



CITY OF CITRUS HEIGHTS

PERSONNEL RULES

AND REGULATIONS

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CHAPTER I - INTRODUCTION

1.1 Personnel System

It is the purpose of these Rules and Regulations to establish policies, principles and procedures for dealing with personnel matters. The intent is to establish a practical system based upon merit principles that will provide efficient and effective service to the public. This will be accomplished through uniform personnel procedures that will provide reasonable rights for prospective and current employees to be informed of the City's criteria and expectations affecting employment.

1.2 Adoption and Amendment of Rules

The City Council may add to or revise these rules and regulations by resolution. Revisions to such rules and regulations may be proposed from time to time by any member of the City Council, City Manager, or City Attorney.

1.3 Application of Rules and Regulations

These Personnel Rules and Regulations shall apply to all officers and employees in the “competitive” service of the City unless specifically provided otherwise in these Rules or unless modified by an active Memorandum of Understanding (MOU) in which case the MOU takes precedence. For Police Department employees, the CHPD Policy Manual will take precedence over contrary provisions in these Rules. The following categories of persons are excluded from the “competitive” service:

- a. Members of the City Council
- b. Members of appointive boards, commissions and committees
- c. Persons engaged under contract to supply expert, professional or technical or any other services
- d. Volunteer personnel, who receive no compensation from the City
- e. City Manager
- f. City Attorney
- g. Department Directors and Division Managers
- h. Emergency employees who are hired to meet the immediate requirements of an emergency condition, such as extraordinary fire, flood, earthquake, etc., which threatens life or property
- i. Employees, other than those listed elsewhere in this section, who are not regularly employed in regular positions
- j. Temporary or seasonal employees, whether part-time or full-time
- k. Any new position so designated by the City Manager
- l. Any position primarily funded under a State or Federal employment program
- m. Provisional appointments, Limited Term appointments, or Special Funded appointments

Employees not included in the competitive service under this section shall be considered at will employees and serve at the will of the Appointing Authority.

Employees who serve in an at will capacity are not subject to the provisions of these Personnel Rules and Regulations regarding recruitment, discipline, discharge, resignation, layoff, probationary periods, testing, transfer, reclassification, promotion, and appointment. The employment of at will personnel may be terminated at any time, for any reasons, and without any requirement of demonstrating “good cause.” At will employees do not have the right to appeal any discipline or termination.

1.4 Personnel Administration

The City Manager is the Human Resources Officer and shall administer the City Personnel System. The City Manager may delegate any of the power and duties conferred upon him/her as Human Resources Officer under this section to any other officer or employee of the City, or may recommend that such powers and duties be performed under contract as provided in Section 1.7. The Human Resources Officer shall:

- a. Administer all the provisions of the Personnel Ordinance and of the Personnel Rules and Regulations not specifically reserved to the City Council.
- b. Prepare and recommend to the City Council, Personnel Rules and Regulations and revisions and amendments to such Rules and Regulations.
- c. Prepare or cause to be prepared a Position Classification Plan, including class specifications and revisions of the Plan.
- d. Manage and implement the recruitment and selection process for employee selection.
- e. Manage the City Council’s compensation policy.
- f. Manage and implement the City’s Pay-for-Performance Program and Evaluation system.
- g. Create appropriate policies and procedures to implement these Rules and Regulations, including but not limited to, recruitment and selection procedures for the filling of positions in the competitive service, and/or promotional selection process consistent with the merit and fair employment principle.

1.5 Personnel Records and Reports

a. Personnel Records

The Human Resources Officer shall maintain a service or personnel record for each employee in the service of the City showing the name, title of the position held, the department to which the employee is assigned, salary, changes in employment status, employee performance reviews, and such other information as may be considered pertinent.

Information in the employee’s personnel file is confidential and will not be revealed to outside sources except as required by law or with the consent of the employee. Upon request, an employee may inspect his/her personnel file during normal working hours at

the Human Resources Office. The file may not be removed from the Human Resources Office except as required by law.

b. Change of Status Report

Every appointment, transfer, promotion, demotion, change of salary rate, and any other temporary or permanent change in status of employees shall be reported to the Human Resources Officer in such a manner as he/she may prescribe.

1.6 Merit and Fair Employment Principle

The City of Citrus Heights maintains a merit system governing personnel actions. Employment and promotion will be based on merit and fitness, free of personal and political considerations, and not influenced by race, religious creed, color, national origin, ancestry, sex, gender, age, sexual orientation, marital status, medical condition, or disability. These Rules and Regulations and their administration shall be consistent with applicable State and Federal guidelines. Continued employment of employees covered by these Rules and Regulations shall be subject to satisfactory work performance, necessity for the performance of work and the availability of funds.

1.7 Right to Contract for Services

The City Manager shall consider and make recommendations to the City Council regarding the extent to which the City should contract for the performance of services in connection with the establishment or operation of the personnel system. The City Council may contract with any qualified person or public or private agency for the performance of all or any City services.

1.8 Severability

If any section, subsection, sentence, clause, phrase or portion of these Personnel Rules and Regulations is, for any reason, held to be invalid or unconstitutional by the decision of any court or competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Personnel Rules and Regulations.

1.9 Employee Responsibility

Each employee is responsible for reading and complying with these Rules and Regulations.

CHAPTER 2 - DEFINITIONS

Advancement: A salary increase within the limits of a pay range established for a class.

Anniversary Date: The date recurring annually upon an employee's date of hire and/or subsequent appointment date to a different position. This date is used principally in matters regarding performance evaluations. In the event of a promotion an employee will have a new anniversary date recurring annually upon the date of action.

Appointing Authority: The City Manager of the City of Citrus Heights shall be the Appointing Authority and shall have the final authority to demote, dismiss, reduce in pay or suspend without pay, any employee in the competitive service.

Appointment: The employment of a person in a position.

Appointment Date: The date of an employee's appointment to a regular position.

Benefit Anniversary Date: The date used to determine the employee's leave accrual rate. The benefit anniversary date may be different from the appointment date.

Benefit Tier: The level of benefit and/or accrual rate available to regular part-time employees based on the hours the employee is assigned to work in relation to full time employment.

City: The City of Citrus Heights, a municipal corporation.

Competitive Service: All regular and probationary part-time and full-time employees and positions which are included or may be included under the personnel system by ordinance or resolution, but specifically excluding at-will, temporary, seasonal, limited term, special funded, and provisional employees or others as listed in section 1.3.

Demotion: The voluntary or involuntary reduction of a regular employee from a position in one class to a position in another class having a lower maximum salary rate.

Discharge: The involuntary separation of an employee from the service of the City.

Disciplinary Payroll Deduction: A disciplinary penalty that reduces either paid leave or compensation by a specific amount. If compensation is reduced, the compensation reduction is spread over one or more pay periods but will not reduce pay below the California minimum wage, nor deprive the employee of FLSA overtime at the FLSA regular rate of pay.

Employment Status:

- a. **Temporary employee:** A part-time or full-time employee whose position is funded on a seasonal or other special time period basis.

- b. **Regular employee:** An employee who has completed probation or who is not required to complete probation and is assigned to a Council allocated position that has been established on a regular, year-round basis.
- c. **Probationary employee:** A new or newly promoted employee who has been appointed to a regular full-time or a regular part-time position, specifically excluding temporary, limited term, special funded, provisional, and seasonal employees. An employee must successfully pass the probationary period to attain regular employee status.
- d. **Volunteer:** An individual who has agreed to provide a service to the City with full knowledge that monetary compensation will not be provided.
- e. **Full-time employee:** An employee whose normal assigned work hours equal a thirty-six to forty-hour work week.
- f. **Part-time employee:** An employee whose normal assigned work hours are less than a thirty-six hour work week.
- g. **Exempt employee:** Employees designated by the Human Resources Officer as not being eligible for overtime pay under the guidelines of the Fair Labor Standards Act (FLSA).
- h. **Non-exempt employee:** Employees designated by the Human Resources Officer as eligible for overtime pay under the guidelines of the Fair Labor Standards Act (FLSA).
- i. **At will employee:** An employee who is employed in a classification that is excluded from the competitive service. At will employees may be separated from service at any time and without the predisciplinary procedure described in these Rules and Regulations.

Entry Level Classes: Classifications designed to provide an on-the-job training opportunity to an employee who has limited directly related work experience and is not yet prepared to perform the full range of work assigned to the journey level class. The entry level may also signify responsibility for less complex work where the organization does not expect the need for performance of more complex tasks. In this case, an employee may be assigned permanently to the entry level in a flexibly staffed class.

Flexible Staffing: For designated classifications and positions, appointments may be made at the entry or journey level based on qualifications. Upon meeting the requirements of the higher level classification, employees at the entry level may be moved to the journey level position generally in conjunction with a performance evaluation upon the recommendation of management and approval of the City Manager and/or his/her designee. A corresponding compensation adjustment occurs for the employee based on approval of the flexible staffing move by the City Manager.

Human Resources Officer: The City Manager or individual designated by the City Manager to administer the personnel system.

Immediate Family: For purposes of these Rules and Regulations, immediate family is defined as: spouse, registered domestic partner, children, step-children and parents or as defined by state and/or federal law.

Job Abandonment/Voluntary Resignation: Failure of an employee to return to work within 72 hours after the City issues a notice requiring the employee to return to work.

Journey Level Classes: Classifications designed to recognize those positions, which require the incumbent to perform a broad range of tasks usually under general supervision. A journey level position is fully trained in the scope of duties associated with this level.

Just Cause: Cause, supported by evidence, to take disciplinary action against an employee.

Layoff: The separation of employees from the active work force due to a lack of work, lack of funds, the abolishment of the position or due to organizational changes.

Limited Term Appointment: An appointment to a position that is specified to last a specific length of time. Incumbents serve in an at-will capacity.

Merit Salary Advancement: The increase of an employee's salary within the salary range established for the class or position based upon job performance. Merit salary advancement is not an automatic advancement.

Merit System: The process whereby employment and promotion are based on merit, free from personal and political considerations, nor influenced by race, religious creed, color, national origin, ancestry, sex, gender, sexual orientation, marital status, medical condition or disability.

Overtime: The working by non-exempt employees of more than forty (40) hours in a work week.

Paid Administrative Leave: A temporary removal from duty, with pay, when the City has determined it is not appropriate for a subject employee to remain on duty anytime it is determined to be in the best interest of the City pending a resignation, termination, investigation into allegations of conduct, or other personnel actions. Employees placed on paid administrative leave remain under the direction of the City.

Police Specific Positions: Sworn and non-sworn classifications which are hired specifically to perform public safety related duties in the Police Department and for which there are no similarly allocated positions in other City departments.

Probationary Period: A working test period during which an employee is required to demonstrate his/her fitness for the position to which he/she is appointed by actual performance of the duties of the position.

Provisional Appointment: An appointment of a person who possesses the minimum qualifications established for a particular class and who has been appointed to a position in that class in the absence of an appropriate employment list. Provisional appointments are at-will.

Resignation: Voluntary termination of employment by an employee either in writing, by job abandonment, or by an unexcused absence in excess of 5 consecutive days with no contact by the employee.

Separation: Leaving City employment for any reason.

Special Funded Appointment: An appointment to a position with identified special funding that is anticipated to exist for of a limited duration. Incumbents serve in at at-will capacity

Suspension: A temporary removal from duty without pay.

Termination: Separation from City services with the action initiated by the City.

Whistleblower: An employee who makes a disclosure about improper conduct that is in violation of law, policy or regulation by a public body or a public official.

Work Day: A twenty-four hour period from midnight to 11:59 p.m. unless otherwise specified by the City.

Work Week/ Work Period: Any established and regularly recurring period of work that is not less than seven (7) consecutive days and not more than twenty-eight (28) consecutive days and that is used to calculate FLSA overtime.

CHAPTER 3 - COMPENSATION AND HOURS

3.1 Salary Administration

- a. The City Manager administers the Compensation Policy.
- b. Employees will be appointed to a salary at the minimum rate or within the salary range assigned to the classification in which he/she is being employed. If warranted in rare circumstances, the City Manager may approve adjustments in an employee's salary other than at the time of the employee's annual performance review.
- c. Employees are normally eligible for a salary adjustment after the completion of one year of service from the date of appointment. The adjustment will be made based upon the performance of the employee as recommended by the Department Head and subject to approval by the City Manager.
- d. All future salary adjustments are incentive adjustments based on the performance evaluation to encourage an employee to improve his/her work and to recognize increased skill on the job. Employees are normally eligible for these adjustments any time after the completion of twelve (12) months of service at the preceding salary rate. This period may be modified in conjunction with the performance evaluation recommendations and if approved by the Department Head and the City Manager.
- e. All rates shown are in full payment for services rendered, and cover full payment for the number of hours worked in each class.
- f. The comprehensive wage and salary plan is based on a full-time employee.
- g. Overtime:

It is the policy of the City that overtime work be discouraged. Overtime work may be required of an employee, however, in an emergency, or when required by the public interest. When overtime work is required, the use of flex-time within the work week is encouraged to avoid the payment of overtime or accrual of compensatory time off.

 - (1) All overtime work must have the prior approval of the direct supervisor or department management. Employees shall report overtime work as soon as possible after the work has been performed. Violations of this rule may result in discipline up to and including termination.
 - (2) Overtime shall be paid in accordance with federal and/or state laws, rules or regulations. Compensatory Time Off: For non-Police specific positions, as an alternative, to cash overtime pay, with the Department Head's approval and with the agreement of the employee, the employee may accrue compensatory time off at the rate of one and one-half hour for each overtime hour worked to a maximum of 120 accrued hours. The use of compensatory time off requires prior approval of the direct supervisor or department management. Requests to use compensatory time will be granted within a reasonable period of within

one month of the date requested off. The City may pay off all or a portion of accumulated compensatory time at any time it is in the City's interest to do so. Employees who terminate employment shall be paid in a lump sum for any compensatory time off accrued up to a maximum of 120 accrued hours and not taken at the date of separation. For police specific positions, compensatory time off shall not be permitted for the following classifications: Police Sergeant and Police Officer assigned to the Patrol Division, Community Services Officer series assigned to the Patrol Division, Police Dispatcher series, Police Records Assistant series, and any other position as determined by the Chief of Police and approved by the City Manager.

- h. Salary Upon Promotion, Demotion, Transfer, Reinstatement, Acting Assignment Pay, Working Out-of-Class Pay and Reclassification
- (1) Promotion: The salary level received by an employee upon promotion will be recommended by Human Resources and approved by the City Manager.
 - (2) Demotion: The salary adjustment received when an employee is demoted shall be a minimum decrease of 5% or to the top of the range of the new class whichever is lower. If the demotion follows a promotion within the past twelve months, the amount of the salary decrease shall equal the amount of the increase received at the time of the promotion.
 - (3) Transfer: There is no salary adjustment at the time of a transfer.
 - (4) Reinstatement: The salary will be recommended by Human Resources and approved by the City Manager.
 - (5) Acting Assignment Pay: The temporary special pay received by an employee assigned to perform duties of a higher level position for less than 28 consecutive days per established administrative policy.
 - (6) Working Out-of-Class Pay: The temporary special pay received by an employee assigned to perform duties of a higher level position for more than 28 consecutive days per established administrative policy.
 - (7) Reclassification: The salary adjustment as a result of a reclassification will be recommended by Human Resources and approved by the City Manager.

3.2 Work Period/Work Hours/Attendance/Automatic Resignation

The City will comply with federal and state guidelines establishing work periods for all City employees. Positions designated as eligible under the 207(k) regulations have a 171-hour work period. Working schedules are subject to the approval of the Department Head and the City Manager. The City Manager may prescribe hours of work other than those specified if circumstances appear to him/her to require it.

Employees shall be in attendance at their work location in accordance with the rules regarding hours of work, holidays and leaves. All departments shall keep attendance records of employees that shall be reported to Human Resources at the time, and in the manner prescribed.

An employee who is absent without notice for five consecutive days is considered to have resigned. The City will issue a written notice of the facts that support the City's determination that the employee is absent without notice, and an opportunity to respond. If the employee

timely challenges the City's recitation of the facts, the City will provide the employee the opportunity to present his or her version of the facts. If the City finds that the employee has been absent for five consecutive days without notice, the employee is determined to have resigned and such employee automatically waives all rights of appeal under these Rules and Regulations. The depositing of a postage paid, first class letter in the United States mail addressed to the employee's last known place of residence, shall constitute notice to the employee requiring the employee to return to work. Such voluntary resignation may be rescinded by the City Manager, if the employee presents satisfactory reasons for his/her absence within three (3) days of the effective date of his/her resignation.

3.3 Benefits

All full-time, probationary and regular employees and their eligible dependents will be eligible to participate in the City's benefit programs within the constraints of the benefit plans. The level of contribution by the City will be determined by the City Council. Regular Part-time employees who work 20 hours a week or more and are assigned to regularly allocated positions will receive benefits in accordance with the part-time benefit tier determined by their assigned work hours. Human Resources will recommend the part-time benefit tiers which will be subject to approval by the City Council.

3.4 Fitness for Duty

The Appointing Authority, at the expense of the City, may require an employee to submit to a physical or mental examination, or both, at any time if the Appointing Authority has reason to believe the employee cannot (a) perform the essential job duties of employment at a level of efficiency required by the City, or (b) perform such duties without constituting a risk to the health or safety of the employee or to other employees, staff, public or City property. Such physical or mental examination may be imposed as a condition of continued employment and may be performed by a doctor chosen by the City.

3.5 Fair Labor Standards Act: Public Accountability Policy and Exempt Salary Reduction Complaint Procedure:

The City has a policy of public accountability in recognition that the City has a responsibility under the public trust doctrine to use public funds properly, and to assure the public that taxes are being utilized efficiently and effectively. Under this policy, employees are paid for time actually worked and accrued leave is used for absences from work.

The City invokes the safe harbor provisions of the U.S. Department of Labor regulation codified at 29 CFR section 541.603(d) by disseminating and maintaining this policy regarding pay reductions. Should any pay reduction occur in violation of this policy, the City will reimburse its FLSA overtime exempt employees for any improper pay deductions and make a good faith commitment to comply with the FLSA in the future. An FLSA exempt employee who feels that his or her salary has been reduced in violation of this policy, may draft a memo to Human Resources explaining the alleged violation as soon as possible thereafter. The Human Resources Department and or City Manager will review the complaint and provide a written response to the employee.

CHAPTER 4 - LEAVES AND LEAVES OF ABSENCE

4.1 Annual Leave

Regular and probationary full-time employees in regular positions shall accrue Annual Leave hours rather than traditional vacation and sick leave hours according to the following schedule:

<u>Years of Service</u>	<u>Annual Accrual</u>	<u>Maximum Accrual</u>
0 through 4	(136 hours)	(272 hours)
Beginning year 5 through 9	(160 hours)	(320 hours)
Beginning year 10 through 14	(184 hours)	(368 hours)
Beginning year 15 through 19	(200 hours)	(400 hours)
Beginning year 20 and beyond	(240 hours)	(480 hours)

Regular and probationary full-time employees will accrue Annual Leave when hired to City service. Employees may not accrue more than two times their annual accrual.

Once the maximum accrual limit has been reached, the Annual Leave accrual hours will be added to the Long Term Medical Leave hours until the employee utilizes Annual Leave hours, thereby reducing the balance below the maximum accrual limit. At no time may an employee's Annual Leave hours exceed the maximum accrual limit.

Annual Leave hours may be used for any absence approved by the City, including:

- a. Vacation
- b. An absence caused by illness or injury to the employee
- c. Doctor, dental and vision appointments for the employee
- d. The employee's presence is required due to the illness or medical appointment of an immediate family member.

The times during which an employee may use Annual Leave for vacation shall be determined by the Department Head and/or immediate supervisor with due regard for the wishes of the employee and particular regard for the needs of the City.

In order to receive compensation while using Annual Leave for an unscheduled illness or injury, the employee shall notify his/her immediate superior or the Department Head prior to or within one (1) hour after the time set for beginning his/her daily duties, or as may be specified by his/her Department Head. When an unscheduled absence is for one workday or more, the employee may be required to submit a physician's certificate to his/her Department Head or Human Resources, verifying the need to be absent due to illness or injury. The intent of the Annual Leave program is to provide greater flexibility to the employee; however, the City retains the right to question the use of unscheduled leave if the use is having a negative impact on City operations or the City has performance concerns.

Annually, at a time determined by the City (or at the request of the employee and upon special approval by the City Manager), employees may, upon written request and written approval, receive compensation for up to forty (40) hours of unused Annual Leave based on their base salary. The ability to cash-out Annual Leave in return for compensation is based on the following criteria:

- a. The employee used at least 40 hours of Annual Leave during the previous year; and
- b. The employee will have a minimum balance of 80 Annual Leave hours after the cash out.

Regular and probationary part-time employees who work the equivalent of 20 hours a week or more and are assigned to regularly allocated positions will accrue Annual Leave consistent with the part-time benefit tier which corresponds to the hours the employee is assigned to work. The same terms and conditions regarding Annual Leave that apply to full time employees will apply to part-time employees consistent with the appropriate part-time benefit tier.

Employees who separate employment shall be paid in a lump sum for all accrued Annual Leave earned through the effective date of separation.

4.2 Long Term Medical Leave

Regular and probationary full-time employees shall accrue forty (40) hours of Long Term Medical Leave annually based on their date of hire.

Regular and probationary part-time employees who work the equivalent of 20 hours a week or more and are assigned to regularly allocated positions will accrue Long Term Medical Leave in accordance with their part-time benefit tier. The same terms and conditions regarding Long Term Medical Leave that apply to full time employees will apply to part-time employees. The use of Long-Term Medical Leave will be in accordance with their benefit tier.

Long Term Medical Leave may be used beginning on the twenty-fifth hour of absence due to an injury or illness requiring the employee to be absent from work. Employees must use other accrued leave to cover the first twenty-four hours of an absence. If an employee does not have twenty-four hours of accrued leave, the City Manager may authorize immediate access to Long Term Medical Leave hours. Part-time employees may use Long Term Medical Leave beginning with the hour determined by prorating the twenty-four hour requirement according to his/her assigned benefit tier. When using Long Term Medical Leave, an employee may be required to submit a physician's certificate to his/her Department Head or Human Resources, verifying the need to be absent due to illness or injury.

When an employee is receiving disability benefits, hours from the Long Term Medical Leave account may be integrated with the disability payment, allowing the employee to maintain his/her same level of pay. Integration of accrued leave with disability payments shall comply with applicable state and federal rules and regulations. Unused Long Term Medical Leave is not paid out upon termination of employment.

4.3 Holidays

City offices with the exception of the Police Department are closed on City observed holidays as follows:

New Year's Day	January 1
Martin Luther King Day	Third Monday in January
Presidents' Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Friday following Thanksgiving
Christmas Eve	December 24
Christmas Day	December 25
New Year's Eve	December 31

Employees who do not participate in the Mini Sabbatical or Holiday Pay benefit will receive eight (8) hours of compensation for City observed holidays.

Holidays falling on Sunday shall be observed on the following Monday unless this too is a holiday. In this case, the holiday shall be observed on the preceding Friday or following Tuesday based on a decision of the City Manager. Holidays falling on Saturday shall be observed on the preceding Friday unless this too is a holiday. In this case, the holiday shall be observed on the preceding Thursday or following Monday based on a decision of the City Manager.

In addition to the above, each regular and probationary, full-time employee who does not participate in the Mini Sabbatical or Holiday Pay benefit will receive sixteen (16) hours of floating holiday time at the beginning of each calendar year. New employees receive a prorated number of hours based on their hire date. An employee must receive prior approval from his/her supervisor or Department Head before using floating holiday hours in a manner similar to the use of Annual Leave. Floating holiday hours must be used within the calendar year and will not be carried forward to the following year.

Mini Sabbatical (Patrol Positions)

The Mini Sabbatical benefit is 160-hours of leave used in lieu of observing holidays. Mini Sabbatical leave must be taken annually in one block and may not be cashed out. The Chief of Police may adjust the Mini Sabbatical use time on a case by case basis.

Holiday Pay Benefit

The Holiday Pay benefit compensates eligible employees 5% of base pay, paid each pay period, in-lieu of observing City holidays.

Specific guidelines on holidays for regular part-time employees are contained within the City's "Regular Part-Time Employee Administrative Policy".

4.4 Family and Medical Leave

The City provides its eligible employees with benefits equivalent to those required by the federal Family Medical Leave Act (FMLA) and the California Family Rights Act (CFRA). It is further the City's intent that its employees are subject to the same obligations provided by FMLA and CFRA. Specific guidelines regarding FMLA/CFRA are contained within administrative policies.

4.5 Catastrophic Leave

A Catastrophic Leave is an absence due to a verifiable personal catastrophic emergency that requires the employee to be away from work for a prolonged period of time. A catastrophic personal emergency is a medical or other approved emergency hardship situation, excluding disciplinary action, that involves the employee or his/her immediate family which causes the employee's absence for an extended period of time and may result in substantial loss of income to the employee. The employee may request benefits under the *Catastrophic Leave Donation Policy* once the employee has exhausted the accrued leave available to him or her.

4.6 Bereavement Leave

Full-time employees are eligible for a maximum of twenty-four hours of bereavement leave in the event of the death of an eligible family member. Eligible family member includes: spouse, registered domestic partner, children, step-children, parents, brothers, sisters, parents-in-law, grandparents, great grandparents and grandchildren. Regular part-time employees are granted prorated leave in accordance with their designated benefit tier.

4.7 Management Leave

In recognition of the additional hours worked by exempt employees, the City will provide each full-time, exempt employee with Management Leave at the beginning of each fiscal year in accordance with the following schedule:

City Manager	120 hours
Executive Management road Band	120 hours
Management and Supervisory/Administrative Broad Bands	80 hours

New employees or newly promoted employees receive a prorated number of hours based on their start date in the Management position. Part-time employees will receive a prorated leave in accordance with their designated benefit tier.

Management Leave hours may be cashed-out in either December or June up to the maximum hours provided per fiscal year. The City Manager may approve cash-out requests at times other than December or June at the written request of an employee.

A maximum of forty (40) hours of Management Leave may be carried over to the following fiscal year unless additional hours are approved by the City Manager. Carried-over hours may not be cashed out.

4.8 Military Leave

a) **Purpose** Military leave shall be granted in accordance with the provisions of state and federal law and City Resolutions in effect at the time of the leave. Refer to the administrative policy and or City Resolution for additional information.

b) **Active Duty (War or President Declared Military Action)** Military leave shall be granted in accordance with the provisions of state and federal law. In addition, any employee, who as a member of the National Guard or a United States Military reserve organization, who is involuntarily called into active duty as a result of the war or a President declared military action, shall be entitled to receive the difference between the amount of the employee's military pay and the amount the employee would have received had the employee worked his/her normally scheduled hours and normal benefits to which the employee would have been entitled, had the individual not been called to active duty. The amounts authorized by this section shall be offset by amounts required to be paid by any other law in order that the employee not receive more than his/her regular city compensation. Compensation will start on the first day after employee is called to active service and continue for one year. This shall include the first 30 days of full compensation and benefits as required under federal law.

All leave time shall continue to accumulate as if the employee worked his/her normal scheduled hours to which the employee would have been entitled had the individual not been called to active duty.

The provisions of this section shall also apply to any active duty related to the result of war or a President declared military action that is served voluntarily. It shall not apply to any voluntarily served duty for the primary purposes of peacekeeping, training, drills or unit training assemblies or similar events.

The salary differential, benefits and leave provided by this policy shall terminate if the employee is dishonorably discharged for conduct occurring during the compensation period.

Compensation received under this section shall not be deemed a loan.

The City Manager shall have the administrative authority to interpret and make findings as to this section if there are questions regarding its applicability.

4.9 Leave for Regular Part-time Employees

For regular part-time employees who are regularly scheduled 20 hours or more per week and who are assigned to regularly allocated positions, leave will be granted consistent with the part-

time employee's assigned benefit tier. Management Leave will be determined on a case-by-case basis depending on the exempt status of the position. (See the "Regular Part-Time Employee Administrative Policy" for additional details.)

4.10 Leaves of Absence without Pay

The City Manager may grant a regular or probationary employee a leave of absence without pay or seniority, not to exceed three (3) months. After three months, the leave of absence may be extended, if authorized. No such leave shall be granted except upon written request of the employee, setting forth the reason for the request, and such approval shall be made in writing. Upon expiration of a regularly approved leave or within 72 hours after notice to return to duty, the employee shall be reinstated in the position held at the time the leave was granted. Failure on the part of an employee to report promptly after the leave has expired or within 72 hours after notice to return to duty, shall be cause for discharge. The depositing of a postage paid, first class letter in the United States mail addressed to the employee's last known place of residence, shall constitute notice.

Department Heads may grant a regular or probationary employee leave of absence without pay for a period not to exceed one calendar week. Such leaves shall be reported to the Human Resources Officer.

In the case of probationary employees, a leave of absence without pay exceeding eighty-eight (88) regularly scheduled hours in any month or a leave of absence with pay exceeding thirty (30) consecutive days shall extend the employee's date for completion of probation. See Section 5.2 Probationary Period.

4.11 Unauthorized Absence

Any unauthorized absence by an employee from duty shall be grounds for disciplinary action and/or discharge. Such absence may be authorized by the Department Head and by the City Manager by a subsequent grant of leave, with or without pay, where extenuating circumstances are found to have existed. As permitted by law, the City Manager may require that the employee explain the reasons for the unauthorized absence in writing.

4.12 Jury Duty/Court Testimony

Any regular or probationary full-time employee of the City who is called as a witness due to actions taken in the course and scope of City employment or is required to serve as a trial juror shall be entitled to be absent from his/her duties with the City during the period of such service. During these periods of service, the employee shall receive full compensation up to a maximum of four (4) weeks. Any additional compensation received, except mileage reimbursement, from the court will be submitted to the finance officer and will be included as a credit toward total remuneration. On any day the employee is not required to serve on jury duty, not required to be physically present, or is relieved for the day, the employee will be expected to be at the work

place unless there is one hour or less left in the work day. FLSA exempt personnel will be compensated as required by law.

4.13 Other Leaves of Absence

The Human Resources Officer shall ensure that the City complies with all state and federal regulations affording employees time away from work, including, but not limited to, family and medical leave, pregnancy disability, voting, school leave, or such other leaves as may be implemented from time to time by state and federal regulation.

The City shall establish administrative policies and procedures to provide guidance to the City and employees regarding specific leaves and their implementation.

4.14 Pregnancy Disability Leave

Employees disabled due to pregnancy, childbirth or related medical conditions are entitled to a leave of absence for the time they are disabled up to a maximum of four months. Employees are eligible for pregnancy disability leave upon hire. The City shall comply with all state and federal rules and regulations governing pregnancy disability leaves. Leave shall be concurrent when applicable.

4.15 California Paid Family Leave

Employees who are covered by State Disability Insurance (SDI) are eligible for Family Temporary Disability Insurance (FTDI) (also known as the California Paid Family Leave program) benefits while taking care of sick or injured family member(s). These benefits are paid by the State Employment Development Department. There is no requirement that the employee have worked for the City any particular length of time before being entitled to this leave. However, no employee can receive more FTDI benefits than he/she earned in wages during the base period for calculating benefits. Employees are not eligible if they are receiving State Disability Insurance (SDI) benefits or workers' compensation benefits. FTDI benefits may be integrated with other City benefits/leaves where applicable.

CHAPTER 5 - EMPLOYEE STATUS & CHANGES

5.1 Appointment

Appointments to vacant positions in the competitive service shall be in accordance with the merit and fair employment principles (described in these Rules and Regulations). Appointments and promotions shall be based on merit to be ascertained by selection techniques that the City believes will test fairly the qualifications of candidates. Examinations, such as written tests, personal interviews, performance tests, physical agility tests, evaluation of daily work performance, work samples or any one or combination of these or other tests, may be used and conducted, in the City's discretion, to aid in the selection of qualified employees. Physical, medical, and psychological tests may be given as part of the examination process prior to hiring and after a conditional offer of employment. In any examination, the Human Resources Officer may include, in addition to competitive tests, a qualifying test or tests and set minimum standards thereof.

Appointments shall be made by the City Council when required by the City of Citrus Heights Municipal Code; otherwise, they shall be made by the City Manager.

If sufficient qualified applicants exist at the conclusion of an examination process, the Human Resources Officer may establish an employment list from which to make future appointments. Employment lists shall remain in effect for six (6) months, unless exhausted or abolished by the Human Resources Officer. Such lists may be extended for additional periods prior to their expiration at the discretion of the Human Resources Officer.

5.2 Probationary Period

a. Objective of Probationary Period

The probationary period shall be regarded as an extension of the hiring process. It shall be used for closely observing and appraising the conduct, performance, attitude, dependability, aptitude, adaptability, and job knowledge of the employee and to determine whether the employee is qualified for regular employment. This will also be a period to provide an effective orientation for the employee, educating him/her in prevailing management attitudes, policies and procedures, and training him/her in the tasks associated with the assignment.

b. Regular Appointment Following Probationary Period

All original and promotional appointments (for full-time and part-time regular employees) shall be tentative and subject to a probationary period. The probationary period for non-Police specific classifications is twelve (12) months of actual service in the job classification. For Police specific classifications, the probationary period is eighteen (18) months of actual service in the job classification. If the performance of the probationary employee has been satisfactory to the Department Head, the Department Head shall file with the Human Resources Officer a statement in writing that such employee has successfully completed probation. If the performance of the probationary employee has not been satisfactory to the Department Head, the Department Head shall

file with the Human Resources Officer a statement in writing that such employee has not satisfactorily completed probation and his/her employment shall be terminated prior to the expiration of the probationary period. This does not alter the City's right to terminate a probationary employee as provided below in section 5.2(c).

Leaves of absence without pay exceeding eighty-eight (88) scheduled hours in any month and leave of absence with pay exceeding thirty (30) consecutive days shall extend the employee's date for completion of probation by the duration of the leave. The actual extension of the probationary period will be subject to recommendation by Human Resources and approval by the City Manager.

c. Termination of a Probationer

During the probationary period, an employee may be terminated at any time upon the recommendation of the Department Head and approval by the Appointing Authority without cause, and without right of appeal. Notice of termination shall be provided to the probationer and a copy filed with the Human Resources Officer. Delivery in person or the depositing of a postage paid, first class letter in the United States mail addressed to the employee's last known place of residence, shall constitute notice.

d. Extension of Probationary Period

Except as otherwise provided in these Rules and Regulations, upon recommendation from a Department Head and approval by the Appointing Authority, the probationary period of an employee may be extended up to a maximum of six (6) months.

e. Failure to Successfully Complete Probation Following Promotion

Any employee who has not successfully completed the probationary period following a promotional appointment shall be reinstated to the position from which he/she was promoted if a vacancy exists, unless charges are filed and he/she is discharged in the manner provided in these Rules and Regulations for positions in the competitive service. If no vacancy exists, the employee may be separated from City service, without cause. If the employee has not completed probation in the position to which he/she is being reinstated the employee must serve the remainder of his/her probationary period in that position.

5.3 Transfer

No person shall be transferred to a position for which he/she does not possess the minimum qualifications. Upon recommendation by the Department Head and approval of the Appointing Authority, an employee may be transferred at any time from one position to another position in a comparable class. For transfer purposes, a comparable class is one with the same or similar maximum salary, involves the performance of similar duties and/or requires substantially the same basic qualifications.

If the transfer involves a change from one department to another, both Department Heads must consent unless the City Manager orders the transfer. Transfer shall not be used to effect a promotion, demotion, advancement or reduction, each of which may be accomplished only as provided in these Rules and Regulations. Probationary employees transferred from one department to another in the same classification will continue their original probationary period.

A regular status employee who transfers to another classification will need to complete a new probationary period in the new position. Transfers to the same classification in another department and involuntary transfers shall not require the employee to serve a probationary period. Probationary employees who transfer to a new classification must complete a new probationary period in the new classification.

5.4 Promotion

Vacancies in the competitive service may be filled by promotion from within the competitive service after a promotional examination has been given or a promotional list established through an internal evaluation process. Human Resources will determine, after consultation with the affected Department Head, whether a promotional or open competitive examination would best meet the needs of the City. Regular positions in the competitive service are subject to the successful completion of a probationary period as outlined in section 5.2(b).

With certain specialized classifications requiring highly specialized training or education, the City Manager may authorize a promotion based on evaluation of work performance of an individual. The City Manager may also authorize a promotion into an at-will position without a competitive process due to City initiated reorganization. The individual being promoted must meet the minimum qualification of the new position.

5.5 Demotion

The Appointing Authority may demote an employee whose ability to perform his/her required duties falls below standard, or for disciplinary purposes. Upon written request of the employee, and with the consent of the Appointing Authority, a demotion may be made to a vacant position. No employee shall be demoted to a position for which he/she does not possess the minimum qualifications. Demotion to a vacant position establishes a new appointment date. Written notice of the action shall be given to the employee and a copy filed with Human Resources.

5.6 Reinstatement

The Appointing Authority may reinstate a regular employee or a newly promoted probationary employee who has completed probationary service in another classification and who has resigned with a good record within one (1) year of the effective date of resignation, to a vacant position in the same or comparable class, without being required to undergo an additional qualifying examination. A comparable classification is one with the same or similar duties and/or requires substantially the same basic qualifications. 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, leaves, or other benefits.

5.7 Reclassification

Following a classification study or evaluation of a position by the Human Resources Officer or his/her designee, a recommendation for reclassification may be made to the City Manager. If approved by the City Manager, an employee may be reassigned to a higher or lower

classification. In either case, an appropriate adjustment, either higher or lower, in salary may be recommended by Human Resources and approved by the City Manager based on specific circumstances. Reclassification does not result in a new appointment date.

5.8 Provisional Appointment

In the absence of qualified individuals willing to accept appointment from appropriate employment lists, a provisional appointment may be made by the Appointing Authority of a person meeting the minimum qualifications for the position. An appointment that is made “provisionally” is one that is adopted in a less than permanent nature based on the provisions outlined below. A provisional appointment allows the City to hire an employee without a competitive recruitment process on an interim basis based on business needs. A provisional appointment can be made to a regular full-time, regular part-time, limited term or special funded position. A provisional employee is considered an at-will employee.

As an at-will employee, a provisional employee may be removed at any time without the right of appeal or hearing. Provisional appointments shall not be made for less than thirty (30) working days or more than one (1) year unless the City Manager specifically approves a different period. A provisional appointment can be extended an additional six (6) months by the City Manager.. Human Resources will recommend the benefits to be received by a provisionally appointed employee to the City Manager for approval. A provisional appointee must compete for the position to which he/she was provisionally appointed in order to secure the regular position. If a provisional appointee is selected for a regular position with the City, the time served as a provisional appointee shall be counted as time toward the fulfillment of the required probationary period.

5.9 Limited Term or Special Funded Positions & Appointment

Based on business needs, the City Manager has the authority to create and fill limited term or special funded positions based on the parameters below. The City Manager may fill a limited term position or special funded position by appointing an individual who meets the particular requirements of the position, program or special funds. This appointment can be done provisionally or through a competitive recruitment process.

An appointment to a limited term or special funded position shall be limited to the term for which the position exists, for which the position is funded, or for which the employee remains eligible to participate in the program by which the position is funded. The term of such appointment shall not exceed two (2) years with the exception of grant-funded positions which exceed two (2) years. An incumbent in a limited term or special funded position serves at will and may be removed at any time without the right of appeal or hearing, even before the limited term or funding expires. Regular employees who have completed a probationary period and who transfer, promote, or demote to limited term positions at the direction of the City Manager may return to their former position if a vacancy exists. Human Resources will recommend the benefits to be received by a limited term or special funded employee to the City Manager for approval.

CHAPTER 6 - EMPLOYEE CONDUCT AND DISCIPLINE

6.1 Employee Conduct

It is expected that all City employees shall render the best possible service and reflect credit on the City. Therefore, high standards of conduct are essential. These rules of conduct shall apply to all City officers and employees including those positions specifically excluded from the competitive service.

6.2 Improper Employee Conduct

a. Improper Conduct

The term "improper conduct" means not only any improper action by an employee in the employee's official capacity, but also conduct by an employee not connected with the employee's official duties which brings discredit to the City, or which affects the ability to perform the employee's duties officially, or any improper use of the position as an employee for personal advantage. Improper conduct may be cause for disciplinary action. The extent of the disciplinary action taken shall be commensurate with the offense, however the prior employment history of the employee may also be considered pertinent. In addition to the above statements, improper conduct includes, but is not limited to, the following:

- (1) Violation of the Personnel Ordinance, these Rules, or City policies;
- (2) Violation of any Department rules or policies
- (3) Any act of insubordination or act detrimental to the public service of the City or failure to adhere to or follow Policies and Rules;
- (4) Refusal or inability to comply with the duties of the position occupied by the employee, or any other type wrongful or inappropriate conduct relating to the employee's duties, office or position.
- (5) Failure to meet the standards for performance of the employee's position (e.g., neglect of duty, inefficiency, incompetence, carelessness or negligence in the performance of duties);
- (6) Unauthorized absence from work without leave; tardiness;
- (7) Abuse/misuse of paid or unpaid leave;
- (8) Discourteous, offensive, intimidating or threatening treatment of the public or other employees;
- (9) Misuse of City property; improper or unauthorized use of City property; misappropriation, theft or sabotage of City property;
- (10) Fighting, assault and/or battery;
- (11) Dishonesty; falsification of City documents or records; misstatements or omissions of fact in completion of the employment application or to secure an appointment to a position with the City;
- (12) Conviction of a felony or crime involving moral turpitude, or a violation of law or regulation which negatively impacts the employee's ability to effectively perform his/her job or brings discredit to the City;

- (13) Failure to obtain and/or maintain minimum qualifications for a position, including required licenses or certificates;
- (14) Being under the influence of alcohol or drugs while on official duty;
- (15) Any other conduct of equal gravity to the reasons enumerated above as determined by the City.

b. Administrative Leave

An employee may be placed on paid Administrative Leave due to alleged incident(s) of improper conduct whenever it is determined that it is in the best interest of the City for the employee to be away from the employee's work area during an investigation into allegations of misconduct. The employee placed on Administrative Leave is required to remain in the local area and be available to be contacted and called upon during this leave.

6.3 Range of Disciplinary Action

The types of disciplinary actions included under this Rule are Verbal or Written Reprimand, Suspension Without Pay, Reduction in Pay, Involuntary Demotion, and Discharge. FLSA exempt employees may only be disciplined as authorized by law.

a. Verbal or Written Reprimand

When the Department Head or immediate supervisor determines more severe action is not immediately necessary, he/she may verbally, or in writing, communicate to the employee the deficiency or problem observed. In the case of a verbal reprimand, the Department Head or supervisor shall document the meeting and matters discussed by memorandum, which is initialed by the employee. A copy of the verbal or written reprimand is provided to the Human Resources Officer for the employee's personnel file after being signed by and a copy given to the employee. Refusal to sign shall be noted before filing. Failure to correct deficiencies and improve to meet standards may result in further discipline including suspension, reduction in pay, involuntary demotion, and discharge.

b. Suspension Without Pay

An employee may be suspended for cause and without pay. Suspensions may be served in time off or through a payroll deduction. The Department Head may authorize immediate suspensions of 5 days or less in an emergency situation or when the seriousness of a matter warrants.

c. Reduction in Pay

The employee's pay may be reduced for cause to a lower placement in the range as a disciplinary action.

d. Involuntary Demotion

An employee may be demoted to a classification, having an overall lower salary range, for which the employee is qualified, for cause as a disciplinary action.

e. Discharge

An employee in the competitive service may be discharged for cause after appropriate disciplinary proceedings, except in an emergency situation or serious incident.

6.4 Disciplinary Procedures

The disciplinary procedures described below shall apply only to officers and employees within the competitive service as defined by Section 1.3 of these Rules and Regulations.

Verbal and written reprimands are considered “minor discipline.” Suspensions, reduction in pay, demotions, and discharge are considered “major discipline.”

In cases of “minor discipline,” regular employees who are not subject to the Public Safety Officers Procedural Bill of Rights Act (POBR) have no right to a pre-disciplinary hearing and no right to an evidentiary appeal hearing. Minor discipline may be imposed immediately. In the case of a written reprimand, the employee shall have the right to submit a written rebuttal to the reprimand in his/her personnel file but shall not have the right to an oral response.

Employees subject to POBR shall have the right to an administrative appeal of minor discipline in accordance with POBR requirements and the CHPD Policy Manual.

a. Written Notice of Proposed Major Disciplinary Action

Except for suspensions of five days or less, a regular employee in the competitive service will be given, written notice of a proposed major disciplinary action. Such notice shall include a statement of the proposed action, the charge(s) on which the proposed action is based, a summary of the facts supporting the charges, and notification that the employee is entitled to respond to the charges. Attached to the notice will be copies of the written documents relied upon for the proposed disciplinary action. The City has the option of making the employee’s personnel file documents available for review by the employee, rather than attaching personnel file documents to the notice. Delivery in person or the depositing of a postage paid, first class letter in the United States mail addressed to the employee’s last known place of residence, shall constitute notice.

b. Pre-Disciplinary (Skelly) Meeting

Prior to implementation of the proposed major disciplinary action, the employee shall have a right to file a written response to the above charges and/or make an oral response to an appropriate individual selected by the City (“Skelly Officer”) within the time described in the written notice of proposed disciplinary action. The employee is entitled to representation at his or her own expense during this meeting.

c. Notice of Decision

Following receipt and consideration of the written response and/or facts stated at the pre-disciplinary meeting, or following no response by the required date, the Department Head, or other appropriate City official, shall prepare a notice of the disciplinary action to be taken and the effective date. The notice shall be delivered to the employee and a copy

filed with the Human Resources Officer before the effective date. The disciplinary action shall be imposed before the employee exercises his/her appeal rights.

6.5 Right of Appeal

When major discipline action has been taken, the employee shall have the right to appeal to the City Manager. The appeal shall be presented to the City Manager within ten (10) working days following the employee's receipt of the written notice of decision. All disciplinary appeals shall be in writing and shall be signed by the employee. Failure to appeal by the employee or his/her representative within ten working days will make the disciplinary action final and conclusive.

The City Manager may hear the appeal personally, or may refer the appeal to a Hearing Officer of his/her choosing for hearing and advisory recommendation. The City Clerk or Hearing Officer has authority to issue subpoenas; each party is responsible for serving its own subpoena. At the hearing either before the City Manager or before the Hearing Officer, the employee and the City shall have the right to present documentary evidence and oral testimony under oath and to cross-examine witnesses. A recording of the hearing shall be prepared. The costs of the Hearing Officer shall be borne by the City. The City and the employee shall each bear their own expenses in presenting the appeal. If the employee wishes a copy of the hearing transcript, he/she must share the costs of the preparation of the transcript. The City bears the burden of proof by the preponderance of the evidence.

If the appeal is heard by the City Manager, after due consideration, the City Manager shall give his/her written final decision to the employee within a reasonable period after the hearing. The final decision will be accompanied by a proof of service to the employee's last known address.

If a Hearing Officer hears the matter, he/she shall provide the City Manager with a written advisory recommendation. The advisory recommendation shall set forth which charges, if any, the Hearing Officer believes are sustained and the reasons therefore. After receiving the recommendation of the Hearing Officer, the City Manager may sustain, reject or modify the disciplinary action invoked against the employee. If the City Manager seeks to modify or reverse the Hearing Officer's advisory recommendation, the City Manager shall review the Hearing Officer's advisory recommendation, the evidence and transcripts, and the briefs of the parties, if any.

The City Manager shall send his/her final decision of written findings and decision, along with a proof of service of mailing, to each of the parties and each of the parties' representatives.

The City Manager's decision is reviewable by administrative writ of mandamus within the timeframes established by law.

CHAPTER 7 - COMPLAINT AND GRIEVANCE PROCEDURES

7.1 Complaint Procedure – Non Police Department Employees

(Police Department Employees are referred to the CHPD Policy Manual)

a. Purpose

The purpose of this procedure is to enhance communications between employees and supervisors and management by providing employees an informal process for the discussion and review of complaints or concerns not covered by the grievance procedure within a reasonable period without jeopardizing employees' positions or employment.

b. Procedure

Any complaint or concern not covered by the grievance procedure shall be resolved as follows:

- (1) The employee shall first discuss the matter with his or her immediate supervisor within five (5) working days from the date the employee had notice of the action which prompted the concern or complaint.
- (2) In the event that the immediate supervisor does not resolve the matter to the employee's satisfaction within ten (10) working days of the employee's presentation of the matter, then the employee may bring the matter to the attention of his/her Department Head within ten (10) working days of the receipt of the response from the immediate supervisor.
- (3) If the Department Head does not resolve the matter to the employee's satisfaction within ten (10) working days of the employee's presentation of the matter then the employee may bring the matter in writing to the attention of the City Manager or his/her designee, within ten (10) working days of receiving a response. The decision of the City Manager is final and not subject to appeal.

7.2 Grievance Procedure – Non Police Department Employees

(Police Department Employees are referred to the CHPD Policy Manual)

a. Purpose

The purpose of the grievance procedure is to enhance communications between employees and employer by providing a fair and impartial review and consideration of grievances within a reasonable period, and at the level closest to the point of origin, without jeopardizing the employee's position or employment.

b. Matters Subject to the Grievance Procedure

An alleged violation, misinterpretation or misapplication of the City Personnel Ordinance, these Personnel Rules and Regulations, or a City or departmental policy is to be addressed through the grievance procedure. Disciplinary action, lay off, the content of performance evaluations, rejection from probation, and merit increases are not subject to the grievance procedure. Additional matters not subject to the grievance procedure may include, but are not limited to, compensation, work methods, equipment, hours of work, standards of performance, services provided, staffing levels and allocation to classifications.

c. Procedure

(1) Informal Grievance Adjustment

The employee shall inform the immediate supervisor orally of the grievance and relevant facts within five (5) working days after the employee knew, or in the exercise of reasonable diligence should have known, of the events giving rise to the grievance. The employee shall identify the discussion as the informal step of the procedure. The immediate supervisor shall make whatever investigation he/she deems necessary and reply with five (5) working days. The supervisor's response may be given orally or in writing and should clearly be identified as the informal response to the grievance. Any matters for which he/she does not have authority to make a decision should be brought to the attention of a supervisor who does have the proper authority. The appropriate Department Head and the Human Resources Officer shall be informed about all grievances in the informal process.

If the employee is not satisfied with the decision, he/she may file a formal grievance within five (5) working days after having received the reply in the informal grievance adjustment procedure.

(2) Formal Grievance Procedure

- i) The employee shall, within five (5) working days file a formal grievance in writing to their Department Head with a copy to the Human Resources Officer. The written grievance shall include a citation of the sections of the Personnel Ordinance, Policy or Rules and Regulations alleged to have been violated and the remedy sought by the employee. The Department Head will make whatever investigation he/she deems necessary to allow fair consideration of the situation which may include a meeting with the concerned party or parties, and shall present a written reply to the employee with ten (10) working days after completion of the investigation. The written reply shall include the Department Head's decision regarding whether or not a violation occurred and a remedy if applicable. A copy of the reply shall be forwarded to the Human Resources Officer.
- ii) If the employee is not satisfied with the decision of his/her Department Head, he/she may file a written appeal to the City Manager within five (5) working days after having received the reply of his/her Department Head. The City Manager shall investigate the grievance which may include a meeting with the concerned party or parties and shall make a written decision within ten (10) working days after completing the investigation which shall be final and binding on all parties. The City Manager may affirm, modify, reverse, or otherwise resolve the decision appealed.

7.3 General Provisions

- a. The City Manager shall receive copies of all written materials pertaining to grievances which will be filed separately from personnel files.
- b. At any step of the informal grievance adjustment or formal grievance procedure, a Department Head, supervisor, or employee may request a representative of Human Resources to participate in any discussions that may take place.
- c. Grievances may be initiated only by the aggrieved employee.
- d. Failure at any step of this procedure to communicate the decision on the grievance within specified time limits shall permit the aggrieved employee to proceed to the next step.
- e. Failure at any step of this procedure to appeal a decision on a grievance within specified time limits shall be deemed acceptance of the decision rendered.
- f. The time limits specified at any step in this procedure may be extended by mutual written agreement of all parties.
- g. Reasonable time off without loss of pay shall be given to an employee who has a complaint or grievance and to his/her representative in order to participate in meetings with management that are part of the complaint or grievance procedures.
- h. No retribution or prejudice shall be suffered by employees making use of the grievance or complaint procedures.

CHAPTER 8 - SEPARATION FROM SERVICE

8.1 Discharge

An employee in the competitive service may be discharged at any time by the appointing authority for cause. Whenever it is the intention of a Department Head to discharge an employee, the Human Resources Officer shall be notified. Disciplinary discharge action shall be taken in accordance with Chapter 6 of these Rules and Regulations.

8.2 Resignation

An employee wishing to leave City employment in good standing, shall file a written resignation with his/her Department Head or immediate supervisor, stating the effective date and reasons for leaving, at least two (2) weeks before leaving City service. Such time limit may be waived by the Department Head if the employee furnishes evidence that such notice would result in unreasonable hardship or loss of opportunity. Failure to give notice as required by this Rule may be cause for denying future employment by the City. The Department Head or immediate supervisor is deemed to have immediately accepted the resignation.

8.3 Layoff

An employee may be laid off because of either the abolishment of his/her position or a determination by the City that there is a shortage of work or funds. The City Manager shall determine when and in what position classifications layoffs are to occur. An employee holding a position which is abolished or for which there is a shortage of work or funds, may be laid off without the right of appeal.

The order of layoff of employees shall be established by the Human Resources Officer on the recommendation of the Department Head involved. The Department Head shall take into consideration the job performance and length of service of employees in the classification in preparing a recommended layoff list, provided that no regular or probationary employee shall be laid off from his/her position in any department while any emergency, temporary, or provisional employee is serving in the same class within the department. The City shall attempt to give employees to be laid off at least fourteen (14) days' prior notice.

CHAPTER 9 - MISCELLANEOUS POLICIES

9.1 Non-Discrimination/Harassment

No employee or applicant for a position with the City shall be hired, promoted, demoted or discharged, or in any way favored or discriminated against because of political opinions or affiliations, race, color, ancestry, national origin, religious creed, sex, age, sexual orientation, gender, medical condition, disability, marital status or because of the exercise of his/her rights as prescribed in the Government Code.

Any conduct taken on the basis of age, race, color, national origin, ancestry, religious belief or affiliation, gender, medical condition, physical or mental disability, sex, sexual orientation or marital status or any other characteristic prohibited by state or federal law will not be condoned or tolerated. City officials, managers, supervisors and employees who violate the City's policy may be subject to disciplinary action, up to and including dismissal. Refer to the Administrative Policy, *Non Discrimination and Harassment Policy* for more information.

9.2 Policy Against Violence in the Workplace

Acts of violence, whether threatened, gestured, or carried out will not be tolerated in a City workplace. Anyone witnessing or becoming the subject or victim of such behavior shall immediately report it to the proper authorities for investigation. Minimizing the threat of violence is a duty of all employees to ensure a safe workplace. Refer to the Administrative Policy, *Workplace Violence Prevention Policy* for more information.

9.3 Political Activities of Public Employees

It is the intent of the City to provide employees with an environment free from political influence and to comply with laws regarding political activities. The guiding policy is the *Political Activities Policy* and employees and officers are referred to this policy for more specific information.

9.4 Employment of Relatives/Spouses/Partners

Relatives of employees may be hired by the City only if (1) the individuals will not work in a direct supervisory relationship, and (2) the employment will not pose difficulties for supervision, security, safety, or morale. "Relatives" are defined as spouses, domestic partners, children, sisters, brothers, mothers, or fathers.

Employees who marry or cohabit with another employee in a romantic relationship or domestic partnership, will be permitted to continue employment with the City only if they do not work in a direct supervisory relationship with one another, or otherwise pose difficulties for supervision, security, safety, or morale. If employees who marry or cohabit with another employee in a romantic relationship or domestic partnership work in a direct supervisory relationship with one another, the City will attempt to reassign one of the employees to another vacant position for

which he or she is qualified, if such a position is available. If no such position is available, then one of the employees will be required to terminate employment with the City. The decision as to which employee terminates will be left solely to the employees. If no alternative position is available and neither employee voluntarily leaves the City, the City shall determine which employee to retain based on the operational needs of the City, length of City service, or performance record. Notwithstanding any provision in these Rules and Regulations, any demotion or separation resulting from this Rule is not considered to be disciplinary and is not subject to the disciplinary appeal procedures. Refer to the Administrative Policy, *Anti-Nepotism Policy* for additional information.

9.5 Use of City Equipment/Vehicle Use

City Equipment - No City owned equipment, autos, trucks, instruments, computers, telephones, tools, supplies, machines, or any other item that is the property of the City shall be used by an employee other than for City business, unless the City Manager approves in advance in writing or as outlined in an administrative policy. No employee has any expectation of privacy in any storage areas in any City equipment, as these areas are subject to search at any time. No employee shall allow any unauthorized person to rent, borrow, or use any City property, except upon prior written approval of the City Manager.

Vehicle Use - City owned vehicles are to be used for travel on City business by City employees. City employees who utilize City-owned vehicles or their own personal vehicle in the performance of their duties must maintain a valid California driver's license at all times and drive in a safe and lawful manner. In those instances where a City vehicle is not available for use or the employee chooses to use his/her private vehicle on City business, employee shall be compensated as outlined in the City's Purchasing Policy.

9.6 Travel and Training

Training and travel are subject to department approval. Training opportunities that occur outside normal work hours or involve overnight travel require approval by the Department Head. The City generally requires that training, and attendant travel, be scheduled in a way that will minimize the use of overtime. From time to time, the City may issue policies that govern these areas. Employees are expected to understand and observe these policies.

City business travel shall be carried out in an efficient, cost-effective manner resulting in the best value to the City. Telecommunications instead of travel should be considered when possible. The City will pay or reimburse all business travel related expenses based on reasonableness and policies as outlined by the Finance Department. Receipts when available are required for all travel expenses. Reimbursement of personal expenses and alcoholic beverages shall not be authorized for payment at any time. Department Directors are responsible for determining the necessity, the available resources, and the justification for the method of employee business travel.

9.7 Outside Employment

City employees may not engage in any outside employment, enterprise or activity that the City determines is in conflict with or impairs their ability to perform their duties and responsibilities, or any aspect of City operations. All outside employment is subject to the prior, written approval of the Department Director and City Manager.

During the workday, employees are expected to devote their full time in the performance of their assigned duties as City employees. Any outside work, part time job, hobbies or personal business must be performed during off duty unpaid hours.

Employee shall not perform work for compensation outside of his/her City employment where any part of his/her efforts will be subject to approval by any officer, employee, board or commission of the City, unless the employee obtains the prior, written approval of his/her Department Director and City Manager.

9.8 Volunteers

The City may utilize volunteers for the delivery of City services. The use of volunteers shall be subject to approval by the City Manager.

Volunteers shall not be eligible for salaries, benefits or other compensation. The City Manager has the right to provide recognition awards or other acknowledgements to show the City's appreciation for volunteer's efforts and contributions to the City. Subject to the written approval by the City Manager, necessary equipment or uniforms and reimbursement for approved actual expenses and mileage may be provided.

Employee Volunteers - Subject to approval by the City Manager, employees may volunteer to provide services to the City outside of their normal duties provided they are not performing the same or similar duties for which they are normally compensated and the responsibilities are occasional and sporadic. Employees engaging in such assignments, solely at the employee's option, shall not be entitled to compensation.

9.9 Drug and Alcohol Free Workplace

The City's workplace shall be drug and alcohol-free. Refer to the Administrative Policy, *Alcohol and Drug Use Policy* for more information.

9.10 Gifts and Gratuities

No officer or employee of the City shall solicit or accept, for self or family, favors, benefits, gifts or gratuities under circumstances which might be construed as reasonable persons influencing the performance of the employee's governmental duties.

9.11 Anti-Retaliation / Whistleblower Protection

Employees are encouraged to report improper governmental activity or any condition that may significantly threaten the health or safety of employees without fear of retaliation or reprisal. Refer to the Administrative Policy, *Anti-Retaliation/Whistleblower Protection Policy* for more information.

9.12 Confidentiality

The personal, confidential and sensitive information of employees and the organization are to be protected in order to maintain a culture of trust and confidence in the City's workplace. Refer to the Administrative Policy, *Confidentiality Policy & Agreement Policy* for more information.

9.13 Anti-Fraud Protection

The City is committed to: protecting its revenue, property, reputation and other assets; accurate financial reporting; and investigating and handling of fraud, should it occur. It is the City's intent to investigate any suspected acts of fraud, misappropriation or other similar irregularity. An objective and impartial investigation, as deemed necessary, will be conducted regardless of the position, title, length of service, or relationship with the City of any party who might be or becomes involved in or becomes/is the subject of such investigation.

No employee of the City or person acting on behalf of the City in attempting to comply with this section shall, because of such attempted compliance:

- be dismissed or threatened to be dismissed;
- be disciplined or suspended or threatened to be disciplined or suspended;
- be penalized or any other retribution imposed; or
- be intimidated or coerced, based upon the fact that the employee has reported an incident or participated in an investigation in accordance with the requirements of this section.

The City Manager shall be responsible for establishing and approving administrative policies and procedures to implement these Rules and Regulations.