



San Jacinto

Personnel Policies and

Procedures Manual

RULE 1. GENERAL PROVISIONS***Section 1.1 Purpose***

The purpose of the Personnel Policies and Procedures Manual is to provide guidance in the application of a fair personnel management policy which promotes the efficient and economical delivery of services by the City of San Jacinto ("City").

Section 1.2 Prior Policies Repealed

In the event that the terms and provisions of this policy and procedure manual are inconsistent or in conflict with the terms and provisions of any prior City personnel policies and procedures, resolutions, rules and regulations governing the same subject, the terms of this policy and procedure manual shall prevail and such inconsistent or conflicting provisions or prior resolutions, rules and regulations are hereby repealed; provided, however, where there are conflicting provisions between these Personnel Policies and Procedures and a memorandum of understanding between the City and a formally recognized employee organization, the memorandum of understanding shall prevail.

Section 1.3 Term of Personnel Manual

This Personnel Policy and Procedures Manual takes effect when adopted by the San Jacinto City Council. The manual shall remain in effect unless repealed, in whole or part, by the City Council. The City Council may in its sole discretion add to, delete or otherwise modify these policies and procedures.

Section 1.4 Non Discrimination

The City shall comply with applicable federal and state laws governing fair employment practices and equal opportunity. The City shall not unlawfully discriminate against any person based on race, creed, color, religion, national origin, sex, age, political opinion, medical condition, marital status, physical or mental disability, gender identity or sexual orientation.

Section 1.5 Violation of Personnel Policy

Violation of these personnel policies as adopted shall constitute grounds for rejection or for suspension, demotion, discharge or other disciplinary action deemed appropriate in the discretion of City Management.

Section 1.6 Department Policies and Procedures

Department managers may issue such policies and procedures as deemed necessary for the efficient and orderly administration of the department. However, no such policies or procedures shall conflict with or supersede these Personnel Policies and Procedures and shall be approved by the City Manager prior to their implementation. Copies of department policies and procedures must be distributed to each employee of the department. Department policies and

procedures must be consistent with, and supplementary to, these Personnel Policies and Procedures.

Section 1.7 Distribution of Personnel Policies

Copies of the Personnel Policies and Procedures Manual shall be made available to each department of the City. Department managers shall make them accessible to employees.

Copies shall be available in the Personnel Department, the City Clerk's office, the City Manager's office, and in each department of the City.

Section 1.8 Definition of Terms

Terms used in this Personnel Policies and Procedures Manual shall be defined as follows:

Acting Appointment - An appointment of a person on an interim basis pending later appointment of an eligible person.

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

Anniversary Date - The effective date of employment for the employee.

Applicant - Any person submitting a formal completed application for employment with the City.

Authorized Position - A specific work position within a job classification which is or may be held by an employee.

Casual Employee - An employee of the City scheduled on an irregular basis or on a regular basis for twenty (20) or fewer hours per week. Such employees may be discharged without cause and without recourse to the grievance procedure or any other appeal right.

City - The City of San Jacinto.

City Council - The City Council of the City of San Jacinto.

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

Compensation - Salary, wages, fees, benefits, allowances or other monies paid to or on behalf of an employee for personal services.

Continuous Employment - Employment which is uninterrupted except by authorized absences.

Contract Employees - Contract employees are those individuals who are employed by the City pursuant to the terms of an individual employment contract which sets forth terms and conditions of employment. Unless expressly stated, the provisions of this Personnel Policies and Procedures Manual shall not be applicable to contract employees.

Days - Means calendar days unless otherwise stated.

Demotion - The movement of an employee from one class to another class having a lower maximum base rate of pay.

Department - A major administrative branch of the City involving a general line of work with one or more employees under the charge of one or more individuals known as supervisors.

Department Head - The manager of a City department.

Disciplinary Action - Includes, but is not limited to, the discharge, demotion, reduction in pay, suspension and oral or written reprimands of a regular employee; provided, however, that exempt employees shall be subject to unpaid disciplinary suspension in weekly blocks only.

Discharge - Involuntary termination of employment with the City.

Employment List - A list of names of persons who may be considered for employment with the City under specified conditions. Employment lists will be prepared as needed as determined by the Personnel Officer.

Employee - A person who is legally occupying a position in the City's service or who is on an authorized leave of absence for such position.

Employee Classification Plan - Classes of positions defined by class specifications including title which groups all positions with similar duties, responsibilities, authority and character of work in the same class with the equitable schedules of compensation within the same class.

Fiscal Year - The fiscal year for the City begins on July 1 and ends on June 30 of the next year.

Full-Time Employee – Beginning January 1, 2012, An employee of the City who usually works eighty hours per bi-weekly period in an approved classification plan position.

Grievance - Any good faith or reasonable complaint of an employee or a group of employees or a dispute between the City and said employee or group of employees involving the interpretation, application, or enforcement of this Personnel and Policies Manual; provided, however, complaints involving performance evaluations, denial of merit pay increases, employee classification, disciplinary actions, rejection from probation, and termination of seasonal, temporary, and casual employees are not grievable.

Grievance Procedure - The systematic means by which an employee may obtain consideration of a grievance.

Immediate Family - An employee's father, mother, spouse, registered domestic partner, child, brother, sister, grandparent, grandchild, parent-in-law, brother-in-law, sister-in-law, foster child, ward of court, or stepchild.

Immediate Supervisor - The most immediate person to whom an employee reports for work assignments and direction.

Job Classification - The descriptive title of a certain type of job performed by a City employee. Inherent in each classification are certain duties, responsibilities, and degrees of authority.

Layoff - The separation of an employee from City service which has been made necessary by lack of work or funds, and other reasons not related to the fault, delinquency, or misconduct on the part of the employee.

Leave of Absence - An authorized absence from duty for a specified period.

Regular Part-time Employee - An employee of the City who usually works less than forty (40) hours per week, but more than twenty (20) hours per week, in a classified position.

Performance Evaluation - A review and evaluation of an employee's performance and capabilities in the employee's authorized position by the employee's immediate supervisor or other manager.

Personnel Manual - This group of personnel policies and procedures concerning employment with the City of San Jacinto.

Personnel Officer - The City Manager or an employee of the City designated by the City Manager as the Personnel Officer.

Position - A group of current duties and responsibilities assigned or delegated by competent authority and requiring the full or part-time services of one (1) employee.

Probationary Period - The first one thousand forty (1,040) regularly scheduled working hours or six (6) months, whichever occurs later, or such duly extended period of employment, during which an employee may be discharged without cause and without recourse to the grievance procedure or any other appeal right.

Promotion - The movement of an employee from a position of one class to a position in another class having a higher maximum salary rate with an increase in duties and responsibilities over the employee's present class.

Reduction in Pay - A temporary or permanent decrease in salary.

Regular Employee - An employee who has successfully completed the probationary period and has been retained as provided in these rules.

Reinstatement - The restoration without examination of a former regular employee or probationary employee to a classification in which the employee formerly served as a regular non-probationary employee.

Resignation - Voluntary termination of employment by an employee.

Salary Range - Categories which determine the minimum and maximum salary payable for each employment classification.

Salary Step - A level of salary payable in each salary range.

Seasonal Employee - An individual appointed to a position established on a recurring basis of forty (40) hours per week, or less, for a specified season of six (6) consecutive months or less. Such employees may be discharged without cause and without recourse to the grievance procedure or any other appeal right.

Sick Leave - Absence from duty by an employee due to:

1. The employee's illness, medical or dental examination, injury, disability or exposure to contagious disease which incapacitates the employee from performing this duty.
2. The employee's attendance with a member of the immediate family because of illness, injury, death, or exposure to contagious disease and where the attendance of the employee is definitely required.

Smoking - Includes any lighted cigarette, cigar or pipe.

Standby Duty - Assignments or circumstances which require an employee so assigned by management must:

1. Be readily available at all hours by telephone or other agreed upon communications equipment, such as a beeper or radio, or by leaving a message at the employee's telephone location indicating where and how the employee can be reached;
2. Be able and ready to respond promptly to a call for service; and
3. Refrain from those activities which might impair his performance of assigned duties when called.

Supervisor - A person who has responsibility for the direction of the work of a specific employee or group of employees.

Suspension - Unpaid suspension is the temporary separation from service of an employee without pay for disciplinary purposes. Paid suspension is leave, with pay, wherein the employee is fully or partially relieved of duty, with pay and benefits, pending investigation of employee conduct or for other reasons deemed appropriate by City management.

Temporary Employee - An employee hired for a specified purpose for a limited period of time. Such employees may be discharged without cause and without recourse to the grievance procedure or any other appeal right.

Termination - The conclusion or cessation of employment with the City.

Transfer - The movement of an employee within a department or between departments from one position to another position in the same class or another class having the same maximum salary, involving the performance of similar duties and requiring substantially the same basic qualification.

Vacancy - An unfilled authorized position in the City of San Jacinto employment.

Section 1.9 Application of Personnel Rules

These Personnel Rules shall apply to all employees in the service of the City, except where otherwise stated in these Personnel Rules and in the City of San Jacinto Municipal Code.

Section 1.10 Savings Clause

If any provision or the applications of any provision of these Personnel Policies and Procedures, as implemented, are rendered or declared invalid by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions of the Personnel Policies and Procedures shall remain in full force and effect.

RULE 2. RECRUITMENT, SELECTION AND PLACEMENT***Section 2.1 Classification Plan***

The Personnel Officer shall ascertain and record the duties and responsibilities of all positions in the City and shall recommend a classification plan for such positions. The classification plan shall consist of classes of positions defined by class specification, including the title. The classification plan shall be so developed and maintained that all positions substantially similar with respect to duties, responsibilities, authority, and character of work are included within the same class, and that the same schedules of compensation may be made to apply under similar working conditions to all positions in the same class.

The classification plan shall be adopted by the City Manager and may be amended from time to time. Amendments and revisions of the plan may be suggested by any interested party and submitted to the City Manager. A new position shall not be created and filled until the classification plan has been amended to provide therefor.

Section 2.2 Reclassification

Positions, the assigned duties of which have been materially changed by the City so as to necessitate reclassification, whether new or already created, may be allocated by the Personnel Officer to a more appropriate class with approval by the City Council.

Section 2.3 Vacancies

When a permanent vacancy occurs in an authorized position, the Personnel Officer may try to fill the vacant position with an existing City employee who is both qualified for the position and willing to accept the employment change. When the Personnel Officer deems it appropriate not to fill the vacancy with a City employee, the Personnel Officer may fill the vacancy with a person who is not a City employee. The Personnel Officer may determine that it is in the City's best interest to leave the position vacant. This section shall not be construed to limit in any way the Personnel Officer's right to hire the most qualified person available to fill any vacancy.

Section 2.4 Personnel Requisitions

All requests for additional or replacement personnel shall be submitted to the City Manager for approval on a Personnel Requisition Form before being forwarded to the Personnel Department. The Personnel Requisition Form shall be completed by the initiating department and signed by the department head. The Personnel Department shall satisfy all Personnel Requisitions in accordance with the City's recruitment policy.

Section 2.5 Announcements

The Personnel Officer shall publish announcements which shall state the position title, salary, desired qualifications, when and where to file applications and other pertinent information. Employment standards stated in the announcement shall be those established for the class as approved by the Personnel Officer.

Announcements shall be considered published when they are posted on the City bulletin board. The Personnel Officer may publish notices of vacancies as he/she deems appropriate in order to recruit qualified applicants.

Section 2.6 Qualification of Applicants

No person shall be employed in or appointed to any position requiring full-time or part-time service where the position is included in the classification plan and a class specification exists establishing desired qualifications unless said person possesses in full, by midnight of the final filing date, the desired qualifications or education and experience prescribed for that class, except as otherwise provided by this manual.

In the event an applicant entering City employment is found to possess qualifications extraordinary for the position the applicant is being hired for, the City Manager may authorize the employment of such applicant at any step within the appropriate pay range. For the purposes of this section, “extraordinary” means the applicant has education, experience and/or skills superior to that commonly required and expected for the class.

Section 2.7 Submitting Applications

Applications must be received by the City not later than the deadline stated in the announcement. Applications mailed must bear a postmark not later than the final filing date and must be received not more than seventy-two (72) hours after the final filing date and time. All employment applications submitted to the City shall remain in an active status for a period of six (6) months during which time applicants will be considered for employment.

Section 2.8 Incomplete Applications

Incomplete applications may be, but are not required to be, returned to the applicant with notice to amend, provided adequate time exists. Incomplete applications received after the filing period will not be given consideration for City employment.

Section 2.9 Disqualification

The Personnel Officer may disqualify an applicant or refuse to refer any person for employment for, but not limited to, the following reasons:

1. The applicant does not possess the necessary qualifications established for the position.
2. The applicant has been dismissed for good cause from previous employment.
3. The applicant has used or attempted to use any improper personal or political influence to further his or her employment with the City.
4. The applicant has been convicted of a felony or misdemeanor which was of such a nature as to reflect adversely and substantially on the applicant's ability to perform the duties of the position. The word “convicted” shall be construed to

mean a plea of guilty or nolo contendere, verdict, or finding of guilt regardless of whether sentence is imposed by the court.

5. The applicant has practiced or attempted to practice any deception, fraud or omission of material fact in the application or interview, or in securing eligibility for employment.

Section 2.10 Offer of Employment

Offers of employment shall be extended to selected candidates only by the Personnel Officer. Employment offers for all positions shall be made in writing and shall include starting salary on an hourly, weekly or monthly basis. In no event shall an employment offer be made in terms of annual salary which may imply a yearly contract. All employment offers are subject to all employment contingencies including, but not limited to, satisfactory medical exam and fingerprint checks.

Section 2.11 Medical Examination

All offers of employment may be conditioned upon, among other things, the prospective employee satisfactorily completing a pre-employment physical examination. Such examination shall be performed by a licensed physician chosen by the City without cost to the prospective employee. The prospective employee shall be required to complete a medical history questionnaire and a medical records release to facilitate the physical examination. The physician will indicate the employee's fitness for employment on the physical examination form. Final appointment will be contingent on a satisfactory physical examination. In order to qualify for final appointment, the employee must be able to perform the essential functions of the job, with or without reasonable accommodation, and without risk to the health and safety of the prospective employee or others.

Section 2.12 Fingerprinting

Each new full-time employee of the City is required to be fingerprinted as a condition of continued employment. Completed fingerprint cards are mailed to the Bureau of Identification of the State Department of Justice. The Department of Justice reports are addressed to and shall only be opened by the Personnel Officer or an employee so designated by the Personnel Officer.

The Personnel Officer shall review the criminal history and make a determination as to the job relatedness of the information and whether the information in relation to the application materials submitted by the employee indicates that fraud or misrepresentation in securing employment has occurred. A misrepresentation may be grounds for disqualification for employment or, if already employed, grounds for termination.

Section 2.13 Driver's License and Satisfactory Driving Record

All applicants seeking employment with the City may be required to submit as part of their application, proof of a valid California Driver's License and a copy of their driving record issued

by the California Department of Motor Vehicles. If the applicant does not have a valid California Driver's license or the applicant's driving record is deemed by the City Manager or his designate to be unsatisfactory, the applicant may be deemed ineligible for employment with the City.

Current employees of the City shall have an appropriate valid California Driver's License and a good driving record. The City of San Jacinto is enrolled in the Department of Motor Vehicles Employer Pull Notice Program. Information regarding driving record, violations, suspended license, etc. is provided to the City on a regular basis. Employees of the City are required to advise the City of any change in their driver's license status immediately. In the event the employee's driver's license is revoked, suspended or expired, or the employee is uninsurable by the City, the employee will be deemed to have failed to meet a continuing condition of employment and shall be placed on immediate suspension. If the employee falls to regain driving privileges or insurability by the City within the period designated by the City Manager or his designate, the employee will be terminated from employment with the City for failure to satisfy job requirements.

Section 2.14 Employment Oath

All employees of the City shall complete and sign the Oath or Affirmation of Allegiance for Public Officers and Employees on the first day of employment in accordance with Article XX, Section 3 of the Constitution of the State of California. The Oath shall be administered by the Personnel Officer or City Clerk or other designated individual and a signed copy shall be included in the employee's personnel file.

Section 2.15 Identification Cards and Badges

Employee identification cards shall be issued by the Personnel Department to all employees of the City. Employee identification cards are to be used by employees in conducting business on behalf of the City. Employee identifications cards are the property of the City and shall be surrendered to the City upon termination of employment and prior to receiving payment of salary due at termination. Employees shall be required to immediately report lost or stolen identification cards to the Personnel Department.

Section 2.16 Keys and Security Codes

Keys to City facilities and related security access codes may be issued to employees so designated by the City Manager. Keys are the property of the City and shall be surrendered to the City upon termination of employment and prior to receiving payment of salary due at termination. Employees are required to immediately report lost or stolen keys to the Personnel Department. Under no circumstances may keys or security access codes be duplicated, loaned or disclosed without the permission of the City Manager.

RULE 3. TERMS OF EMPLOYMENT***Section 3.1 Salary Schedule Adoption***

Except as otherwise provided by law, officers and employees shall receive compensation as provided in the basic salary and compensation schedule adopted by the City Council of the City by resolution for the respective classifications of positions in which they are employed, in accordance with the terms of employment set for in this Personnel Policies and Procedures Manual.

Section 3.2 Probationary Period

To ensure that new employees are able to satisfy requirements of the position for which they were hired, the first six (6) months of employment shall be considered the minimum probationary period for employees of the City. The probationary period is required as part of the testing process and shall be utilized for observing closely the employee's work. All employees will receive a performance evaluation prior to completion of the minimum probationary period or any extension of the probationary period.

If an employee's performance during the probationary period is marginal, the probationary period may be extended for a maximum of six (6) additional months, subject to the approval of the Personnel Officer. During the probationary period, an employee may be rejected at anytime without cause and without recourse to the grievance procedure or any other appeal right.

Employees promoted or transferred to another position in the City, shall be considered probationary employees during the first six (6) months. Employees failing to perform satisfactorily in the newly assigned position may be rejected and returned to their former position or to a position requiring similar skill and in a similar pay grade without recourse to the grievance procedure or any other appeal right.

Section 3.3 Promotion

It is the policy of the City to fill authorized position vacancies with the most qualified individual available and to provide promotional opportunities for qualified employees. For the purpose of this policy, promotion shall be defined as movement to a higher classification in the salary schedule. Employees interested in promotion to a position vacancy for which they are qualified shall submit an employment application to the Personnel Officer.

Employees who have not yet successfully completed the probationary period for their current position are not normally eligible for promotional consideration.

Normally, employees promoted to a new position shall be placed at that step of the salary range in which the position is classified which represents a nominal five percent (5%) increase in the employee's current salary. Employees promoted to a new position having a maximum salary range higher than a five percent (5%) increase over the employee's current salary shall normally be placed at the minimum step of the salary range in which the position is classified.

Employees appointed to an “acting” position shall not acquire probationary or permanent status or rights, and time spent in an “acting” position shall not contribute to the probationary period if the employee is subsequently appointed to the position.

Promotional offers shall be extended to selected candidates only by the Personnel Officer. Employment offers for all promotional positions shall be made in accordance with Section 2.10 of the Personnel Policies and Procedures.

Section 3.4 Transfer

Request for transfer to another type of work or department will be normally considered only after successful completion of the probationary period. No person shall be transferred to a position for which that person does not possess the required qualifications. Employees requesting a transfer shall submit a memorandum to the Personnel Officer detailing the request for transfer and reasons for the request. Upon receipt of the transfer request, the Personnel Officer will notify the employee’s supervisor and/or department head. Job performance, qualification and attendance shall be evaluated to ensure the most effective use of the employee’s capabilities in evaluating the transfer request. If the transfer involves a change from one department to another, both department heads must consent thereto unless the City Manager orders the transfer. Employees transferred to a position vacancy shall serve a probationary period in accordance with Section 3.2 of the Personnel Policy and Procedures.

The City may initiate employee transfers when the transfer is in the best interest of the City. Employees transferred to a position vacancy shall serve the required probationary period in accordance with Section 3.2 of the Personnel Policy and Procedures.

Section 3.5 Demotion

Employees demoted at their own request shall be placed at the step in the new classification which is closest to the employee’s pay rate in the employee’s previous classification. In the alternative, in the sole discretion of the City Manager, the employee may be “Y” rated at the employee’s current rate of pay.

The City may demote an employee whose ability to perform the required duties falls below standard or for disciplinary purposes. No employee shall be demoted to a position who does not possess the desirable qualifications.

Section 3.6 Reinstatement

Employees who have resigned from City employment may be eligible for reinstatement to their former position or to a position requiring similar skill and in a similar pay grade providing all of the following criteria are met:

1. There is a vacancy in the position for which the employee seeks reinstatement.
2. The request for reinstatement is received within six (6) months from the date the employee resigned.

3. The former employee meets the medical requirements for the position and is certified by a City retained physician to be able to perform the essential functions of the job, with or without reasonable accommodation, and without risk to the health or safety of the employee or others.
4. Performance evaluations at the time of resignation were satisfactory.
5. The former employee provided at least two (2) weeks notice upon resignation.
6. The Personnel Officer approves the reinstatement request prior to the appointment.

Former employees shall have no right to reinstatement and such reinstatement shall be at the sole discretion of the City. The City reserves the right to consider the restoration of salary, seniority and other employee benefits on an individual basis and the same shall be restored at the sole discretion of the City Manager. Reinstated employees shall be required to complete a probationary period.

Section 3.7 Termination

Employees may be rejected without cause or without right of appeal at any time during a probationary period immediately following the individual's date of employment or during an extension of an employee's initial probationary period. Rejections occurring during the probationary period shall be initiated by the appropriate department head and approved by the Personnel Officer and City Manager prior to notifying the employee of termination action. Rejected probationary employees shall forfeit all employee benefits except benefits accrued under the Public Employees' Retirement System. Rejected probationary employees shall not be eligible for prior notice of termination and shall receive payments due on the final day of employment.

The City may discharge regular employees for cause, including, but not limited to, inadequate job performance. All employees of the City shall be discharged in accordance with applicable provisions of the Personnel Ordinance or these Rules. Employees discharged in accordance with these Rules shall forfeit all employee benefits except benefits accrued under the Public Employees' Retirement System and benefits to which the employee is statutorily entitled. Discharged employees shall receive payments due on the final day of employment.

Section 3.8 Orientation

An employee of the Personnel Department so designated will provide a brief orientation to each new employee of the City.

The employee's immediate supervisor will provide the employee with a thorough orientation including, but not limited to, the following:

1. Outline current and long range departmental objectives.

2. Review the organization of the department and the names of key department personnel.
3. Review department procedures, including safety procedures.
4. Explain hours of work, time reporting, lunch and break periods, absence reporting and other City policy.
5. Define work assignments, objectives and responsibilities.
6. Set measurable performance goals with the employee.
7. Conduct a tour of City facilities including rest rooms and parking facilities.

Section 3.9 Attendance

Employees shall be in attendance at their work in accordance with the rules regarding hours of work, holidays, and leaves. All departments shall keep daily attendance records of employees which shall be reported to payroll on the appropriate form. Absence without leave shall be cause for discipline, up to and including discharge.

Employees shall make every effort to schedule personal appointments outside their working hours. The City will maintain records of employee attendance to identify critical and chronic attendance problems. Employee attendance will be reviewed and evaluated during the employee's annual performance evaluation.

Section 3.10 Nepotism

In order to assure efficiency in implementing policies of the City, it is necessary to restrict the employment of relatives of elected and appointed officers of the City and/or relatives of municipal employees where such employment would create problems in terms of supervisory safety, security or morale. For the purpose of this policy a "relative" is defined as a spouse, registered domestic partner, child, step-child, parent, step-parent, parent-in-law, legal guardian, brother, sister, brother-in-law, sister-in-law, step-sister, step-brother, aunt, uncle, niece, nephew, grandchild, grandparent regardless of their place of residence; or any other individual related by blood or marriage living within the same household as the municipal employee or persons having an equivalent relationship with the employee.

Section 3.11 Compensation

The Personnel Officer or a designated representative shall be responsible for preparing and maintaining an employee classification plan for the City of San Jacinto. The employee classification plan shall be approved by the City Council of the City.

New employees of the City shall be hired at the minimum step (A step) of the salary range in which the position is classified. In the event a potential employee possesses extraordinary skill, training or ability, or where exceptional recruitment difficulties are encountered, employment offers may be made at a higher rate whenever such would be in the City's best interest. Offers of

employment at the minimum to middle step of the salary range may be approved by the Personnel Officer. Offers of employment above the middle step of the salary range shall require the approval of the City Manager.

Individuals hired at the minimum step of the salary range shall be eligible for a salary step increase upon completion of the probationary period or any extension thereof, not to exceed five percent (5 %), and at twelve (12) month intervals thereafter, not to exceed five percent (5 %). A completed performance evaluation with a satisfactory or higher rating shall be required for all salary step recommendations.

Individuals hired at other than the minimum step of the salary range shall be eligible for a salary step increase upon completion of the probationary period or any extension thereof, not to exceed five percent (5 %), and at twelve (12) month intervals thereafter, not to exceed five percent (5 %). A completed performance evaluation with a satisfactory or higher rating shall be required for all salary step recommendations.

Section 3.12 Performance Evaluations

It is the policy of the City of San Jacinto to evaluate employee performance on a regularly scheduled basis. The performance evaluation shall normally be conducted by the employee's immediate supervisor and shall be discussed with the employee. The employee's immediate supervisor shall carefully consider each item of the performance evaluation in relation to the duties outlined in the employee's position description.

A performance evaluation shall be completed prior to the completion of the probationary period. This includes completion of the first six (6) months of employment for new employees, completion of any extended probationary period and completion of the promotional probationary period of a regular employee. It is the supervisor's responsibility to ensure that the performance evaluation is completed and returned to the Personnel Officer for review prior to the completion of the probationary period. The failure to conduct such a performance evaluation, however, shall not prevent the City from releasing an employee during his or her probationary period.

A performance evaluation shall be completed on at least an annual basis for regular employees. It is the supervisor's responsibility to ensure that the performance evaluation is completed and returned to the Personnel Officer for review as near as possible to the employee's anniversary date. Special evaluations, as needed, may be given.

Section 3.13 In a Higher Classification

An employee designated to act in a higher classification shall receive an extra five percent (5 %) of base salary as additional compensation for all time spent in the acting position in excess of thirty (30) consecutive working days and continuing only until such time as the employee is returned to their original job classification.

Section 3.14 Rest Periods

Employees of the City shall be eligible to receive one (1) paid rest period not to exceed fifteen (15) minutes in any four (4) consecutive hours of work. The employee's immediate supervisor shall coordinate the scheduling of the rest period.

Section 3.15 Notice of Resignation

Employees who wish to voluntarily terminate employment with the City shall provide a minimum of two (2) weeks written notice to their immediate supervisor. The written resignation shall be considered accepted by the City immediately upon submission by the employee and shall be forwarded to the Personnel Department for processing. Requests to revoke a resignation shall be determined in the sole discretion of the City Manager. Any employee failing to provide the City with a minimum of two (2) weeks written notice shall be ineligible for consideration for future employment with the City.

Section 3.16 Political Activity

Political activities of officers and employees of the City while on duty and/or on the premises of the City is prohibited. In accordance with the California Government Code the following shall be prohibited.

1. An officer or employee of the City shall not, directly or indirectly, solicit political funds or contributions, knowingly, from other officers or employees of the City or from persons on the employment lists of the City. (Government Code Section 3205)
2. No officer or employee of the City shall participate in political activities of any kind while in uniform. (Government Code Section 3206)
3. No officer or employee of the City shall engage in political activity during working hours. (Government Code Section 3207)
4. No signs, posters or other political advertising materials shall be posted upon public property at any time.

Section 3.17 Voting

The City of San Jacinto encourages eligible employees to register and vote in all federal, state and local election. Employees of the City are expected to vote prior to or following their assigned working hours. However, the City will permit time off with pay to participate in federal, state and local elections in accordance with applicable law.

Employees having two (2) or more consecutive non-working hours following the opening or preceding the close of polls will not be granted time off with pay to vote. Employees having less than two consecutive non-working hours following the opening or preceding the close of polls may be granted sufficient time off with pay to vote. In order to receive paid time off to vote, the employee must provide a written request for such time and must obtain written approval from the

employee's department head. Requests must be made in writing and must be received at least three (3) days prior to Election Day. The Personnel Officer shall be notified prior to approval of paid time off for voting. In no event shall an employee receive more than two (2) hours paid absence for the purpose of voting. Voting time with pay shall be taken immediately prior to the beginning or the completion of the employee's scheduled workday. Paid absence for the purpose of voting shall be in accordance with Section 14400 of the California Elections Code.

Section 3.18 Alcohol and Drug Policy

It is policy of the City to prohibit its employees from using alcohol or drugs in connection with their employment, as it constitutes a threat to the safe and efficient performance of our public service.

With this in mind, the City has established a Drug and Alcohol Free Workplace Policy with regard to use, being under the influence, possession, distribution or manufacture of alcohol or drugs. All employees shall receive a copy of this policy and shall be required to comply with its provisions.

Section 3.19 Smoking Policy

In accordance with California Labor Code Section 6404.5, smoking is prohibited in any City owned or leased enclosed place of employment. This shall include, but is not limited to, offices, lobbies, hallways, conference rooms, rest rooms, common work areas, vehicles and Council Chambers. Each department and division head shall be responsible for enforcing this smoking prohibition within their area of responsibility. Any City employee violating this policy will be subject to disciplinary action.

Section 3.20 Policy on Infectious and Communicable Diseases

The City of San Jacinto does not discriminate in its employment policies solely on the basis of exposure to infectious or communicable diseases, or the physical conditions produced by such a disease. The following guidelines are intended by the City to balance the interests of persons suffering from such diseases with the interests of the City in protecting its employees from any dangers associated with those diseases:

1. If the City receives notice that an employee is suffering from an infectious or communicable disease, it shall make decisions regarding the employee's continued employment based on the behavior, neurological development and physical condition of the employee, and the health and safety of other persons with whom the employee will interact. The City may require the employee to provide the City periodic physician reports and medical records needed for the decision regarding job assignments, job limitation, ability to continue working, ability to return to work, and potential risk to the employee or others. The City may also require the employee to be examined from time to time by a physician selected and paid for by the City.

2. All employees of the City must be physically and mentally able to perform the essential functions of their positions, with or without reasonable accommodation, and must be free of any condition or disease which may be detrimental to the health and/or safety of fellow employees and members of the public as determined by the City.
3. Each instance of an employee suffering from an infectious or communicable disease shall be considered on a case-by-case basis. The department head where the employee is assigned, in conjunction with the Personnel Officer, shall decide whether the employee is free of transmissible infection and does not pose a risk to the public or other employees, in consultation, as necessary, with public health personnel, the employee's physician and the employee.
4. The City specifically recognizes that there is a potential for social isolation should an infected employee's condition become known to the general public. City personnel and others involved with the employee shall respect the employee's right to privacy and need for confidentiality. The employee's records shall be kept confidential.
 - (a) The number of persons who will be informed of the employee's condition shall be kept at the minimum needed to assure proper care of the employee, and to detect situations where the potential for transmission may increase.
 - (b) The Personnel Officer, applicable department head and employee's immediate supervisor shall be informed of an employee's condition. These persons shall be provided with appropriate information concerning any precautions which are necessary to ensure the safety of the employee, and other. They shall be specifically cautioned regarding the employee's right to privacy and confidentiality.
5. Any employee who believes that his or her rights under these guidelines have been violated should be directed to pursue the matter in accordance with all applicable grievance procedures.

Section 3.21 Bulletin Boards

All bulletin boards, unless otherwise designated, are the property of the City and shall display only those notices approved by the City. All requests to use City bulletin boards shall be made in writing to the Personnel Officer prior to posting any materials. Approved notices shall be date stamped by the Personnel Department and may be posted for a period not to exceed fourteen (14) days from the date of approval. Requests for extension of the fourteen (14) day maximum must be resubmitted to the Personnel Officer.

Employees are prohibited from posting unapproved notices on City bulletin boards. Employees are prohibited from displaying posters, notices, memos or other written or printed material on walls, doors, windows, furniture or other property belonging to the City. Employees displaying

unapproved materials on City premises shall be subject to disciplinary action in accordance with the provisions of these Rules.

Section 3.22 Safety

It is the policy of the City to maintain an active safety program designed to eliminate occupationally related illness and injury among City employees. Every employee of the City shall be required to observe all City and departmental health and safety procedures.

Each employee of the City shall receive a copy of the City's Safety Policies and Procedures and shall be responsible for complying with those policies. Failure to observe City safety policies and procedures shall result in disciplinary action in accordance with the Personnel Policies and Procedures.

Section 3.23 Workplace Related Violence

The City will not tolerate workplace related violence or threats of workplace related violence of any type. Thus, any act or threat of workplace related violence against a co-worker, customer, or any other individual will lead to discipline, up to and including termination of employment, depending on the nature and severity of the employee's conduct.

Conduct prohibited under this policy includes, but is not limited to:

1. Physical assaults;
2. Verbal abuse or threat (oral or in writing);
3. Physical gestures or other actions intended to threaten, intimidate, or coerce another person;
4. Harassment;
5. Sabotage of equipment or other property;
6. Bomb threats or similar activities;
7. Menacing or inappropriately aggressive behavior towards another person;
8. Stalking;
9. Possession of a weapon.

These rules apply at any time an employee is on duty, on City premises, or otherwise acting in connection to the employee's employment with the City.

In addition to taking disciplinary action against an employee engaging in prohibited conduct under this policy, the City will take aggressive legal action against any employee that engages in workplace related violence or constitutes a threat of workplace related violence.

Any employee that feels that he or she has been the victim of workplace related violence or threat of workplace related violence is expected to report such to the employee's supervisor or any other supervisory, or management employee immediately. Further, any employee that has knowledge of an incident of workplace related violence or a threat of workplace related violence must report such to his or her immediate supervisor or any other supervisory or management employee immediately.

RULE 4. EMPLOYEE BENEFITS***Section 4.1 Benefit Plan***

All regular full-time employees and their qualified dependents shall be eligible to participate in the health, dental, optical, short term and long-term disability, and life insurance programs offered by the City. The City's contribution to the premium cost of these benefits, if any, shall be determined by the City Council and existing memoranda of understanding, if applicable.

Section 4.2 Continuation of Benefits Coverage

The City shall continue contributions to the employee benefit plan and to group life insurance programs of those regular full-time employees placed on leave of absence with pay for the duration of the paid leave of absence. Employee contributions to such programs shall be deducted from salary payments made to the employee during the paid leave of absence.

Except as provided for in Section 6.9, regular full-time employees of the City placed on approved leave of absence without pay may continue to participate in the City's benefit programs for the duration of the leave of absence at their own expense. Regular full-time employees placed on approved leave of absence without pay who want to continue participation in the benefit programs must advise the Personnel Department in writing of their intention to do so and shall submit a check for the cost of the applicable coverage to the Accounting Department no later than the 10th day of the month preceding the month for which coverage is effective.

Employees who are enrolled in the Public Employees' Retirement System and who are placed on approved leave of absence with pay shall continue to accrue length of service credit for retirement purposes for the duration of the paid leave of absence. Employees who are enrolled in the Public Employees' Retirement System and are placed on approved leave of absence without pay shall not accrue length of service credit for retirement purpose for the duration of the leave of absence without pay.

Section 4.3 Workers' Compensation

Workers' compensation is provided for all employees of the City. Employees may be provided a maximum of thirty (30) calendar days of paid leave, with no charge to sick leave and/or vacation leave, following an occupational injury under the workers' compensation Act of the State of California. Pay received from the City shall be reduced by workers' compensation insurance benefits received by the employee during said thirty (30) day period. It is the desire of the City to provide full benefits to the employee whenever possible, however, in no event shall the employee receive more benefit than they would normally receive had the injury not occurred.

After thirty (30). calendar days, deductions to the employee's sick leave account shall be limited to the same percentage not compensated by workers' compensation. For example, if an employee who is entitled to \$12 per day receives \$9 per day from workers' compensation with the additional \$3 paid by the City, then the percentage deducted from the employee's sick leave account shall be ¼ of a day. All compensation received by the employee from State

Compensation Insurance Fund will be turned over to the City in order for the employee to continue receiving full benefits.

Section 4.4 Unemployment Insurance

Unemployment insurance shall be provided in accordance with the current state and federal laws.

Section 4.5 Paid Family Leave

Eligible employees may apply for Paid Family Leave benefits in accordance with state law.

Section 4.6 Retirement Program

All regular full-time employees become members of the Public Employees' Retirement System (P.E.R.S.) with employer contributions being paid by the City and the employee contributions will be paid by the employee. The current employee contribution is eight (8) percent. Such contribution shall be deducted from the employee's paycheck on a pretax basis and transmitted to PERS.

RULE 5. EMPLOYMENT HOURS***Section 5.1 All Employees***

Beginning January 1, 2012, employees will work a 9/80 work schedule. For payroll purposes, the 9/80 work week will begin four hours and one minute into each employee's workday on Friday and will end the following Friday four hours into the employee's workday. Employees shall have one day off within a two-week pay period. The regularly scheduled day off will be every other Friday. Employees will work eight days for nine (9) hours a day and one day for eight (8) hours for a total of eighty (80) hours in a pay period. The eight (8) hour day will be every other Friday. Employees work schedules will be staggered to ensure that the City is staffed five days a week.

Regular hours for employees in the Public Works department will be from 6:30am to 4:00 pm, Monday through Thursday, and alternating Fridays from 6:30 am to 3:00 pm. Lunch breaks can be 30 minutes to 60 minutes based on staffing needs and City Manager approval.

Regular hours for employees working in City Hall and Finance will be from 7:30am to 5:30pm Monday through Thursday, and alternating Fridays from 7:30am to 4:30pm. Lunch breaks can be 30 minutes to 60 minutes based on staffing needs and City Manager approval.

Section 5.2 Exempt Benefit Levels

Employees designated as exempt management, administrative, or professional are not eligible for overtime pay or compensatory time for working hours over and above the normal work schedule. Employees so designated shall be entitled to management leave in accordance with the applicable City Council resolution.

Section 5.3 Absences - Exempt Employees

In accordance with the Department of Labor final regulations implementing a special "salary basis" rule for public sector employees which provides that an otherwise exempt public sector employee who is paid according to "a pay system established by statute, ordinance, regulation or public policy under which the employee accrues personal leave and sick leave and, absent the use of such accrued leave (because the leave has been exhausted ...), requires the public employee's pay be reduced (leave without pay) for absences, for personal reasons or because of illness or injury, of less than one work-day," the City has adopted the following policy.

Under the City's pay system, an exempt employee who is absent for personal reasons or because of illness or injury, for less than one workday or longer, shall have his or her pay subject to reduction for such absence if the employee does not have sufficient accrued vacation, sick leave, or other paid leave to cover such period of absence.

RULE 6. LEAVE, VACATION AND HOLIDAYS**Section 6.1 Sick Leave**

1. Accrual. Employees of the City, including employees in the probationary period, shall accrue sick leave for each payroll period completed, prorated on the basis of eight (8) hours per month. Regular part-time employees shall receive sick leave accumulation on a pro rata basis. Earned sick leave shall be available for use the first day following the payroll period in which it is earned. In no event shall an employee be entitled to receive sick leave with pay in excess of the number of sick leave days accrued at the time of illness. Therefore, an employee who has exhausted sick leave accrual and who is unable to work due to illness or injury will be placed in a vacation status for the duration of the employee's vacation accrual, if any. If the employee has exhausted both sick leave and vacation leave accruals, the employee shall be placed on unpaid status.
2. Use. The following are considered appropriate uses of sick leave accrual:
 - (a) Employees may use sick leave accrual for personal illness or injury which incapacitates the employee for duty.
 - (b) An employee who is personally undergoing medical, dental or optical treatment or examination may use sick leave accrual for required time away from work.
 - (c) Employees compelled to be absent to attend to an illness or injury in the immediate family may use sick leave accruals. For this purpose, however, immediate family is defined as a spouse, parent, registered domestic partner or minor child of the employee.
 - (d) An employee may use sick leave accrual when caring for an immediate family member suffering from contagious disease or when the presence of an employee at work would jeopardize the health of others due to exposure to a contagious disease.
3. Minimum charge. The minimum charge against accumulated sick leave shall be fifteen (15) minutes.
4. Notice of Illness. An employee using sick leave must notify his/her immediate supervisor within two (2) hours after the time set for beginning his/her daily duties or as may be specified by the Department Head. It is the responsibility of the employee to keep the City informed as to continued absence beyond the first day for reasons due to illness. Failure to make such notification may result in denial of sick leave with pay as well as disciplinary action, up to and including discharge.

5. Maximum accrual. Sick leave may be accrued to a maximum of one hundred twenty (120) days. Employees who reach the one hundred twenty (120) day threshold will not accrue additional sick leave until they have reduced their balances to below the accrual cap. Sick leave accruals will not be paid upon separation of employment.
6. Illness during vacation leave. Employees who become ill while on approved vacation leave may request to have vacation time converted to sick leave. Approval may be granted only when the employee presents a doctor's certificate verifying an illness or injury. Such conversion shall require approval of the Personnel Officer.
7. Temporary, seasonal or casual employees shall not be eligible for sick leave.
8. Return from sick leave. Employees who have been on sick leave may be required to satisfactorily complete a physical examination administered by a City retained physician or to present a statement signed by a licensed physician stating that the employee is able to resume normal duties. Moreover, employees who have been on sick leave may be required to satisfactorily complete a physical examination administered by a City retained physician if the employee's immediate supervisor believes that the health, safety and welfare of the employee or of the City and its employees are being jeopardized due to the possibility that the employee lacks fitness for duty or that the employee is abusing the sick leave benefit.
9. Misuse. Evidence substantiating the abuse and misuse of the sick leave benefit shall result in denial of sick leave with pay and may result in disciplinary action, up to and including discharge.

Section 6.2 Holiday Leave

All full-time and part-time employees of the City who are on the payroll the day before and day after a designated holiday shall be paid for said holiday. Employees shall receive holiday pay for the number of hours regularly scheduled for that date. Temporary, casual, or seasonal employees do not receive holiday benefits.

The following are approved paid holidays for the City (the actual day of observance may be changed at the discretion of City management):

New Year's Day, Martin Luther King's Birthday, President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, Thanksgiving Friday, Christmas Day.

Holidays which fall on Saturday shall normally be observed on the preceding Friday. Holidays which fall on Sunday shall be observed on the following Monday. When a fixed holiday falls

within a vacation period, the holiday time shall not be charged against the employee's earned vacation benefits.¹

Section 6.3 Floating Holiday

A floating holiday shall be a holiday on a workday of the employee's choice which is earned during the fiscal year. Requests for a floating holiday shall be subject to the approval of the employee's immediate supervisor and at such time as will not impair the work schedule and efficiency of the department.

A floating holiday may be used in conjunction with other vacation and holidays but in no event shall be used in conjunction with sick leave days. The floating holiday may not be taken as a partial holiday.

If a floating holiday accrued in one fiscal year is not used during the year, it shall roll over to the next fiscal year and count towards that fiscal year's floating holiday accrual.

Section 6.4 Vacation

Employees of the City shall be entitled to paid annual vacation based on length of credited service with the City. Employees in regular part-time positions shall accrue, on a pro rata basis, vacation leave for completed pay periods. Such vacation allowance shall be available for use on the first day following the pay period in which it is earned provided an employee has completed six months of continuous service from the employee's benefit date.

Regular full time employees of the City in the S.E.I.U. bargaining unit shall accrue vacation benefits as follows:

- at the rate of ten (10) days vacation per year during the first three (3) years continuous service.
- at the rate of fifteen (15) days vacation per year during the fourth through six year continuous service.
- at the rate of eighteen (18) days vacation per year during the seventh through tenth years of continuous service.
- at the rate of twenty (20) days per year during the eleventh through fifteenth year of continuous service.
- at the rate of twenty-one (21) days per year following the fifteenth year of continuous service.

¹ Due to the four day work week in place in 2011, the Thanksgiving Friday holiday will not be observed in 2011. However, each employee will accrue one floating holiday on December 1, 2011, which must be used prior to December 1, 2012. If this floating holiday is unused by December 1, 2012, it will expire and can not be used subsequent to that date. Employees must follow the procedures for floating holidays set forth in section 6.3.

Regular part-time employees of the City shall receive vacation leave accumulation on a pro rata basis. There shall, however, be no proration of the maximum accrual. Regular part-time employees of the City who accept regular full-time employment with the City without a break in service shall receive service credit on a pro rata basis.

Temporary, casual, and seasonal employees of the City shall not be eligible for vacation leave benefits.

Earned vacation leave may be taken in multiples of one hour with the approval of the employee's immediate supervisor and at such time as will not impair the work schedule and efficiency of the department. Should employee vacation requests conflict with staffing requirement, supervisors shall arrange a mutually acceptable vacation schedule based on length of employee service and the order in which employee vacation requests were submitted.

The maximum vacation accrual/carry-over shall be equivalent to what any affected employee would earn during a two (2) year period of time at the employee's then existing rate of accrual. If an employee reaches his/her maximum accrual of vacation, then no additional vacation hours shall be earned until the employee has utilized vacation so as to cause less than (2) years of vacation accrual to remain in the employee's account.

Accrued, unused vacation shall be paid upon termination of employment. Employees may accrue no more than 336 hours of vacation time.

Section 6.5 Overtime

It is the policy of the City to avoid overtime work whenever possible. Overtime work shall be used only to supply essential public services or perform necessary duties during emergencies or where performance of overtime work by regular employees is more economical than adding new employees by creation of a new regular or temporary position.

Employees of the City shall obtain authorization for overtime prior to commencement of overtime from the employee's immediate supervisor or department head. Failure to obtain such authorization may result in disciplinary action.

Employees of the City required to work overtime are compensated at time and one-half their regular hourly rate of pay for each and every hour worked in excess of forty (40) hours worked in the seven day work week. Holiday hours shall be included in the calculation of hours worked for the purpose of overtime compensation.

Employees of the City designated as exempt, professional, administrative, or management shall not be subject to the provisions of this section.

Section 6.6 Compensatory Time

A nonexempt employee may accrue compensatory time in lieu of overtime unless prohibited from doing so by the employee's supervisor. Those employees eligible for compensatory time may accrue such time to a maximum of fifty (50) hours. Compensatory time shall be calculated at one and one-half times the number of hours worked over forty hours during the established work week. Compensatory time must be reported on the employee's time card and submitted to the payroll department. Compensatory time used shall also be reported on the employee's time card and submitted to the payroll department.

Employees shall be encouraged to use compensatory time as quickly as possible depending on the work load of the assigned department.

Section 6.7 Standby Compensation

For the purpose of this policy, an employee serving in a standby status shall be defined as an employee who has been directed by an immediate supervisor or by the appropriate department head to remain readily available for possible assignment during hours in which the employee's department is not normally staffed. Employees assigned to standby status shall not be unreasonably restricted in the use of non-work hours nor shall said employee be required to remain at a specified location for the duration of the standby assignment.

Employees assigned to standby status shall be required to advise their immediate supervisor or a designated representative of the manner in which they may be contacted during the standby assignment and shall be capable of reporting for assigned duty no later than sixty (60) minutes after being directed to do so.

Employees assigned to standby status shall be paid two (2) hours at the regular hourly rate for standby duties performed on any day and shall be compensated at the appropriate hourly rate for actual hours worked during each pay period in which the employee is assigned to standby; however, the employee shall receive a minimum payment of two (2) hours for each time the employee is called back from off-duty.

Employees assigned to standby status shall be paid two (2) hours at the base hourly rate for standby duties performed on a weekend day or holiday and shall be compensated at the appropriate hourly rate for actual hours worked during the standby assignment. Standby hours worked as a result of standby assignments shall be reported to the payroll department on the employee's time card.

Provisions of this policy shall not be applicable to those individuals whose scheduled work hours are changed to meet staffing requirements of the City.

Section 6.8 Military Leave

Military leave shall be granted in accordance with the provisions of state and federal law. All employees entitled to military leave shall give the appointing authority an opportunity within the limits of military regulations to determine when such leave shall be taken.

The federal Family and Medical Leave Act (FMLA) also entitles eligible employees to take leave for a covered family member's service in the Armed Forces. This policy supplements our FMLA policy and provides general notice of employee rights to this leave. Except as stated below, such rights and obligations for Service member FMLA are governed by our existing FMLA policy. Service member FMLA runs concurrent with other leave entitlements provided under federal, state and local law. Service member FMLA provides eligible employees unpaid leave for any one, or combination, of the following reasons:

- A 'qualifying exigency' arising out of a covered family member's active duty or call to active duty in the Armed Forces in support of a contingency plan: and/or
- To care for a covered family member who has incurred an injury or illness while in the Armed Forces provided that such injury or illness renders the family member medically unfit to perform duties of the member's office, grade, rank or rating and is certified by the service member's health care provider.

When leave is due because of a 'Qualified Exigency' concerning the military duty of a family member: an eligible employee may take up to 12 workweeks of leave during any 12-month period.

When leave is to care for an injured or ill service member: an eligible employee may take up to 26 workweeks of leave during a single 12-month period to care for the service member. Leave to care for an injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed 26 workweeks in a single 12-month period.

Where spouses are both employed by LAFCO, they may take up to, in aggregate, 26 workweeks of service member FMLA, provided that any portion of the aggregate leave that is not for care of a family service member does not exceed 12 workweeks.

In any case where it is foreseeable that an employee will need service member FMLA, that employee must provide notice of his or her intent to take leave as soon as reasonably possible and provide certification of either the 'qualified exigency' or family service member's need for care as soon as practicable.

Section 6.9 Family and Pregnancy Disability Leave and Transfer

Under the federal Family and Medical Leave Act of 1993 ("FMLA") and the California Family Rights Act of 1993 ("CFRA"), if you have more than twelve (12) months of service with us, have worked at least 1,250 hours in the past twelve (12) months, and are employed at a worksite with fifty (50) or more employees or the City employs at least fifty (50) employees within seventy-five (75) miles of your worksite, you may have a right to FMLA and/or CFRA leave. If eligible for such leave, you may be entitled to take up to twelve (12) workweeks of unpaid, job protected leave in a 12-month period for the birth, adoption, or foster care placement of your child; for your own serious health condition; or for the care of your child, parent, or spouse. At your or our option, certain kinds of paid and unpaid leave may be substituted for family leave.

Even if you are not eligible for FMLA and/or CFRA leave, if disabled by pregnancy, childbirth, or related medical conditions, you are entitled to take a pregnancy disability leave (“PDL”) of up to four months, depending on your period(s) of actual disability. If you are also FMLA/CFRA-eligible, you have certain rights to take BOTH a PDL/FMLA leave and a CFRA leave in connection with the birth of your child.

When medically necessary, leave may be taken on an intermittent or a reduced work schedule. If you are taking CFRA leave following the birth, adoption, or foster care placement of a child, the basic minimum duration for such leave is two weeks, and you must conclude the leave within one year of the birth or placement for adoption or foster care.

If possible, you must provide at least thirty (30) days advance notice for foreseeable events (such as the expected birth of a child or a planned medical treatment for yourself or of a family member). For events which are unforeseeable, you, or someone on your behalf, need to notify us, at least verbally, as soon as you learn of the need for the leave. Failure to comply with these notice requirements is grounds for and may result in deferral of the requested leave.

We may require certification from your health care provider before allowing you a leave for pregnancy or your own serious health condition, or certification from the health care provider of your child, parent, or spouse who has a serious health condition, before allowing you a leave to take care of that family member. Under certain circumstances, the City may also require second or third opinions (at our expense) and a fitness for duty report prior to your return to work.

Where the FMLA and/or CFRA apply, the City will continue group health plan coverage (if any) for up to a maximum of 12 weeks in any 12-month period under the same terms and conditions as applied prior to your leave of absence. Upon return from leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. While taking a family care or pregnancy disability leave may impact certain of your benefits and your seniority date, use of FMLA, CFRA, and/or PDL leave cannot result in the loss of any employment benefit that accrued prior to the start of your leave of absence.

For more information and/or a copy of the City’s detailed policies regarding family leave and/or pregnancy disability leave, please contact your supervisor.

Section 6.10 Jury Duty

Every regular employee of the City who is called or required to serve as a trial juror, upon notification and appropriate verification submitted to his/her supervisor, shall be entitled to be absent from his/her duties with the City during the period of such service or while necessarily being present in court as a result of such call. Employees shall be expected to report to work during those normal working hours which the employee is not required to be present as a juror. Under such circumstances, the employee shall be paid the difference between his/her full salary and any payment received by him/her except travel pay for such duty. Unauthorized Leave of Absence

Section 6.11 Unauthorized Leave of Absence

Any employee who is absent without authorization for three (3) working days shall be considered to have resigned from their position with the City by reason of abandonment. An unauthorized leave of absence during part of a day constitutes an unauthorized absence for the entire day.

Nothing, in this section shall limit the City Manager's authority to discipline or dismiss an employee due to an unauthorized absence.

RULE 7. PART TIME, SEASONAL AND TEMPORARY EMPLOYEES***Section 7.1 Regular Part-time Employees***

Employees of the City designated as part-time employees shall be compensated on an hourly basis as specified by the position classification in which they are assigned. Part-time employees are not eligible to participate in the health benefits programs of the City. Part-time employees shall accrue holidays, vacation and sick leave as provided in these Personnel Rules on a pro rata basis.

Part-time employees shall receive a performance evaluation prior to the completion of six (6) months of employment with the City and at one year intervals in accordance with Section 3.12 of these Personnel Rules. Part-time employees shall receive compensation in accordance with Section 3.11 of these Personnel Rules.

Part-time positions may be abolished and/or replaced with full-time positions as determined by the City Council.

Section 7.2 Seasonal Employees

Employees of the City designated as seasonal employees shall be compensated on an hourly basis as specified at the time of hire. Seasonal employees shall not be eligible for participation in any benefit program established by the City, except as required by federal and/or state law. Seasonal employees shall not be eligible for merit or other pay increases and shall not receive performance evaluations. Seasonal employment may be terminated at any time without cause or prior notice to the employee and without recourse to the grievance procedure or any other appeal rights.

Section 7.3 Temporary Employees

Employees of the City designated as temporary employees shall be compensated on an hourly basis as specified at the time of hire. Temporary employees shall not be eligible for participation in any benefit program established by the City, except as required by state and/or federal law. Temporary employees shall not be eligible for merit or other pay increases and will not receive performance evaluations.

Temporary employment may be terminated at any time without cause or prior notice to the employee and without recourse to the grievance procedure or any other appeal right.

Section 7.4 Casual Employees

Employees of the City designated as casual employees shall be compensated on an hourly basis as specified at the time of hire. Casual employees shall not be eligible for participation in any benefit program established by the City, except as required by state and/or federal law. Casual employees shall not be eligible for merit or other pay increases and will not receive performance evaluations.

Casual employment may be terminated at any time without cause or prior notice to the employee and without recourse to the grievance procedure or any other appeal right.

RULE 8. POLICY AGAINST EMPLOYEE HARASSMENT***Section 8.1 Introduction***

The City strongly disapproves of any form of unlawful discrimination against its employees. This includes discriminatory harassment of City employees. It can result in high turnover, absenteeism, low morale, and an uncomfortable work environment. In some cases, employee harassment may constitute a criminal offense.

Section 8.2 Policy Statement

The City strictly prohibits unlawful harassment. This includes harassment on the basis of sex, sexual orientation, race, color, national origin, ancestry, religion, religious creed, physical or mental disability, medical condition, age (over 40), marital status, sexual orientation, gender identity, or any other protected class under applicable law.

Section 8.3 Application

1. This policy applies to all phases of the employment relationship, including recruitment, testing, hiring, upgrading, promotion/demotion, transfer, layoff, termination, rates of pay, benefits, and selection for training.
2. This policy applies to all officers and employees of the City, including, but not limited to, full and part-time employees, seasonal employees, temporary employees, casual employees, and persons working under contract for the City.

Section 8.4 Harassment Defined

1. Harassment may consist of offensive verbal, physical, or visual conduct when such conduct is based on or related to an individual's sex and/or membership in one of the above-described protected classifications, and:
2. Submission to the offensive conduct is an explicit or implicit term or condition of employment;
3. Submission to or rejection of the offensive conduct forms the basis for any employment decision affecting the employee; or
4. The offensive conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment.
5. Examples of what may constitute prohibited harassment include, but are not limited to, the following:
 - (a) Kidding or joking about sex or membership in one of the protected classifications;

- (b) Hugs, pats, and similar physical contact;
- (c) Assault, impeding or blocking movement, or any physical interference with normal work or movement;
- (d) Cartoons, posters, and other materials referring to sex or membership in one of the protected classifications;
- (e) Threats intended to induce sexual favors;
- (f) Continued suggestions or invitations to social events outside the workplace after being told such suggestions are unwelcome;
- (g) Degrading words or offensive terms of a sexual nature or based on the individual's membership in one of the protected classifications;
- (h) Prolonged staring or leering at a person;
- (i) Similar conduct directed at an individual on the basis of race, color, ancestry, national origin, religion, religious creed, physical or mental disability, medical condition, age (over 40), marital status, sexual orientation, gender identity or any other protected classification under applicable law.

Section 8.5 Procedure

1. Internal Reporting Procedure

- (a) Any employee who believes that he or she has been the victim of sexual or other prohibited harassment by co-workers, supervisors, clients or customers, visitors, vendors, or others should immediately notify his or her supervisor or, in the alternative, the City Manager, depending on which individual the employee feels most comfortable in contacting.
- (b) Additionally, supervisors who observe or otherwise become aware of harassment that violates this policy have a duty to take steps to investigate and remedy such harassment and prevent its recurrence.

2. External Reporting Procedure

- (a) Any employee who believes that he or she has been the victim of sexual or other prohibited harassment by co-workers, supervisors, clients or customers, visitors, vendors, or others may file a complaint with the California Department of Fair Employment and Housing ("DFEH") or the federal Equal Employment Opportunities Commission ("EEOC"). The phone numbers for DFEH and EEOC are located in the phone book under government agencies.

Section 8.6 Investigation

1. Upon the filing of a complaint with the City, the complainant will be provided with a copy of this policy. The City Manager is the person designated by the City to investigate complaints of harassment. The City Manager may, however, delegate the investigation at his/her discretion. In the event the harassment complaint is against the City Manager, an investigator shall be appointed by the City Council.
2. Charges filed with the DFEH or EEOC are investigated by those agencies.

Section 8.7 Internal Documentation Procedure

1. When an allegation of harassment is made by an employee, the person to whom the complaint is made shall immediately prepare a report of the complaint according to the preceding section and submit it to the City Manager.
2. The investigator shall make and keep a written record of the investigation, including notes of verbal responses made to the investigator by the person complaining of harassment, witnesses interviewed during the investigation, the person against whom the complaint of harassment was made, and any other person contacted by the investigator in connection with the investigation. The investigator's notes shall be made at the time the verbal interview is in progress. Any other documentary evidence shall be retained as part of the record of the investigation. Upon completion of the investigation, the results shall be given to the complainant, the alleged harasser, and the City Manager.
3. Based on the report and any other relevant information, the City Manager shall, within a reasonable period of time, determine whether the conduct of the person against whom a complaint has been made constitutes harassment. In making that determination, the City Manager shall look at the record as a whole and at the totality of circumstances, including the nature of the conduct in question; the context in which the conduct, if any, occurred; and the conduct of the person complaining of harassment. The determination of whether harassment occurred will be made on a case-by-case basis by the City Manager.

Section 8.8 Confidentiality

All records and information relating to the investigation of any alleged harassment and resulting disciplinary action shall be confidential, except to the extent disclosure is required by law, as part of the investigatory or disciplinary process, or as otherwise reasonably necessary.

Section 8.9 Remedies

1. Disciplinary Action
 - (a) If the City Manager determines that the complaint of harassment is founded, the City Manager shall take immediate and appropriate

disciplinary action consistent with the requirements of law and any personnel policies or procedures pertaining to employee discipline. Other steps may be taken to the extent reasonably necessary to prevent recurrence of the harassment and to remedy the complainant's loss, if any.

- (b) Disciplinary action shall be consistent with the nature and severity of the offense, the rank of the harasser, and any other factors relating to the fair and efficient administration of the City's operations.
2. In the event a complaint is filed with the DFEH, and the DFEH finds that the complaint has merit, the DFEH will attempt to negotiate a settlement between the parties. If not settled, DFEH may issue a determination on the merits of the case.
- (a) Where a case is not settled and the DFEH finds a violation to exist, it can prosecute the charging party's case before the Fair Employment and Housing Commission ("FEHC"). Legal remedies available through DFEH and FEHC for a successful claim by an applicant, employee, or former employee include possible reinstatement to a former job; award of a job applied for; back pay; front pay; attorneys' fees; and under appropriate circumstances, actual damages and/or administrative fines.
 - (b) In the alternative, DFEH may grant the employee permission to withdraw the case and pursue a private lawsuit seeking similar remedies.

Section 8.10 Retaliation

Retaliation against anyone for opposing conduct prohibited by this policy or for filing a complaint with or otherwise participating in an investigation, proceeding or hearing conducted by the City, DFEH, EEOC or FEHC is strictly prohibited and may subject the offending person to, among other things, disciplinary action, up to and including, termination of employment.

Section 8.11 Employee Obligation

- 1. Employees are not only encouraged to report instances of harassment, they are obligated to report instances of harassment.
- 2. Employees are obligated to cooperate in every investigation of harassment, including, but not necessarily limited to:
 - (a) Coming forward with evidence, both favorable and unfavorable to a person accused of harassment; and
 - (b) Fully and truthfully making a written report or verbally answering questions when required to do so during the course of a City investigation of alleged harassment.

3. Knowingly, falsely accusing someone of harassment or otherwise knowingly giving false or misleading information in an investigation of harassment shall be grounds for disciplinary action, up to and including, termination of employment.

RULE 9. OUTSIDE ACTIVITIES***Section 9.1 Authorization for Outside Activities***

Although we recognize the employee's right to engage in private and/or commercial activities outside the normal working hours, the City expects each employee to avoid those outside activities which are a conflict of interest or which may potentially become a conflict of interest.

Therefore, all employees interested in pursuing private and/or commercial activities outside normal working hours that have the potential for a conflict of interest shall be required to present a written explanation of such activities to the department head for approval. A copy of the written explanation and approval or disapproval by the department head shall be forwarded to the Personnel Officer for insertion in the employee's personnel file.

Section 9.2 Prohibited Activities

Employees shall avoid outside activity with individuals or companies doing business with or soliciting business from the City. Employees shall not engage in outside activity which may unduly influence professional decisions, actions or judgment made on behalf of the City. Employees shall not engage in outside activity which may deprive the City of their time, attention and loyalty during normal working hours. Employees shall not engage in outside activity which may require confidential information concerning the City. Employees shall avoid significant financial interest in companies doing business with or soliciting business from the City. Employees shall not engage in outside activity requiring the use of City property, equipment or supplies. Employees shall not use City stationary, forms or equipment, including telephones and postage, in any capacity not directly related to the performance of assigned duties with the City.

Section 9.3 Conflicting Activity

Employees conducting outside activities conflicting with, compromising or reflecting unfavorably upon City interests shall be requested to terminate such activities. Employees continuing to conduct outside activities conflicting with, compromising or reflecting unfavorably upon City interests, after a request to terminate such activities, shall be subject to disciplinary action up to and including termination. Discipline shall be administered in accordance with these personnel policies.

RULE 10. VEHICLE OPERATION POLICY***Section 10.1 Policy***

During the course of employment with the City, employees may be required to operate their personal vehicles to perform their assigned duties. Because of this requirement, a valid California driver's license, a satisfactory driving record, and proof of insurance are conditions of employment with the City. No employee shall operate or drive any motor vehicle on behalf of the City unless the employee is licensed for the class of vehicle to be driven, maintains a satisfactory driving record and maintains adequate insurance.

Section 10.2 Driver's License

All applicants for employment and current employees of the City shall be required to maintain a valid California Driver's License in accordance with Section 2.13 of these Policies.

Section 10.3 Driver's Record

All applicants for employment with the City are required to possess a satisfactory driving record as set forth in Section 2.13 of these Policies.

All current employees of the City shall be required to maintain a valid driver's license as a continuing condition of employment as set forth in Section 2.13 of these Policies.

Section 10.4 Motor Vehicle Insurance

Employees of the City whose duties may require the use of a personal vehicle while on duty, must have a satisfactory driving record and must provide to the City proof of insurance with a vehicle insurance carrier of the employee's choice acceptable to the City. Applicants will not be hired and employees will not be eligible for continued employment unless their insurance coverage is verified and approved.

RULE 11. EXPENSE REIMBURSEMENT***Section 11.1 Travel Expenses***

The City shall reimburse employees and officers of the City for travel, lodging and other expenses directly related to the conduct of City business provided such expenses have been previously approved by the appropriate department head and/or the City Manager. Employees shall provide receipts for all expenses.

Section 11.2 Travel Advance

Employees traveling on City business may obtain funds to defray the expenses of such travel by completing a cash advance request. Employee cash advance requests shall be submitted to the department head for approval through the employee's immediate supervisor. Approved employee cash advance requests shall be submitted to the Accounting Department for payment at least five (5) working days prior to the date of travel. All employee cash advances shall be accounted for on an approved employee reimbursement form, by return of the advance funds or by a combination of these items. Failure to account for a cash advance within thirty (30) days of receipt shall result in the employee being responsible for reimbursing the City for the amount of the advance.

RULE 12. DISCIPLINARY HEARING RULES AND REGULATIONS***Section 12.1 Effective Date***

A disciplinary action shall be effective as of the time designated by the person or persons authorizing the action or as otherwise described in Section 12.7, *infra*.

Section 12.2 Grounds for Disciplinary Action

Disciplinary action may be taken for the causes that include, but are not limited to, the following:

1. Fraud in securing employment or making a false statement on an application for employment.
2. Incompetency, i.e., inability to comply with the performance standards of an employee's position.
3. Inefficiency or inexcusable neglect of duty, i.e., failure to perform duties required of an employee within his/her position.
4. Willful disobedience and/or insubordination, a willful failure to submit to the requirements of duly appointed and acting supervision or to conform to duly established orders or directions of persons in a supervisory position.
5. Dishonesty.
6. Being under the influence of alcohol or dangerous drugs or narcotics while on duty.
7. Excessive absenteeism.
8. Inexcusable absence without leave.
9. Abuse or misuse of sick leave.
10. The conviction of a felony or either a misdemeanor or a felony involving moral turpitude shall constitute grounds for dismissal of any employee. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The City Manager or his/her designee may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline, or to determine if such conviction is an offense involving moral turpitude. A plea or verdict of guilty, or a plea of *nolo contendere* to a felony or to any offense involving moral turpitude, is deemed to be a conviction within the meaning of this Section. The City Manager or his/her designee may discipline said employee when the criminal judgment or conviction is final or when an order granting probation is made suspending the imposition of sentence, regardless of a subsequent order pursuant to the provisions of Section 1203.4 of the Penal Code of the State of California allowing such person to withdraw his/her plea of guilty

and enter a plea of not guilty, or setting aside a verdict of guilty, or dismissing the accusation or indictment. However, this subsection shall not prevent discipline being imposed prior to conviction of a crime, where the discipline is based upon the acts forming the basis for a criminal prosecution, but is not based upon the conviction itself.

11. Discourteous treatment of the public or fellow employee.
12. Improper or unauthorized use or possession of City property.
13. Violation of City or department rules and regulations.
14. Refusal to subscribe to any oath or affirmation which is required by law in connection with City employment.
15. Any act or conduct either during or outside of duty hours which is of such a nature that it causes discredit to the City, to the employee's department or division, or may reasonably be expected to cause such discredit.
16. Inattention to duty, tardiness, indolence, carelessness or negligence in the care and handling of City property and in the performance of duties.
17. Consistent with applicable law, including but not limited to the Americans with Disabilities Act, the Rehabilitation Act of 1973 and the Fair Employment and Housing Act, mental or physical infirmity or defects which render the employee unfit for the proper performance of his/her duties if no reasonable accommodation can be made.
18. Outside employment not specifically authorized by the City Manager and/or which is consistent, inimical to, in conflict with, or incompatible with City employment. Additionally, violation of Government Code Section 1126 shall be deemed a violation of this subsection.
19. Engaging in an outside employment, activity, or enterprise which:
 - (a) involves the use for private gain or advantage of the employee's local agency time, facility, equipment and supplies; or the uniform, prestige, or influence of the City or employment, or
 - (b) involves receipt or acceptance by the officer or employee of any money or other consideration from anyone other than the City for the performance of an act which the officer or employee, if not performing such act, would be required or expected to render in the regular course or hours of his or her City employment or as a part of his or her duties as a City employee, or
 - (c) involves the performance of an act in other than his or her capacity as a City officer or employee which act later may be subject directly or

indirectly to the control, inspection, review, audit, or enforcement of any other officer or employee of the City, or

- (d) involves such time demands as would render performance of his or her duties as a City officer or employee less efficient.
- 20. The refusal of any officer or employee of the City to testify under oath before any Grand Jury inquiry into the work-related conduct of a City employee or into matters affecting the conduct of City business, shall in itself constitute sufficient grounds for the discharge of such City officer or employee.
- 21. Violation of any of the provisions of the ordinances, resolutions or rules, regulations or policies which are adopted by the City or its departments.
- 22. Unauthorized political activity. Example: Those campaigning for or against any candidate, initiative or other proposition, in national, state, county or municipal elections while on duty and/or during working hours or in a City uniform on or off duty; or the dissemination of political materials of any kind while on duty and/or during working hours or in uniform.

Activities not affected: Nothing in these rules and regulations shall be construed to prevent any officer or employee from becoming or continuing as a member of a political club or organization, or from attendance at a political meeting, or from enjoying freedom from all interference in casting his/her vote or from seeking or accepting election or appointment to public office, provided however, that a person holding a position in the classified service must resign his/her position in the classified service upon being elected to a City position.

- 23. Engaging in speech detrimental to the operation of the City where such speech is either not regarding a matter of public concern or where on balance, the City's interest in promoting efficiency outweighs the employee's interest in making statements regarding matters of public concern.

Section 12.3 Disciplinary Action, Authority to Take

All forms of disciplinary action shall be commenced by means of a written "Notice of Intended Disciplinary Action" prepared by the department head and then served upon the affected employee. The affected employee shall have a right to respond to said "Notice of Intended Disciplinary Action" pursuant to Section 5, *infra*. However, any intended discipline consisting of written reprimands or other forms of disciplinary action, such as transfer or reassignment (only when the same is done for disciplinary or punitive purposes) whereby the potential economic impact (without regard to real or possible losses of overtime compensation) upon the affected employee is in an amount less than the employee's scheduled daily compensation, shall be appealable pursuant to the grievance procedures intact at the time of the appeal, but shall not give rise to any form of post-City Manager (or his/her designee) administrative or judicial appeal, and the determination of the City Manager (or his/her designee) in such cases shall be final and conclusive.

Section 12.4 Notice

Written notice of proposed disciplinary action shall be served upon the employee and shall set forth the following information.

1. Grounds for proposed discipline.
2. Act or omission giving rise to proposed discipline.
3. Effective date of the proposed discipline.
4. All documents or records upon which the proposed disciplinary action is based.
5. The date by which the employee can respond to the proposed action and the person to whom the response shall be provided.

Section 12.5 Employee Response

The employee shall have seven (7) working days from the date the “Notice of Proposed Disciplinary Action” is served on him/her to advise of his/her intent to participate in a predisciplinary meeting pursuant to these Rules and Skelly v. State Personnel Board. This predisciplinary meeting shall be presided over by the City Manager or his/her designee. Any such request to convene a pre-disciplinary meeting shall be in writing and shall be postmarked within seven (7) working days from the date the “Notice of Proposed Disciplinary Action” is served upon the employee. A timely request to convene the predisciplinary process shall result in conduct of the pre-disciplinary meeting within five (5) working days thereafter. If the employee either fails to request a pre-disciplinary meeting or fails to do so in a timely manner, then at the expiration of the seven (7) day period for serving such request, the City Manager or his/her designee shall render a determination based solely upon the pre-disciplinary supportive documents that were served upon the employee in accordance with Section 12.4, supra.

Section 12.6 Pre-disciplinary Meeting Procedure

The narrow due process purpose of a pre-disciplinary meeting is to provide the subject employee with an opportunity to respond orally or in writing to the content of the NOTICE OF PROPOSED DISCIPLINARY ACTION, prior to imposition of the proposed action. The pre-disciplinary meeting is not an evidentiary, trial-type hearing and the subject employee shall not have the right to subpoena witnesses, documents, or present testimonial evidence. The subject employee may be represented at the pre-disciplinary meeting by an individual of his/her choice. Following conclusion of the pre-disciplinary meeting, the City Manager shall issue a written determination of the action to be taken regarding the subject employee.

Section 12.7 Final Action

After considering the employee’s response, if any, to the “Notice of Intended Disciplinary Action,” or after expiration of the time to respond with no response having been made, a written notice of final determination shall be served upon the employee within a reasonable time after the pre-disciplinary meeting is conducted. If disciplinary action is imposed, then the effective

date of that discipline shall be set forth within the notice. Absent an effective date set forth within the notice, the effective date of disciplinary action shall be deemed the date upon which the notice was signed by the City Manager or his/her designee. Subject to the limitations described in Section 12.3, the employee may appeal the City Manager/designee's determination pursuant to Section 12.8 et. seq.

Section 12.8 Right to Appeal

Any permanent employee in the competitive service shall have the right to appeal any disciplinary action involving dismissal, demotion, suspension and reduction in step in accord with Section 11 et. seq. The appeal shall be presided over by a Hearing Officer who shall render an advisory determination. The costs attendant to retention of the Hearing Officer shall be borne by the City. The parties shall select said Hearing Officer by mutually requesting a list of seven (7) names from the State Mediation and Conciliation Service. The parties shall then alternatively strike names from the list until one name remains. Said person shall be the Hearing Officer.

Section 12.9 Rejection of Probationer

During the probationary period [entry level, promotional (subject to Section 12.10, below), or otherwise], the employee may be rejected and released from employment at any time without right of appeal or hearing, and he/she shall be informed of and required to acknowledge this status at the time of his/her appointment or promotion. However, a probationary employee shall have the same appeal rights as do permanent employees regarding administrative disciplinary action less severe than rejection from employment.

Section 12.10 Rejection of Promoted City Employees

A permanent employee rejected during the probationary period from a position to which he/she has been promoted, shall be reinstated to the position from which he/she was promoted. In such cases, the promoted probationary employee shall be entitled to no appeal or hearing of his/her rejection. However, a promoted probationary employee shall have the same appeal rights as do permanent employees regarding administrative actions less severe than rejection from the probationary promotional position.

Section 12.11 Method of Appeal

Appeals shall be in writing, signed by the appellant or representative, and filed with the City Manager. The appeal shall be a written statement, addressed to the City Manager, explaining the matter appealed from and setting forth the ground for the appeal and the action desired by the appellant. The appeal shall be postmarked within (7) working days from the date the "Notice of Final Determination" is served on the employee. If the employee does not appeal the discipline within the specified time period, then the discipline shall be final.

Section 12.12 Notice

Upon the filing of a proper appeal, and the selection of a Hearing Officer a date shall be set for a hearing on the appeal. The parties and the Hearing Officer shall attempt to select a mutually agreeable date(s) for the hearing. Absent agreement upon hearing date(s), the Hearing Officer shall be authorized to designate a hearing date.

Section 12.13 Hearings

1. All hearings shall be closed unless the employee requests in writing five (5) calendar days before the hearing that the hearing be open.
2. Subpoenas and subpoenas duces tecum shall be issued by the Hearing Officer at the request of either party, not less than fifteen (15) calendar days prior to the commencement of the hearing. State civil rules governing the issuance and validity of subpoenas shall also govern the issuance and validity of subpoenas and subpoenas duces tecum issued herein.
3. The hearing need not be conducted in accordance with technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rules which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil and criminal actions and irrelevant and unduly repetitious evidence shall be excluded. The Hearing Officer shall not be bound by technical rules of evidence. The Hearing Officer shall rule on the admission or exclusion of evidence.
4. Each party shall have these rights: To be represented by legal counsel or other person designated by the exclusive bargaining agent (or absent such bargaining agent, as designated by the Appellant); to call and examine witnesses; to introduce evidence; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him/her to testify; and to rebut the evidence against him/her. The employee may be called by the appointing authority and examined as if under cross-examination. Oral evidence shall be taken only on oath or affirmation.
5. The hearing shall proceed in the following order:
 - (a) The party imposing discipline shall be permitted to make an opening statement;

- (b) The appealing party shall then be permitted to make an opening statement;
 - (c) The party imposing disciplinary action shall produce the evidence on his/her part; the City bears the burden of proof and burden of producing evidence;
 - (d) The party appealing from such disciplinary action may then offer his/her defense and offer his/her evidence in support thereof; the employee bears the burden of proof and the burden of producing evidence for any affirmative defenses asserted;
 - (e) The parties may then, in the above order, respectively offer rebutting evidence, unless the Hearing Officer for good cause, permits them to offer evidence upon their original case;
 - (f) Closing arguments shall be permitted and written briefs may be permitted at the discretion of the Hearing Officer. The City shall have the right to open the oral closing arguments followed by the employee. The City then has a right to reply.
6. The Hearing Officer shall determine relevancy, weight, and credibility of testimony and evidence. The Hearing Officer shall base his/her findings on the preponderance of evidence. During the examination of a witness, all other witnesses, except the parties, shall be excluded from the hearing unless the Hearing Officer, for good cause, otherwise directs. The Hearing Officer shall render judgment as soon after the conclusion of the hearing as possible but in no event later than thirty (30) calendar days after submission of closing arguments. The decision shall set forth which charges, if any, are sustained and the reasons therefor. The decision shall set forth findings of fact and conclusions of law. The Hearing Officer's decision shall be advisory only, with the City Council retaining jurisdiction to make a final determination as set forth below.
7. The Hearing Officer may recommend sustaining or rejecting any or all of the charges filed against the employee. The Hearing Officer may recommend sustaining, rejecting or modifying the disciplinary action invoked against the employee by the appointing authority. Accordingly, the Hearing Officer is specifically authorized to increase or decrease the penalty or to alter the nature of the penalty (i.e. change a suspension to a termination or vice versa). A Hearing Officer's decision and recommendation shall be filed with the City Manager for transmission forthwith to the City Council, with a copy sent to the charged employee.
8. Within thirty (30) calendar days of the receipt of the Hearing Officer's recommendation, the City Council shall either adopt the recommended findings, conclusions, and/or decision of the Hearing Officer (as defined in (g) above) or give written notice of its intent to review the record of the administrative proceedings and maintain the option of adopting, rejecting or otherwise

modifying the Hearing Officer's recommendation (as defined in (g) above). The City Council shall not conduct a de novo hearing. The City Council may, at its option, allow oral arguments and/or may request and consider written arguments from both parties. The decision of the City Council shall be administratively final and conclusive. Copies of the City Council's decision shall be served on the parties and filed with the employee's personnel file.

9. Each party shall equally share the cost of a mandatory court reporter. Each party shall equally share the cost of transcripts that are required by the City Council or the Hearing Officer. Each party shall bear its own such costs where the ordering of transcripts is a voluntary act. Each party shall bear its own witness and attorney fees.
10. The provisions of Section 1094.6 of the Code of Civil Procedure shall be applicable to proceedings pursuant to these Rules.

RULE 13. GRIEVANCE PROCEDURE***Section 13.1 Policy***

The City of San Jacinto has established a grievance procedure. Grievances are defined in Section 1.8 of these policies and procedures. Employees of the City shall be required to comply with the procedures set forth regarding items which are grievable under these policies. Provided, however, that if a grievance procedure is included in a collective bargaining agreement with a recognized labor association, then such grievance procedure would apply to bargaining unit members of such labor association.

Employees of the City who pursue grievances according to the provisions of the City Grievance Policy and Procedure shall be free of harassment by fellow employees, supervisors and administration and shall in no way affect their present or future employment status.

Section 13.2 Steps in the Grievance Procedure

The steps of the grievance procedure are as follows:

1. Grievances must be discussed with the employee's immediate supervisor, or his/her superior in the event that the employee's problem is with the supervisor, within five (5) working days of the occurrence of the event giving rise thereto. The supervisor or his/her superior will attempt to resolve the matter and will, within a reasonable period of time, issue his/her decision on the matter in writing.
2. If not previously resolved, the employee may, within five (5) days of receiving the written decision of the employee's supervisor or his/her superior, submit a written request for review by the Department Head. The Department Head shall make such investigation of the facts and issues as is warranted under the circumstances and shall make a determination within five (5) working days of receipt of the request and the written decision of the supervisor or his/her superior.
3. If the employee is dissatisfied with the determination of the Department Head, the employee shall, within two (2) working days of receipt of the Department Head's determination, notify the Department Head and the Personnel Officer of the employee's desire to appeal such determination. Said notice shall be in writing.
4. The Personnel Officer, or his/her designee, shall arrange and conduct a meeting between the employee and the Department Head. At such meeting, discussion shall be limited to the issues raised in the initial grievance complaint and an earnest effort shall be made to resolve the problem.
5. Following the meeting, the Personnel Officer shall issue a statement of his/her conclusions and findings. The decision of the Personnel Officer shall be final.

RULE 14. LAYOFF POLICY AND PROCEDURE***Section 14.1 Policy***

To the extent this policy contradicts any collective bargaining agreement provisions regarding layoffs, the collective bargaining agreement will prevail. Whenever in the judgment of the City Manager, it becomes necessary, either in the interest of economy, or because the necessity for a position no longer exists, the employee holding such position may be laid off without disciplinary action being taken and without the right of appeal or hearing unless otherwise required by law.

Whenever in the judgment of the City Manager, it becomes necessary, either in the interest of economy, or because the necessity for a position no longer exists, any position may be abolished in the services; and the employee holding such position may be laid off without disciplinary action being taken and without the right of appeal or hearing unless otherwise required by law.

Section 14.2 Order of Layoff

The order of layoff of employees shall be established by the personnel officer on the recommendation of the department head involved. The department head shall take into consideration the job performance, length of service of employees, and other relevant factors in preparing a recommended layoff list provided, however, that no regular or probationary employee shall be laid off from his/her position in any department while any temporary, seasonal, casual or acting employee is serving in the same class in that department.

Section 14.3 Reemployment List

The names of regular and probationary employees laid off or demoted in lieu of layoff shall be placed upon reemployment lists for six (6) months for those classes requiring basically the same qualifications, duties and responsibilities of the class from which layoff or demotion in lieu of layoff was made. Recall shall be in reverse order of layoff.

RULE 15. REPORTS AND RECORD KEEPING***Section 15.1 Personnel Files***

The Personnel Officer shall maintain a personnel record for each employee in the service of the City showing the name, title of position held, the department to which assigned, salary, changes in employment status, evaluations, discipline, and such other information as may be considered pertinent by the Personnel Officer.

Section 15.2 Change of Status Report

Every appointment, transfer, promotion, demotion, change of salary rate, or any other temporary or permanent change in status of employees shall be reported to the Personnel Officer in such manner as prescribed by the Personnel Officer.

Section 15.3 Personnel Action Form

A personnel action form shall be completed for each employee hired by the City. The personnel action form shall include all employee information including benefit selection information. A copy of the personnel action form shall be included in the employee's personnel file. The City Manager's signature shall be included on personnel action forms as a result of an appointment, promotion, demotion, transfer and dismissal.

Section 15.4 Time Cards

All City employees shall be required to complete a time card recording all hours worked, vacation, sick leave, administrative leave, etc. Time cards shall be signed by the employee's supervisor and forwarded to the payroll department no later than 12 noon on the Monday following the end of the pay period.

Time cards shall be optional for exempt, executive management staff unless otherwise directed by the City Manager.

Section 15.5 Records Review and Access

The Personnel department will review each employee's file annually and eliminate inappropriate or outdated information. Managers and supervisors will review each employee's file before each performance evaluation and destroy outdated and inappropriate information.

Access to employee records is restricted to the following:

1. Personnel department employees with a business need-to-know.
2. The direct supervisor or department manager of an individual employee with a business need-to-know.
3. City executives with a business need-to-know.

Section 15.6 Employee Access

An employee may examine his or her personnel records upon reasonable request and at a reasonable time. An employee has the right to ask for a correction or a deletion, or write a statement of disagreement with any item in the file in the presence of a Personnel representative. The employee may not, however, remove any item from the file.

Section 15.7 Disclosure of Employee Information

The Human Resources Coordinator or City Manager will respond to all requests for employee references. No other supervisor or employee is authorized to release references for current or former employees. All requests for information about a current, retired or terminated employee must be referred to the Human Resources Coordinator. The Human Resources Coordinator may disclose to prospective employers dates of employment, final title or position and job location. With the employee's written permission, the Human Resources Coordinator may give salary history.

Information will be given to duly authorized requests from law enforcement agencies, including investigations, summonses, subpoena and judicial orders. The City need not inform an employee that personal information has been disclosed to law enforcement agencies if it concerns an investigation into the employee's on-the-job conduct, especially when an employee's actions endanger other employees or City security and property.

Section 15.8 Protection of Confidentiality

Privacy of employee records refers to the collection, use, access, dissemination, retention and confidentiality of data maintained on employees. The City has a commitment to maintain the privacy of personal information kept in its personnel records.

RULE 16. CITY OF SAN JACINTO COMPUTER, WORD PROCESSING, ELECTRONIC AND VOICE MAIL CONFIDENTIALITY (ACCESS AND DISCLOSURE) POLICY

Section 16.1 Purpose

The purpose of computer and other electronic systems, including, but not limited to, word processing, electronic and voice mail are to provide an efficient and effective means of internal and external communications. This policy addresses access to and the disclosure of information from such electronic systems.

The City's computer, word processing, electronic and voice mail systems are a business tool. These systems will be used in a professional manner for legitimate business purposes only and, at all times, remain the property of the City of San Jacinto.

Section 16.2 Access and Disclosure

Because all computer, word processing, electronic and voice mail systems remain the property of the City and are for official City use only, records, files, transmissions, passwords and other products or contents of these systems are not confidential; therefore, employees can have no expectation of privacy in any documents or other materials they write, receive, store, or send in the use of these systems, whether or not such access or materials are protected by a password.

The City reserves the right to access and disclose all products and contents of these systems for any purpose. The City reserves the right to monitor use of these systems to prevent abuse, enforce other policies, and access information. Access may occur because, but is not limited to, situations indicating impropriety, violation of City policy, legal requirements, suspected criminal activities, breach of system security, or to locate substantive information or monitor employee performance and conduct.

The contents of these systems may be disclosed within or outside of the City without employee permission.

The City has unlimited access to protect the security of these systems or the City's property rights.

Section 16.3 Personal Use

Incidental and occasional personal use of the electronic systems covered by this Policy is permitted within the City, but such use will be treated no differently from official use.

There is no expectation of privacy with respect to such personal use as such use is subject to the same access and review rights of any other use of these systems.

Section 16.4 Guidelines for the Use of E-Mail

1. The City's electronic mail system is for official City business and shall not be used for unrelated purposes, including, but not limited to, the following:

- (a) To send “chain” or similar type “letters.”
 - (b) To send documents in violation of copyright laws.
 - (c) To knowingly open mail not directed to you.
 - (d) To use for personal or social purposes other than occasional, incidental use permitted by Section 17.3.
 - (e) To send messages in violation of City security policies.
 - (f) To harass employees or others
 - (g) To forward electronic messages without a legitimate business purpose under circumstances likely to lead to embarrassment of the sender or to violate the clearly expressed desire of the sender to restrict additional dissemination.
- 2. Avoid “carbon copying” individuals who have NO direct involvement or “need-to-know.” Likewise, “e-mail” should only be used on very rare occasions when every person on the system has a direct need to know. E-mail communications should only be disclosed to authorized employees.
 - 3. Avoid “forwarding” e-mail to a third party unless necessary (see “carbon copying”). When forwarding, explain the reason for the forwarding action and edit out any potentially inappropriate contents. If in doubt about the appropriateness of forwarding a given piece of mail, check with the originator for guidance.
 - 4. When sending an e-mail requiring “action,” be sure to indicate which “TO” addressee(s) is/are to take the action.
 - 5. Do not “say” anything in an e-mail message that could prove embarrassing or compromising to you or others. Despite what you think, e-mail is not a “private” system (see City policy regarding access and disclosure).
 - 6. Avoid potentially contentious exchanges through e-mail.
 - 7. Remember that you are solely responsible for the management of your mailbox and its associated folders. E-mail documents will remain in a folder until you “delete” or “trash” them. Even then they still exist in your “wastebasket.” “Wastebaskets” can be purged manually or automatically by setting the purge cycle. This cycle can be set from “0” days to “never.” A purge cycle of 7-10 days is considered appropriate. E-Mail that you wish to maintain for longer periods should remain in their specified folders and/or converted to hard copy.

8. The City DOES NOT backup electronic mail to tape media as is done for other applications. The best way to ensure the long term retention of e-mail is to print it and retain it in your “paper” files.
9. Use your common sense in determining when to use e-mail, in what is said, and to whom.
10. Language which is insulting, offensive, disrespectful, demeaning, or sexually suggestive will not be tolerated. Harassment of any form, sexual or ethnic slurs, and obscenities, or any representation of obscenities, or to send anonymous communications is strictly prohibited. Sending a carbon copy of these types of offensive e-mail messages to a separate party will not be tolerated. Failure to comply will result in disciplinary action up to and including termination.

It is important to understand that electronic communications are the property of the City, are subject to complete access and review by City officials, may be subpoenaed by a court of law, and are not subject to a right of privacy.

RULE 17. DRESS CODE AND GROOMING POLICY***Section 17.1 Purpose***

It is important that City employees represent the City in a professional manner and reflect a positive image. City Employees' appropriate grooming and attire are keys to achieving and maintaining the City's positive image to the public. It is recognized that the personal appearance of employees is a reflection of the professionalism of City services.

Section 17.2 Policy Application

This policy defines a minimum standard for all employees, as well as volunteers, who work for the City. Final decisions on appropriate work attire rest with each Department Head.

Section 17.3 Provisions

City employees should always be well groomed and dressed in a manner suitable for the public service environment, the specific nature of the work they perform and to reflect favorably the City's image.

Section 17.4 Personal Appearance***A. Body Piercing***

Except for conventional earrings, nose rings and other piercing jewelry are not acceptable in the workplace.

B. Tattoos

Visible tattoos that are inconsistent with City policies governing harassment or that are otherwise deemed offensive or inappropriate in a professional business setting are prohibited and must be covered while employees are on duty. Tattoos of current employees existing as of the date of this policy shall continue to be allowed so long as they do not constitute a form of unlawful harassment, they are not offensive or inappropriate in a professional business setting or otherwise violate applicable laws.

C. Personal Grooming

Employees must bathe regularly and hair should be neat and well groomed. Hair color must be natural looking; bold colors, such as pink or blue, are not acceptable.

Facial hair, such as beards and mustaches, should be maintained in a neat and safe manner.

Make-up should be natural looking.

Nails should be maintained in a neat and safe manner.

Section 17.5 Business Professionals

This section applies only to employees who are not required to wear a City-designated uniform.

City Employees are expected to dress in “Business Professional” attire. All clothing is expected to be professional business attire during regular hours of operation and any after-hour City meetings or events. Listed below is a general overview of acceptable “Business Professional” wear, as well as a listing of some of the more common items that are not appropriate for the office. Neither group is intended to be all inclusive.

The following articles of clothing ARE ACCEPTABLE “Business Professional” attire:

- Dress shirt with or without a tie
- Dress pants
- “Dockers”, “Khakis” or “Chino” style pants
- Men’s suits and blazers/vests
- “Polo” style shirts with collars
- Women’s suits with pants or skirts
- Dress pants, including capri pants, or skirts
- Blouses/shirts/sweaters/vests
- Professional style dresses
- Dress shoes, with or without a heel, flats, or loafers
- City-provided shirts and blouses with an authorized City logo
- Colored denim pants

The following articles of clothing ARE NOT ACCEPTABLE:

- Traditional blue Jeans (with the exception of Building Inspectors who are allowed to wear neat blue jeans).
- Shorts of any type
- Leggings
- Athletic type or logo T-shirts

- Flannel shirts
- Sweatshirts or sweat pants
- Tank tops or T-shirts without jackets
- Halter or bare midriff tops
- Spaghetti strap or backless tops or dresses
- Strapless or off-the-shoulder tops or dresses
- “See through” clothing
- Overalls or coveralls
- Beach type or athletic sandals
- Hiking boots
- Frayed, wrinkled or faded clothing
- Dresses and skirts must not be shorter than mid thigh

Section 17.6 Uniforms

This section shall only apply to employees required to wear uniforms as designated by the City.

Each employee is responsible for wearing a City furnished uniform at all times while performing City-related work.

A uniform, or any part of it, is to be worn only during working hours and in traveling between work and home and may be worn to City approved classes conferences and meetings.

CITY UNIFORMS ARE NOT TO BE WORN AT ANY OTHER TIME.

More specific uniform requirements may be provided to you by the City based on your position.

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