Director finds that qualified applicants cannot be successfully recruited at the first step of the salary range, the City Administrator may authorize an appointment at an advanced step of the salary range.

12.6 MERIT ADVANCEMENT WITHIN RANGE

Performance Report Required.

A department head shall review an employee's performance to determine whether or not the employee should receive merit advancement within the salary range. The performance review shall be in writing and shall be discussed with the employee by his department head or immediate supervisor during the month preceding the effective date of the merit increase. Should the department head fail to submit a performance review of an employee who is due for a merit increase, either recommending increase or some other appropriate action, within fourteen (14) days after the merit increase effective date, then the merit increase becomes automatic.

a. Performance of Employment required for Merit Advancement

Unless otherwise specified in these rules, each employee shall, in addition to the required performance standards, complete the following required time in service to be eligible to receive a merit increase.

1. New Employees

- (a) An employee appointed at the first step of a salary range shall have a merit advancement date which is six (6) months following the appointment date.
- (b) An employee appointed above the first step of a salary range shall have a merit advancement date which is one (1) year following the appointment date.
- (c) Each additional step, after permanent status has been awarded, in the salary range shall be achieved after recommendation of the department head upon successful completion of one year's service from the previous step increase. Employee shall be elevated by his department head in written form. The employee evaluation shall be placed in his personnel file.
- (d) Any employee who has performed his duties in an outstanding manner and is deserving of an advanced salary increase (more than would normally occur at his next scheduled step increase) may be awarded more than his next respective step increase upon recommendation of the department head and approval of the City Administrator. The "successful completion of one (1) year's service from the previous step" requirement in Section 12.6 would be waived in this situation.
(Added 11/19/79)

2. Promotion or Demotion

- (a) An employee who is promoted or demoted to the first step of a salary range shall have a new merit advancement date which shall be six (6) months from the date of promotion or demotion.
- (b) An employee who is promoted or demoted to a step in a salary range above the first step shall have a new merit advancement date which shall be one (1) year from the date of promotion or demotion.

3. Transfer or voluntary demotion

An employee who transfers or who voluntarily demotes to a class of position at a lower salary range shall have no change in merit advancement date.

4. Change in Range Allocation

If the salary range for an employee's class is changed, the employee's merit advancement date shall not change.

5. Position Reclassification

- (a) An employee whose position is reclassified to a classification having the same or a lower salary range shall have no change in merit advancement date.
- (b) An employee whose position is reclassified to a classification having a higher salary range who is placed in the first step of the higher salary range shall have a merit advancement date which is six (6) months following the effective date of the position reclassification.
- (c) An employee whose position is reclassified to a classification having a higher salary range who is placed above the first step of the salary range shall have a merit advancement date which is one (1) year following the effective date of the position reclassification.

6. Step Adjustments

An employee whose salary step is adjusted to a higher step within the salary range shall have a merit advancement date effective one (1) year from the date of the adjustment.

7. Effective Date

Merit advancements shall become effective on the first day of the pay period following completion of the required period of employment.

8. Regular Part-time Employees

For the purpose of this section regular part-time employees shall be considered in full-time service and shall be eligible for merit increases at the time prescribed.

12.7 PROMOTION

Regular employees promoted to a position in a class with a higher salary range may be paid either at the minimum rate of the new range or at the nearest higher rate that the employee would otherwise be entitled to on the date the promotion is effective, provided there exists at least a three percent (3%) increase in salary.

12.8 DEMOTION

Regular employees demoted to a position in a class with a lower salary range may be paid either at a rate that is one (1) step less than the employee's rate before the demotion or at a lesser rate upon recommendation of the department head and approval of the Personnel Director.

12.9 LATERAL TRANSFER

A regular employee may, upon recommendation of the appointing authority and approval by the Personnel Director, laterally transfer to a position having the same salary range as that held by the employee and for which the employee meets the minimum qualifications. An employee laterally transferred shall maintain the same merit advancement date and shall receive the same salary rate that employee would otherwise be entitled to on the date of the transfer. A probationary employee must complete the probationary period in the lateral transfer class.

12.10 VOLUNTARY DEMOTION

A regular employee who, upon recommendation of the appointing authority and approval by the Personnel Director, voluntarily demotes to a position having a lower salary range than that held by the employee and for which the employee meets the minimum qualifications, shall receive the same salary rate the employee would otherwise be entitled to on the date the voluntary demotion is effective or the nearest lower applicable rate. A probationary employee must complete the probationary period in the demotion class.

12.11 CHANGE IN RANGE ALLOCATION

The salary step of an employee in a position in a class which is reallocated to a new salary range shall be adjusted to the corresponding step of the new range. Should the new range be less than the employee's existing range, the employee's salary rate shall not be reduced but maintained in a "Y" rate condition until the employee's merit advancement date or the salary range for class is increased at which time the employee's pay rate shall be adjusted to the nearest higher rate in the salary range for the class.

12.12 POSITION RECLASSIFICATION

The salary rate of an employee in a position which is reclassified shall be determined as follows:

- a. If the position is reclassified to a class at the same salary range, the employee's salary step shall not change.
- b. If the position is reclassified to a class with a higher salary range, the employee may be paid either at the minimum rate of the new range or at the nearest higher rate that would have been applicable had the employee's classification not changed, provided that an employee reclassified to a class with a salary range in excess of three percent (3%) increase in pay.
- c. If the position is reclassified to a class with a lower salary range, the salary rate of the employee shall not be reduced, but shall be maintained in a "Y" rate condition until the employee's merit advancement date or an adjustment is made to the salary range for the class at which time the employee's salary rate shall be adjusted to the nearest higher rate in the pay range for the class.

12.13 COUNCIL AUTHORITY TO SPECIFY SALARY

Notwithstanding anything in these rules to the contrary, the Council may specify that a person appointed to a particular position shall occupy any step on the salary range for the class of position to which appointed. Action based on this section shall be taken only under unusual circumstances where such action is important to the successful operation of a department of the City government.

12.14 OVERTIME

- a. Policy

It is the policy of the City to avoid overtime work whenever possible. Department heads have the responsibility of authorizing overtime prior to the overtime taking place.

- b. Authorization for Overtime Work

Overtime work shall be performed only upon authorization of the appointing authority or subordinate empowered to authorize the same.

- c. Overtime Defined

Overtime is authorized work in excess of the normal work period of at least two-tenths of an hour (12 minutes). The normal work period is 8-1/2 hours daily or 51 hours in a nine-day shift for patrolmen and sergeants; and the normal work period for all other personnel is 8 hours daily or 40 hours in a seven-day shift. (Amended 4/6/81, Reso. 17 (1981 Series)).

- d. Record of Overtime Work and Justification

Each appointing authority shall keep an accurate record of all authorized work time including the actual overtime hours worked by the individual employee together with justification for its authorization in each case and the manner and time in which the employee was compensated for overtime work.

e. Report Paid Overtime

Total hours of authorized overtime to be credited for each eligible employee for a pay period shall be reported to the Finance officer.

f. Overtime Compensation

Except as otherwise provided in these rules, employees shall be paid at one and one-half of the applicable straight hourly rate or granted the equivalent hours of compensatory time off. At the option of the employee, he may opt to accrue unlimited comp. Time throughout any given calendar year, however, each employee must use all accumulated comp. Time by the end of each calendar year except for two working weeks credit which may be carried over from year to year. Should an employee terminate with comp. Time accrued to his credit, he shall be paid for all accrued comp. Time at his current pay rate. An employee may use his comp. Time off with approval of his department head. (Amended Reso. 34, (1981 Series)).

Department Directors are exempt from overtime pay and may not accrue hours worked over their normal work period as compensatory time. (Amended Reso. 33, 8/21/89 (1989 Series)).

g. Fringe Benefits not Affected by Overtime

Overtime work shall not be a basis for increasing vacation or sick leave benefits, nor shall it be a basis of advancing completion of required periods for probationary or salary step advance.

h. Overtime for Stand-by (Amended)

Any employee who is required to be available on stand-by duty during his off-time hours shall be compensated for two hours at his respective overtime rate of pay for each day (24-hour period) of stand-by duty.

If an employee, while on stand-by duty, is called out for maintenance purposes, he shall be entitled to his stand-by pay only unless his call or aggregate calls on given stand-by day total more than two (2) hours. In such case where an employee is called out and works more than two (2) hours, he shall be paid his overtime rate for each 2/10ths of an hour (Section 12.14 (c)) worked over the two hours requirement. (Amended Reso. 76 (1980 Series)).

i. Overtime for Physical Examinations

Under no circumstances will overtime be paid to an employee who voluntarily submits to his required triennial physical examination on his own time. (Reference Section 13.14). (Added Reso. 76 (1980 Series)).

12.15 TEMPORARY ASSIGNMENT

When an employee is assigned to work at a position having a higher classification, that employee shall be paid at a rate equal to the lowest step of the high classification or at the lowest step of the higher classification's range which provides a three percent (3%) increase in his present salary, provided that employee has worked at the higher classification for ten (10) consecutive working days.

Once an employee qualifies under the above section for higher pay, he shall be immediately eligible for such pay if ever again assigned to such work.

entitlement shall be paid during the month of July immediately following the calendar year wherein said vacation was earned. (Added 8/21/89, Reso. 33, (1989 Series)).

13.2 SICK LEAVE

a. Employee Sick Leave

Regular employees shall earn sick leave at a rate of eight (8) hours per calendar month of service or pro rata portion. There shall be no limit to the accrual of unused sick leave. Extra help employees shall not earn sick leave.

Except in emergency, in order to receive sick leave compensation while absent, the employee shall notify the department head prior to or within four (4) hours after the time set for the beginning of the employee's work shift. The employee shall, upon request, file a physician's certificate with the department head stating the cause of the absence and the employee's physical ability to return to work; on the basis of authoritative medical advice, the City Council shall determine whether an employee is physically incapacitated for duties of his position and may take the action they consider appropriate. (Amended 4/6/81, Reso. 17, (1981 Series)).

b. Critical Illness in Family

Whenever a regular employee believes it necessary to be absent from duty because of the critical illness of an immediate family member, the employee may request permission of the appointing authority to be absent for not more than three (3) working days with pay.

Any time off shall be charged against sick leave.

c. Pay Off at Retirement of Accrued Sick Leave

Sick leave which has been accumulated during an employee's tenure with the City, shall be reimbursed at his current rate of pay to said employee upon his retirement for longevity under P.E.R.S. Unless further addressed in the MOU or management resolution.

d. Sick leave donation policy

1. Employees who have exhausted all paid leaves to include, vacation, holiday, compensation time, sick time and administration time, may request donated sick leave under the following provisions:
 - a. To request donated sick leave an employee must submit a completed "Donated Sick Time Use" form to the employees respective Department Head.
 - b. To qualify for such sick leave the employee will have suffered an illness or injury that is expected to incapacitate the employee for an extended period of time, and taking extended time off work creates a financial hardship for the

employee because he/she has exhausted all of his/her sick leave and other paid time off. Employee must submit written doctor's orders excusing employee from work for medical reasons.

2. If the request is approved by the Department Head said Department Head will forward the "Donated Sick Time Use" form to the City Administrator for review.
3. If the City Administrator approves the request, the form will be forwarded to the payroll department.
4. A notification of approval, or denial, of such request will be provided to the requesting employee, in writing, after a decision has been reached.
5. Donations of sick leave may be made under the following provisions:
 - a. the donating employee must complete the "Donation of Sick Leave" form and submit it to their Department Head.
 - b. the maximum amount an employee may offer shall be 40 hours
 - c. the donating employee must maintain a minimum of 96 hours in their sick time balance for their own needs.
 - d. in the event the hours of offered sick leave are not utilized, the excess hours shall remain with the donor. The method of processing shall be determined by the City.
6. This sick leave donation policy is strictly voluntary. Employees who participate agree not to file any grievance, claim or lawsuit of any kind which attempts to challenge in any way the legality of enforcement of these provisions.
7. Transfers shall be credited in terms of equivalent hourly amounts expressed in dollars at the salary rate of the benefiting employee.

13.2 BEREAVEMENT LEAVE

Whenever a regular employee believes it necessary to be absent from duty because of the death of a member of the employee's immediate family, the employee may request permission of the department head to be absent for not more than three (3) working days with pay for each occasion. Any time used in this manner shall not be charged to sick leave or vacation, but shall be documented and recorded as bereavement leave.

13.3 LEAVE OF ABSENCE

An employee may be granted a leave of absence only for good and sufficient reason. All leaves of absences are to be documented on personnel action forms and filed with the Personnel Director. Should the classification or pay rate of the position held by an employee on leave of absence change during the leave, the employee, upon returning from leave shall be assigned to the new classification or pay rate. Failure of an employee to return after expiration of leave shall be cause for discharge.

- a. Limited Leave

A department head may grant a regular or probationary employee a limited, non-compensated leave of absence not to exceed on (1) calendar week.

b. Extended Leave

The City Council may grant a regular or probationary employee a ninety (90) day non-compensated leave of absence, which may be extended on Council approval.

c. Accrual of Seniority, Vacation, Sick Leave, and Holiday Benefits

An employee's status as a regular employee shall not be impaired by such leave and his seniority shall accrue. However, vacation, sick leave, and holiday benefits shall not accrue during the time an employee is on leave of absence. The City may pay its share of the Group Insurance Contribution on an employee who is on leave of absence, up to a maximum of ninety (90) days.

e. Unauthorized Leave of Absence

An unauthorized leave of absence is a time not worked. For an unauthorized leave of absence, the City shall deduct from the employee's pay an amount equal to time absent. An unauthorized leave of absence is grounds for disciplinary action, including dismissal, unless the employee upon his return furnishes reasons satisfactory to the department head and City Council for not having obtained an authorized leave of absence.

f. Industrial Disability Leave with Pay

1. Each regular employee covered by Safety Member retirement shall be granted a paid industrial disability leave as prescribed by California Labor Code 4850 up to one (1) year from the date of injury or illness. Employees shall be required to reimburse the City for any and all industrial disability benefits received during the period of Labor Code Section 4850 paid leave. Employees shall accrue full benefits during the period of Labor Code Section 4850 paid leave except social security.
2. Each regular employee not covered by Labor Code Section 4850, shall be granted an Industrial disability leave in accordance with the following rules.
 - a. Employees shall be required to use any accrued leave benefits in order to receive paid leave.
 - b. Employee's earnings will be adjusted to the differential between amount paid and any industrial disability benefits received during the period of paid leave.
 - c. Employee shall have leave benefits reinstated in the equivalent value of the disability benefits.

- d. During the period of paid industrial disability leave, employees will continue to accrue full benefits for vacation, sick leave, and holidays. Benefits for retirement and social security will be accrued on the salary differential representing the adjusted leave benefits.

- g. Industrial Disability Leave Without Pay

Each regular employee who is injured or contracts an industrial illness on duty may be granted an unpaid disability leave by the City Council from the time accrued sick leave benefits are exhausted until the employee is released to return to work. Employees shall accrue no benefits while in this status except as provided in these rules.

- h. Military Leave

Military leave shall be granted in accordance with the provisions of state law. All employees entitled to military leave shall give the department head an opportunity within the limits of such military regulations to determine when such leave shall be taken and shall provide the department head with a copy of the military orders.

13.4 HOLIDAY LEAVE

Each regular employee in a compensated employment status on the assigned work day immediately preceding and the assigned work day immediately following a designated holiday, shall be entitled to compensation for the designated holiday. The following holidays are designated:

- | | |
|--|---------------------------------|
| 1) New Year's Day | January 1 |
| 2) President's Birthday | Third Monday in February |
| 3) Memorial Day | Last Monday in May |
| 4) Independence Day | July 4 |
| 5) Labor Day | First Monday in September |
| 6) Thanksgiving Day | Designated Thursday in November |
| 7) Day after Thanksgiving | |
| 8) Last Working Day Before Christmas | |
| 9) Christmas Day | December 25 |
| 10) Last Working Day before New Year's Day | |

When a designated holiday falls on a Sunday, the following Monday shall be observed; when a designated holiday falls on Saturday, the preceding Friday shall be observed. Policy Department employees required to work varying shifts shall observe all holidays on the date of their actual occurrence regardless if the holiday falls on a weekend.

Any regular employee, who is required to work on whose regular day off falls on a holiday, shall receive an extra day's pay for such holiday. Those employees who work on a holiday shall receive their extra day's pay at time and a half (1-1/2).

13.5 (a) FLOATING HOLIDAYS

In addition to designated holidays, each regular employee shall be entitled to up to three (3) floating holidays for a maximum of twenty-four (240 hours per calendar year. Regular employees, employed as of January 1 of each year shall be credited with twenty-four (24) hours of floating holidays. Employees hired between January 1 and April 30 shall be credited with sixteen (16) hours of floating holiday for the remainder of the calendar year. Employees hired between May 1 and August 31 shall be credited with eight (8) hours of floating holiday for the remainder of the calendar year. Employees hired between September 1 and December 31 shall receive no floating holiday hour credits for the calendar year in which they were hired. A department head may require an employee to provide fourteen (14) days notice in advance of the floating holiday. In the event of an emergency, a department head may deny the employee's floating holiday. Floating holidays shall be scheduled and taken off within the calendar year to which they are credited. Employees shall not be compensated in pay for floating holidays in lieu of time off. (Amended, Reso. 34 (1981 Series)). Unless further addressed in the MOU or management resolution.

13.5 (b) ADMINISTRATIVE LEAVE

Management employees who are not eligible for overtime pay or the accrual of compensatory time off, shall be entitled to eighty (80) hours of paid administrative leave each fiscal year. All unused administrative leave accrued at June 30th of each fiscal year shall be paid in cash to the affected management employee at his/her standard hourly rate of pay. There shall be no accrual of administrative leave from one fiscal year to another. (Added 8/21/89, Reso. 33 (1989 Series)).

13.6 JURY AND WITNESS LEAVE

Employees shall notify their appointing authority immediately upon receiving notice of jury duty or call as a witness. Regular employees who served on a jury or are served with a subpoena which compels their presence as a witness, shall be granted a leave of absence with pay in the amount of the difference between the employee's regular earnings and the amount received for such appearances. Employees called for such court appearances may retain the court paid mileage fees.

If a member of the Police Department is required to make a court appearance at a time other than on regular shift, the employee shall be compensated for a minimum of two (2) hours at time and a half (1-1/2).

13.7 REST BREAKS

Employees may be allowed rest periods of fifteen (15) minutes during the mid-portion of the first and second half of a shift. Rest periods shall be scheduled in accordance with the requirements of the department. The department head may designate the time and location or locations at which rest periods may be taken. Rest periods shall be considered hours worked and employees may be required to perform duties, if necessary.

13.8 RETIREMENT

Regular employees holding City employment shall be members of the Public Employee's Retirement System as provided by law and the terms of the contract in effect between the City and Public Employee's Retirement System. The Council may amend the contract as provided by law. The Personnel Director shall advise the Council regarding policy matters concerning the contract or amendments to it.

Hourly rated extra help employees shall not be eligible for retirement benefits, except as provided by state.

13.9 HEALTH AND DENTAL INSURANCE

All City officers and regular employees assigned to a one-half (1/2) time or more position and the employee's dependents shall be entitled to the City-sponsored group health and dental insurance program. Eligible employees enrolling in the program within thirty (30) days following their appointment will be insured subject to the contract limitation with the insurance carrier. Employees enrolling after the thirty (30) day enrollment period will be approved only upon evidence of insurability. Regular employees assigned less than one-half (1/2) time and extra help employees shall not be eligible for the health and dental insurance programs.

Those employees who retire from City service under the Public Employees' retirement System shall be entitled to health insurance coverage subject to COBRA provisions for themselves and their dependents under the City's group plan provided the retired employee pays the entire premium. The payments must be made in advance of the month covered. Said coverage shall be made available to retiring employees as permitted by the City's health carrier. Should an employee who has opted to use the City's group insurance discontinue said coverage, he may not re-enter the program at a later date (Amended Reso. 34, (1981 Series)).

13.10 TRAVEL AND EXPENSES

a. Authority for travel

City officials may travel on their own authority whenever it is necessary to transact City business and they may authorize any employee to perform such travel subject to authorized budget funds for travel. All employees shall have prior approval of their department head before traveling on City business. On travel outside the county where no overnight lodging is required, officials may travel on their own authority.

b. Method of Travel

City cars shall be used whenever possible and to the extent available for travel within the county. Each person who uses a privately-owned vehicle on City business shall file an affidavit certifying that there is liability insurance in effect in the sum of not less than fifteen thousand dollars (\$15,000) for bodily injury to one (1) person, thirty thousand

dollars (\$30,000) for bodily injury to two (2) or more persons, and five thousand dollars (\$5,000) for property damage. Such affidavits shall be on file with the City Clerk.

c. Rules for Use of City Vehicles

1. Only the Police Chief, stand-by personnel and positions approved by the City Council, or City Administrator shall be permitted to take a City vehicle home after the work shift has been completed. Each vehicle may be stored on City property when not in use during the workday.

When the department head, who has use of a City vehicle is on vacation, extended sick leave (over one (1) week) or leave of absence, he/she shall store his the respective City vehicle on City premises.

Department heads are responsible for the proper use and safeguarding of the vehicles under their jurisdictions. (Amended 1/7/80, Reso. 2, (1980 Series)).

2. Employees using City vehicles under the direction of their department head shall not allow unauthorized persons to rent, borrow, or otherwise use a City vehicle.
3. Each City employee shall comply with all City and State laws regarding the operation of City vehicles and is personally liable for payment of a fine incurred, at his/her fault, while driving a City vehicle.
4. No City employee shall drive a City vehicle who does not have in his possession a valid driver's license.
5. Department heads The City Administrator may grant other public agencies permission to use City-owned equipment. . The applicable Department Head shall be responsible for obtaining the proper documentation covering liability, damage and operation of the City-owned equipment.
6. Employees taking trips of any length must use the City credit card for gasoline and oil assigned by the City Clerk's office. The use of the credit card shall be limited to the purchase of gasoline, oil, and miscellaneous service such as lubrication, tire repairs and battery charge. The vehicle license number shall be written by the gas station attendant on the sales tag.
7. An employee shall obtain a purchase order before taking a vehicle to a garage for repairs, or purchasing equipment for it. An employee ordering repairs or equipment without purchasing clearance is personally responsible for payment.

d. Equipment other than Motor Vehicles

1. No City equipment, instruments, tools, supplies, machines or other items which are the property of the City shall be used by an officer or employee engaged in outside employment.
2. No employee shall take City property for personal use.

e. Expense for Mileage

Any officer or employee who has received authorization to use a privately-owned vehicle for City business shall be reimbursed at a rate established and updated by the IRS for each mile driven on City business..

13.11 UNEMPLOYMENT INSURANCE

City employees shall be covered by unemployment insurance pursuant to State law. The purpose of this coverage is to provide benefits to former employees who are no longer employed through no fault of their own. Employees who terminate from City employment shall complete termination forms and procedures as required by the Personnel Director.

The Personnel Director shall administer the Unemployment Insurance Program. The Personnel Director shall provide and maintain any records required for the Unemployment Insurance Program and represent or arrange for representation of the City in unemployment insurance claims actions. The Personnel Director shall advise the Council regarding the maintenance and administration of the Unemployment Insurance program.

The Finance Officer shall act as the fiscal agent for the Unemployment Insurance Program. The Finance Officer shall provide and maintain all payroll and fiscal records and make reimbursement payments to the State as required by the Unemployment Insurance Program. The Finance Officer shall provide to the Personnel Director fiscal and payroll information necessary for the administration of the program.

13.12 UNIFORMS

All regular safety personnel who are required to wear uniforms shall receive a monthly allowance of forty dollars (\$40.00) for the purpose of keeping uniforms neat and serviceable.

The purchase of the uniform clothing shall be the responsibility of the employee. Employees who are on leave under Section 13.4(e) shall not be entitled to a uniform allowance. (Amended 8/21/89 Reso. 33 (1989 Series)).

13.13 SAFETY CLOTHING

Pursuant to Labor Code Section 6401 which states as follows:

Every employer shall furnish and use safety devices and safeguards, and shall adopt and use practices, means, methods, operations, and processes which are reasonably adequate

to render such employment and place of employment safe and healthful. Every employer shall do every other thing reasonably necessary to protect the life, safety and health of employees.

The City will furnish a supply of safety shirts for Public Works employees and for the Consumer Service Person which would make these employees easily identifiable and highly visible. (Added 6/16/80, Reso. 47 (1980 Series)).

13.14 EMPLOYEE CONDUCT

Employees shall:

- a. Perform their duties and obey lawful orders of supervisors with reasonable diligence and efficiency.
- b. Be reasonably pleasant and cooperative in dealings with superiors, subordinates, peers and members of the public.
- c. Take reasonable care of assigned supplies, equipment, areas of responsibility and self.
- d. Handle personal and outside activities in such a manner that they not interfere with the performance of City duties.
- e. Conduct themselves in a manner as to not bring discredit to the City or their position.

13.15 MEDICAL EXAMINATION (AMENDED)

Regular employees, including reserve and call personnel **may** be required to have a physical examination triennially from the date of employment. Department heads may require physical examinations more often than triennially from the date of employment for personnel whenever, in his judgment, the best interests of the City require such examination. This required triennial physical examination shall be at no cost to the employee. The required physical examination may be conducted any time during the fiscal year in which payment for said physical examination has been budgeted.

Under no circumstances will overtime be paid to an employee submitting for his triennial required physical on his own time. Required physical examination shall be scheduled by the employee during his regular work hours subject to the approval of his department head.

This section does not preclude an employee from voluntarily submitting for his required triennial physical examination on his own time, without compensation, if he so chooses. (amended, Reso. 76 (1980 Series)).