ORDINANCE NO. 53

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, REPEALING ORDINANCE 08-14 AND ADDING CHAPTER 2.07 TO THE WILDOMAR MUNICIPAL CODE ESTABLISHING THE CITY OF WILDOMAR PERSONNEL RULES

THE CITY COUNCIL OF THE CITY OF WILDOMAR DOES ORDAIN AS FOLLOWS:

SECTION 1. Repeal of Ordinance 08-14. The City Council of Wildomar previously adopted Ordinance 08-14 establishing personnel rules for the City of Wildomar and codifying them purportedly as Chapter 2.06 of the Wildomar Municipal Code. It has now been determined that the codification chapter number was assigned in error. Accordingly, Ordinance 08-14 is hereby repealed in its entirety.

SECTION 2. Addition of New Chapter 2.07. Chapter 2.07, "Personnel Rules," in Title 2, "Administration and Personnel," is hereby added to the Wildomar Municipal Code, reading in its entirety as follows:

"Chapter 2.07

PERSONNEL RULES

Sections:

2.07.010 General Provisions.
2.07.020 Classification
2.07.030 Compensation
2.07.040 Applications, Recruitment and Examining
2.07.050 Appointments
2.07.060 Performance Evaluations
2.07.070 Hours of Work/Overtime
2.07.080 Leaves of Absence
2.07.090 Layoff/Separation/Retirement
2.07.100 Ethical Standards
2.07.110 Disciplinary Actions
2.07.120 Grievance Procedure
2.07.130 Employment Benefits
2.07.140 Drug/Alcohol Policy
2.07.150 Policy Against Harassment, Discrimination, and Retaliation
2.07.160 Educational Assistance
2.07.170 Uniforms and Equipment
2.07.180 Electronic Communications Policy

2.07.010 General Provisions.

(a) *Purpose.* These Personnel Rules are intended to establish and maintain an efficient and uniform personnel program for the City of Wildomar.

(b) *Nature of Employment.* All employees of the City of Wildomar are at-will employees. Their employment can be terminated by the City or the employee at any time, with or without cause, with or without notice, and with or without the right of appeal. Nothing in these Personnel Rules, or any other policy adopted by the City, should be interpreted in a manner that would cause the employee's employment to be other than at-will.

(c) *Applicability.* Unless otherwise specifically stated, the provisions of these Personnel Rules apply to all employees of the City of Wildomar.

(d) *Not an Employment Contract.* None of these Personnel Rules shall be deemed to create a vested contractual right for any employee.

(e) *Amendment of Personnel Rules.* The City Council shall have authority to adopt, amend, or repeal these Personnel Rules. The Human Resources Officer shall have authority to prepare and recommend revisions to the Personnel Rules.

(f) *Adoption of Administrative Policies.* The Human Resources Officer is hereby authorized to adopt administrative policies, so long as said administrative policies are not in direct conflict with these Personnel Rules.

(g) *Delegation of Authority.* Except as otherwise provided, any duties, responsibilities, powers, and authority granted by these Personnel Rules or the Personnel Ordinance to the Appointing Authority, Human Resources Officer, Department Head, or any other person may be delegated, in writing, to any other employee at the discretion of the delegating individual.

(h) *Changes to the Law.* When any local, state, or federal ordinance, regulation, or law that is incorporated in the Personnel Rules or upon which the Personnel Rules rely is amended, the Personnel Rules shall be deemed amended in conformance with those amendments.

(i) *Severability.* If any section, subsection, sentence, clause, or phrase of the Personnel Rules is found to be illegal by a court of competent jurisdiction, such findings shall not affect the validity of the remaining portions of the Personnel Rules.

(j) *Definitions.*

(i) *General Definitions.* All words and terms used in these Personnel Rules and in any resolution or ordinance dealing with personnel policies, system, or procedures shall be defined as they are normally and generally defined in the field of personnel administration.

(ii) *Specific Definitions.*

(1) "Acting Appointment". A temporary appointment of a person who possesses at least the minimum qualifications established for a particular class and who is appointed to a position in that class in the absence of available eligible incumbents, or on an interim basis pending later appointment of an eligible person.

(2) "Advancement". A salary increase within the limits of a pay range established for a class.

(3) "Allocation". The assignment of a single position to its proper class in accordance with the duties performed, and the authority and responsibilities exercised.

(4) "Appointing Authority". The City Manager or his/her designee.

(5) "At-Will Employee". An employee whose employment can be terminated by the City or the employee, at any time, with or without cause and with or without notice.

(6) "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.

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

(8) "Continuous Service". Service in the employ of the City without a break or interruption. A severance of the employee from his/her employment initiated by either the City or the employee for periods of more than 15 days constitutes a break in continuous service.

(9) "Council". The City Council of the City of Wildomar.

(10) "Day" or "Days". Calendar day(s), unless otherwise stated.

(11) "Demotion". The movement of an employee from one class to another class having a lower maximum base rate of pay.

(12) "Disciplinary Action". The discharge, demotion, reduction in pay, suspension, or reprimand of an employee for punitive reasons.

(13) "Eligibility List". The list which contains the names of successful applicants according to relative performance on the total weighted examinations.

(14) "Full-Time Employees". Employees whose positions require the employee work at least 40 hours in a workweek. All positions shall be full-time unless otherwise designated, or unless the compensation is fixed upon the basis of part-time work.

(15) "Human Resources Officer". The City Manager or his/her designee.

(16) "Lay-Off". The separation of employees from the active work force due to lack of work or funds, or to the abolition of positions by the City Council for the above reasons or due to organization changes.

(17) "Part-Time Employees". Employees whose positions work less than 1,000 hours per year, are paid on an hourly basis and only receive fringe benefits that are specifically provided to part-time employees by resolution of the City Council.

(18) "Position". A group of duties and responsibilities in the service of the City requiring the full-time or part-time employment of one person.

(19) "Promotion". The movement of an employee from one class to another class having a higher maximum base rate of pay.

(20) "Provisional Appointment". A temporary appointment of a person who possesses the minimum qualifications established for a particular class and who has been appointed to a position in that class in the absence of available eligible employees.

(21) "Reinstatement". The restoration without examination of a former employee to a classification in which the employee formerly served.

(22) "Suspension". The temporary separation from service of an employee without pay for disciplinary purposes.

(23) "Temporary Employee". An employee who is appointed to a non-position for a limited period of time and is only entitled to benefits as provided by resolution of the City Council.

(24) "Transfer". The movement of an employee from one position to another position in the same class or to another class with the same maximum base rate of pay.

(k) *Equal Employment Opportunity.* The City is committed to a policy of equal employment opportunity for applicants and employees. It does not discriminate against qualified applicants or employees with respect to terms or conditions of employment based on race, color, ancestry, sex, sexual orientation, gender identity, age, religious or political affiliation or belief, ethnicity, national or geographical origin, creed, physical or mental disability, medical condition, marital status, pregnancy, childbirth, or related

medical conditions, membership in or attitude toward any employee organization, or any other characteristic protected by state or federal law or local ordinance.

(l) *Disabled Applicants and Employees.* The City has a commitment to ensure equal opportunities for disabled applicants and City employees. Every reasonable effort will be made to provide an accessible work environment for such employees and applicants. Employment practices (e.g., hiring, training, testing, transfer, promotion, compensation, benefits, and disciplinary action) will not discriminate against disabled employees.

(i) The City will engage in the interactive process, as defined by the Americans with Disabilities Act ("ADA") and the Fair Employment and Housing Act ("FEHA"), to determine whether an applicant or employee is able to perform his/her essential functions. During this process, the City will examine possible reasonable accommodations that will make it possible for the employee or applicant to so perform. Such interactive process will include a meeting with the employee or applicant, the City, and, if necessary, the employee or applicant's health care provider.

(ii) Reasonable accommodation can include, but is not limited to job restructuring, reassignment to a vacant position for which the employee is qualified and making facilities accessible. Examples of accommodations that are considered unreasonable include, but are not limited to, promotion, the creation of a new position, or the reassignment of essential functions of the position.

2.07.020 Classification.

(a) *Preparation of Plan.* The Human Resources Officer shall ascertain and record the duties, responsibilities, minimum standards, and minimum qualifications of all positions in the City and shall recommend a classification/compensation plan for all positions. The classification/compensation plan need not be contained in only one document, but may be comprised of various documents. The classification/compensation plan shall consist of classes of positions defined by class specifications, including the title. The classification/compensation 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 with equity under similar working conditions to all positions in the same class. The classification/compensation plan will contain the General Salary Schedule and a General Benefits Schedule.

(b) *Allocation of Positions.* Following the adoption of the classification/ compensation plan, the Human Resources Officer shall allocate every position in the employ of the City to one of the classes established by the plan.

(c) *New Positions.* A new position shall not be created and filled until the classification/compensation plan has been amended to provide for such position and an appropriate eligibility list is established for such position.

(d) *Reclassification.* Positions, the assigned duties of which have been materially changed by the City so as to necessitate reclassification, whether new or already created, shall be allocated by the Human Resources Officer to a more appropriate class. Reclassifications shall not be used for the purpose of avoiding restrictions concerning demotions and promotions, or to effect a change in salary in the absence of a significant change in assigned duties and responsibilities.

2.07.030 Compensation.

(a) *Salary on Appointment.*

(i) *New Employees.* New employees shall be paid at the first step of the salary range for the position to which the employee is appointed except as approved by the City Manager or his/her designee.

(ii) *Advanced Step Hiring.* The Human Resources Officer may appoint a new employee to an advanced step of the pay range if it is determined that qualified applicants cannot be successfully recruited at the first step of the salary range.

(iii) *Reemployment / Reinstatement.* A person who previously held a position with the City and resigned in good standing may, at the discretion of the City Manager, when re-employed in the same or a comparable position held at separation, be appointed at the same salary rate which was paid at the effective date of the person's termination or the nearest lower applicable step for the range to which the person is appointed.

(b) *Salary Anniversary Dates.* Employees shall have a salary anniversary date on the date of his/her most recent appointment, promotion, demotion, reinstatement or reemployment. The salary anniversary date may be modified by the action of the appointing authority under Section 2.07.070(f)(i)(4).

(c) *Increases Within Salary Range.* Employees will normally become eligible for a merit adjustment in pay after 12 months of service. The adjustment shall be made only if recommended by the applicable department head, and, if approved, by the City Manager. The subsequent adjustments are based on performance evaluation, to encourage an employee to perform at his/her highest level, and to recognize seniority and increased skill on the job. Employees are normally eligible for these adjustments any time after the completion of 12 months of service. This period may be modified in conjunction with the performance report recommendations and as approved by the City Manager.

(d) *Salary Upon Promotion.* Except in instances where the granting of a full step increase would result in a salary in excess of the top step of the range, any employee who is promoted to a position in a class with a higher salary range shall be placed on the step in the new higher range which is at least equal to an advancement of a full step over the step he/she held in his/her former range. If the maximum of the range would be exceeded by such advancement, the employee shall receive the top

step of the range. An employee thus promoted is assigned to a new salary anniversary date effective on the date of promotion.

(e) *Salary Upon Transfer.* Any employee who is transferred from one position to another position in the same class, or to another position in a class having the same salary range, shall be compensated at the same step the salary range as he/she previously received and his/her salary anniversary date shall not change.

(f) *Salary on Change in Range Assignment.* Whenever a class is reassigned to either a higher or lower salary range by the Council, the salary of each incumbent in such class on the date the reassignment is effective shall be adjusted to the salary position in the new range that corresponds to the salary he/she was receiving in the former range and he/she shall retain the same salary anniversary date.

(g) *Salary on Reallocation of Position.* If the position is reallocated to a class having the same salary range, the salary and the salary anniversary date of the incumbent shall not change. If the position is reallocated to a class which has a higher salary range, the City Manager shall adjust the salary of the incumbent employee to fit the higher salary range which is at least as much as he/she was receiving in the former range and he/she shall retain the same salary anniversary date. If the position is reallocated to a class with a lower salary range, and the employee's salary exceeds the top step of the class to which his/her position is reallocated, his/her salary shall not change until it is exceeded by the top step of the class. The employee's salary anniversary date shall not change.

(h) *Salary on Demotion.* Any employee who is demoted to a position in a class with a lower salary range shall have his/her salary adjusted by one the following three methods:

(i) If a disciplinary demotion, the employee's salary may be reduced. A new salary anniversary date shall be established on the basis of the demotion.

(ii) If a non-disciplinary demotion, the employee's salary may be reduced. He/she shall retain his/her salary anniversary date.

(iii) In the discretion of the Human Resources Officer, a demoted employee's salary may be y-rated. A y-rated salary is one that is paid above the maximum established salary range for the incumbent's classification. An employee whose salary is y-rated will retain his/her current rate of pay until such time that the class has a higher maximum salary rate.

(i) *Acting Pay.* An employee who is required on the basis of an acting appointment to serve in a class with a higher salary range than that of the class in which he/she is normally assigned, shall receive the entrance salary rate of the higher salary range or one rate higher than the rate he/she normally receives, whichever is greater, provided the employee shall perform all the duties and assume all the responsibilities of the higher class, and only after the employee has served for ten (10) consecutive working days in the higher classification.

(j) *Monthly Salary.* Monthly salary rates are based on a 40-hour work week and no authorization may be made for an employee to work less than such work week without a directly proportionate decrease in compensation.

(k) *Special Salary Adjustments.* Notwithstanding anything in these Personnel Rules to the contrary, in order to correct gross inequities, or to reward outstanding achievement and performance, the City Manager may adjust the salary rate of an incumbent of a particular position to any step within the salary range for the class to which the position is allocated.

(i) *Pay Periods.* The salaries and wages of all employees shall be paid bi-weekly. In the event a pay day falls on one of the holidays listed in these Personnel Rules, or on a Saturday or Sunday, the immediately previous working day shall become the pay day.

2.07.040 Applications, Recruitment and Examining.

(a) *Vacancies.* Vacant positions may be filled only by selection from an eligibility list, by acting appointment, by transfer, by reinstatement, or by demotion. Selection of employees is made by the department director for the position, subject to approval by the City Manager. Selection of department heads is made by the City Manager.

(b) *Announcement of Vacancies / Acceptance of Applications.* When a position becomes vacant, the applicable department head shall notify the Human Resources Officer. All positions shall be publicized by such methods as the Human Resources Officer deems appropriate. The announcements shall specify the title and pay range of the class; the nature of the work to be performed; the experience and education requirements; the knowledge, skills, and abilities desirable for the performance of the work; how to apply; the application deadline date; that a post-offer, pre-employment physical examination is required, which may include a drug test; and other relevant information. Applications will also be available in the office of the Human Resources Officer. Applications will be collected by the Human Resources Officer until the closing date for acceptance of applications.

(c) *Disqualification of Applicants.* The Human Resources Officer may reject any application which indicates on its face that the applicant does not possess the minimum qualifications required for the position, or because the applicant has failed to fully complete the application or submit all required materials.

(d) *Ineligibility for Employment.* Further examination or consideration for employment of any applicant may be discontinued, and any temporary employment of any person may be terminated, when any of the following has been determined to the satisfaction of the Human Resources Officer:

(i) That the applicant has been convicted of a felony and such felony conviction, in the opinion of the Human Resources Officer, is contrary to the qualifications for the functions and duties of the position for which the employment application is made;

(ii) That the applicant has been convicted of a misdemeanor involving moral turpitude, dishonesty, fraud, or deceit; or

(iii) That the applicant has lied on his/her application for employment or the accompanying documentation.

(e) *Selection Process.* The selection process shall be impartial and relate to those subjects which, in the opinion of the Human Resources Officer, fairly measure the relative capacities of the applicants to execute the duties and responsibilities of the class to which they seek to be appointed. The selection process may include but is not necessarily limited to achievement, aptitude, and other written tests, personal interview, performance tests, physical agility tests, evaluation of daily work performance, work samples, medical tests (including a drug test), successful completion of prescribed training, or other selection techniques as determined by the Human Resources Officer. The selection process shall be designed to provide equal opportunity to all candidates by being based on an analysis of the essential requirements of the class, covering only factors related to such requirements. The City also retains the right to conduct a thorough background check of each applicant.

The Human Resources Officer may enter into a contract with any competent agency or individual for the preparing and/or administering portions of the selection process. If the Human Resources Officer does not contract these duties to an agency or individual, then the Human Resources Officer shall ensure that such duties are performed.

(f) *Creation of Eligibility List.* As soon as possible after the completion of a recruitment, the Human Resources Officer shall prepare and maintain an eligibility list consisting of the names of candidates who qualified as finalists. Eligibility lists shall remain in effect for up to 12 months unless the Human Resources Officer abolishes the eligibility list after determining that the abolition of the list is in the best interest of the City. The name of any person appearing on an eligibility list shall be removed by the Human Resources Officer if the person requests in writing that his/her name be removed or if the person fails to respond to a notice of certification mailed to the last designated address. Persons on eligibility lists as a result of an internal recruitment who leave the service of the City for any reason shall automatically be dropped from such lists.

(g) *Physician's Examination.* All job applicants are required to submit to a physician's examination at the City's expense upon being made a conditional offer of employment. The physician's examination shall include a drug and alcohol test for positions that are (1) safety-sensitive; or (2) involve a position of influence over children. When a drug and alcohol test is required, applicants shall be made aware of that in the announcement published under 2.07.040(b). No job commitment shall be made until a negative drug screen result is obtained and a physician has certified that the applicant is medically qualified to perform the essential functions of the position. When the applicant reports to the medical facility for the scheduled examination, personal identification shall be provided to the facility in the form of a photograph and verifiable signature (for example, a driver's license). All test results will be kept confidential. The applicant will be told whether the tests were passed or failed, but only the Human

Resources Officer and his or her assistant will have access to the test results. If required, the drug/alcohol examination shall be administered in accordance with the City's Drug Free Workplace Policy.

2.07.050 Appointments.

(a) *Appointment of New Employee.* The hire date of a new employee shall be that of the first day actually worked.

(b) *Provisional Appointments.* It shall be the policy of the City to require all department heads and other appointing authorities, whenever possible to notify the Human Resources Officer of impending or anticipated vacancies in their departments sufficient in advance so as to allow for the establishment of an appropriate eligibility list. However, when the demands of the services are such that it is not practicable to give such notification and if it is not practicable to delay appointment until a new eligibility list can be certified, the appointing authority may make a provisional appointment to the position. As soon as practicable, but not longer than six months after a provisional appointment has been made, the Human Resources Officer may cause an examination to be prepared, and all positions filled provisionally shall be filled by an appointment from an eligibility list. No person shall be employed by the City under provisional appointment for a total of more than six months in any fiscal year except that the Human Resources Officer may extend the period of any provisional appointment for not more than 90 days by any one action; provided; however, no provisional appointment shall exceed a total of 12 months.

A person appointed to a position on a provisional basis shall not be entitled to credit for the time served under the provisional appointment toward if the employee is awarded the position on a non-provisional basis.

No special credit shall be allowed in any examination or the establishment of any eligibility lists for services rendered under a provisional appointment.

(c) *Acting Appointments to a Higher Class.* An acting appointment may be made to a higher class or position occupied by a person on temporary leave or disability. Such acting appointment shall not exceed six months. The Human Resources Officer may extend acting appointments for successive 30-day periods. Acting appointments shall be made in accordance with the provisional appointments section of these Personnel Rules. Upon the return of the incumbent from leave or disability, the acting appointment shall be immediately terminated, and the appointee shall resume regular duties, compensation and privileges as if he/she had continued his/her duties in his/her regular classification.

(d) *Reinstatement.* With the approval of the Human Resources Officer, an employee who has completed at least 12 months of service and who has resigned in good standing may be reinstated within one year of the effective date of resignation to a vacant position in the same or comparable class. For purposes of reinstatement, "good standing" shall mean that the employee was not terminated for cause under these Personnel Rules, did not resign in lieu of termination, provided the required amount of notice of resignation, and was evaluated at least as "fully meets job standards" or an

equivalent rating on his/her last performance evaluation. No credit for former employment shall be granted in computing salary, vacation, sick leave, retirement benefits, or other benefits except on the specific written direction of the Human Resources Officer at the time of reinstatement. Such reinstatement action may, at the discretion of the Human Resources Officer, take precedence over any eligibility list except a reemployment list.

(e) *Transfer.* The Human Resources Officer may transfer an employee from one position to another in the same class or a comparable class at the same salary level. While the Human Resources Officer retains the right to order the transfer, consideration will be given to the affected employee's and the department directors' wishes.

(f) *Nepotism.*

(i) *Definition* - For the purpose of this Section, the definition of "relative" or "relationship" shall include persons related in the following contexts by blood, marriage, domestic partnership or adoption, including step and half relationships: spouse/domestic partner, child, sibling, parent, grandparent, grandchild.

(ii) *Inconsistent Relationships.* The City retains the right:

(1) To refuse to place one party to a relationship under the direct supervision of the other party to a relationship where such has the potential for creating adverse impact on supervision, safety, security or morale.

(2) To refuse to place both parties to a relationship in the same department, division or facility where such has the potential for creating adverse impact on supervision, safety, security or morale, or involves potential conflicts of interest.

(iii) *Creation of Relationship - Current Employees.* Upon the marriage or registered domestic partnership of two City employees or any other creation of relationships between two City employees due to a marriage or domestic partnership, the Human Resources Officer shall be notified in writing by the employees involved. Notification of new or impending relationships shall include the anticipated effect of the relationship and recommendation as to possible action to be taken in assuring continued efficient departmental operation(s). A relationship created between an employee and the City Manager or an elected or appointed City official will be evaluated on the same basis as the creation of a relationship between City employees. The Human Resources Officer and/or designated representative shall consult with the department head(s) and/or specific employees in reaching a recommendation in accordance with previously stated guidelines and the following suggested options. The City Manager shall be the final determining authority in such matters.

(1) *Acceptable Relationships.* The employment relationship is acceptable (a) if the relationship is not an inconsistent relationship as defined under section 2.07.050(f)(ii), (b) if no adverse impact is anticipated, related employees are not in a supervisorial relationship, (c) if related employees are not in direct contact in the

same or related departments; or (d) the relationship will in no way detrimentally affect departmental operations.

(2) *Determination of an Inconsistent Relationship.* If the City Manager determines that an inconsistent relationship exists, the City will remedy the inconsistent relationship by one of the following methods:

a. *Transfer.* Transferring one relative to an unrelated department may be approved where problems occur or are anticipated.

b. *Shift Adjustment.* Adjustment of shifts may be approved if it is believed the relationship will interfere with the work environment.

c. *Resignation/Termination.* Termination of one of the related employees may be recommended if the department head(s) finds the problems involved in the employment relationship are not solvable. If the City finds that termination is necessary, the involved employees will first be notified of that decision, and the employees shall be given a reasonable amount of time to chose which one of them will voluntarily resign their employment. Should the employees fail to come to decision within a reasonable amount of time, the City Manager will determine which employee will be terminated, and will notify the employee to be terminated of the same.

(iv) *Job Applicants.* The City retains the right to disqualify any applicant for employment, if the applicant has an inconsistent relationship, as defined in Section 2.07.060(f)(ii), with a current City employee or official.

2.07.060 Performance Evaluations

(a) *Policy.* It is the policy of the City that regular evaluations be made as to the efficiency, competency, conduct and merit of its employees. To this end, it is the responsibility of the City Manager, the department heads and their subordinate supervisors that these evaluations be made. It is the responsibility of the Human Resources Officer to provide and prescribe the forms and procedures to be used in such evaluations of performance and to assist in the training of supervisory personnel so that the program of performance evaluation will be carried on in a sound and effective manner.

(b) *Authority to Make Evaluations.* The City Manager or his/her designee shall have the authority to prepare performance evaluations. He/she may, however, delegate such authority to such subordinate supervisory employees who are most familiar with work of the employees to be evaluated, provided that he/she shall review and approve all performance evaluations of personnel under his/her jurisdiction.

(c) *Time for Performance Evaluation.* An annual performance evaluation may be prepared and received before the employee's salary anniversary date, and shall evaluate the employee's performance in the last year. If the employee receives a rating of (or equivalent to) "improvement needed" or "unsatisfactory" in his/her annual performance evaluation, his/her supervisor shall be responsible for conducting an additional performance evaluation three months from receiving such rating and again

three months subsequent to that. In addition, the employee may be given a performance evaluation at any other time during the year at the discretion of the appointing authority.

(d) *Postponement of Performance Evaluation.* An employee's performance evaluation due date shall be extended when the employee takes one or more leaves of absence totaling more than 15 days. The employee's performance evaluation due date shall be extended by the same period of time that the employee was absent.

(e) *Review with Employee.* Each performance evaluation shall be presented by the supervisor who prepared it and discussed with the employee. The employee shall sign the evaluation to acknowledge its contents. Such signature shall not necessarily mean the employee endorses the content of the evaluation. Employees may not appeal or grieve the contents of a performance evaluation or the rating(s) received by the employee. Employees who disagree with the contents of their performance evaluation shall have the right to attach a written statement explaining the basis of their disagreement to the performance evaluation.

(f) *Retention of Performance Evaluation.* After review and approval of the appointing authority, the performance evaluation, as well as any written statement provided by the employee, shall be made a part of the employee's personnel file.

(g) *Performance Ratings.*

(i) *Effects of "Improvement Needed" and "Unsatisfactory" Ratings.*

(1) Any employee who receives an "unsatisfactory" or "improvement needed" rating will not be eligible to be appointed off of any eligibility list until a satisfactory rating is established.

(2) Any employee who receives an "unsatisfactory" or "improvement needed" rating will not receive any merit salary increase during the period following the report, except as provided in subsection 3 below.

(3) If an employee who has been denied a merit salary increase improves his/her performance to such an extent that the appointing authority believes a merit salary increase is now justified, the appointing authority shall indicate the improvement on a report of performance form and may specifically award a merit salary increase. Additionally, in awarding the merit salary increase under this subsection, the appointing authority may change the merit salary increase anniversary date to the date of the award of the merit salary increase or may permit the anniversary date to remain the same. Any merit salary increase awarded under this subsection shall not be made retroactive.

2.07.070 Hours of Work/Overtime

(a) *FLSA Classification.* The Human Resources Officer shall designate those positions which are exempted from the provisions of the Fair Labor Standards Act ("FLSA") based on an assessment of the duties of each position.

(b) *Workweek.* It is the policy of the City that eight hours shall constitute a day's work and five days shall constitute a week's work, for all full-time employees, except that work days and work weeks of a different number of hours may be established in order to meet the varying needs of the different City departments. The work period shall be seven consecutive 24-hour periods. Full-time employees are expected to work 40 hours during this period. The standard period of work shall be five, eight-hour days in a seven day period. For employees who work this standard period of work, the workweek is defined as commencing on 12:01 a.m. on Monday and ending at 12:00 a.m. on the following Monday. Alternative workweeks shall be designated by administrative policy adopted by the City Manager.

(c) *Daily Hours Of Work.* Daily hours of work or shifts for employees within departments shall be assigned by department heads as required to meet the operational requirements of such departments. The normal work shift for full-time employees is eight hours per day. Exceptions to the standard eight-hour workday may be made in writing by the City Manager.

(d) *Change in Working Hours.* The City reserves the right to regulate and/or change the designation of the specific hours or days to be worked by any employee, and no such change in the scheduling of days or hours worked shall be deemed to constitute overtime, provided the total number of hours and days does not exceed those specified as constituting the standard work year, work period, work week and workday hereunder.

(e) *Overtime.* A non-exempt employee shall be entitled to overtime at the rate of one and one-half his/her regular hourly rate of pay for each hour worked in excess of 40 hours in any one workweek. Exempt employees are not eligible to receive overtime compensation.

(i) *Approval of Overtime.* It is the policy of the City to avoid the necessity for overtime work whenever possible. All employees are required to get the approval of their respective department heads prior to working more than 40 hours in a workweek. Department heads are required to notify the Finance Department of any approved overtime at the end of the workday in which overtime is worked.

(ii) *Calculation of Hours Worked.* For the purposes of overtime compensation, "hours worked" shall only include those periods of time that the employee is required to be on duty or to be on the City's premises or at a prescribed workplace, and all time during which an employee is suffered or permitted to work. As such, time spent on a paid leave of absence shall not be included in the calculation of hours worked.

(f) *Meal Periods.* No monetary compensation or compensatory time off for overtime, or any other compensation in addition to the employee's basic pay for overtime, shall be given to any employee for or on account of any of his/her meal periods.

2.07.080 Leaves of Absence.

(a) *Effect of Leave of Absence.*

(i) *Effect of Leave of Absence on Employment Benefits.*

(1) *Fully Paid Leave.* Unless otherwise required by law, an employee on a leave of absence who continues to receive full compensation through the use of his/her accrued leave banks will continue to receive full employment benefits. Such employment benefits, may include, but are not limited to, the accrual of paid leaves, accrual of seniority, and cafeteria contributions which remain at the rate the employee would receive if he/she was working their normal work schedule.

(2) *Partially Paid Leave.* Unless otherwise required by law, an employee on a paid leave of absence who is receiving less than full compensation from the City through the use of his/her accrued paid leaves shall receive a pro-rated share of his/her employment benefits, including, but not limited to, the accrual of paid leaves, accrual of seniority, cafeteria contributions, or supplemental pay.

(3) *Unpaid Leave.* Unless otherwise required by law, an employee on an unpaid leave of absence shall not accrue any employment benefits, including, but not limited to, the accrual of paid leaves, accrual of seniority, cafeteria contributions, and supplemental pay.

(ii) *Effect of Leave on Performance Evaluations and Merit Increases.* An employee on one or more leaves of absence lasting longer than 15 days shall have his/her performance evaluation and merit increase, if relevant, postponed by an amount equal to the amount of leave taken.

(b) *Unauthorized Absences.* Any employee absent from his/her job for more than two consecutive working days without prior permission of the department director may be considered to have voluntarily resigned from his/her employment with the City. Any unauthorized absence may be cause for disciplinary action as provided in these Personnel Rules.

(c) *Holidays.*

(i) The following days shall be recognized and observed as paid holidays:

(1) New Years Day (January 1)
(2) Martin Luther King Jr.'s Birthday
(3) President's Day
(4) Memorial Day

(5) Independence Day (July 4)
(6) Labor Day
(7) Veteran's Day (November 11)
(8) Thanksgiving Day
(9) Day After Thanksgiving Day
(10) Christmas Eve (December 24)
(11) Christmas Day (December 25)

(ii) Employees shall receive one day's pay for each of the holidays listed above for the number of hours they would have been regularly scheduled to work.

(iii) When a holiday falls on Saturday, the preceding Friday shall be observed as a holiday. When a holiday falls on a Sunday, the following Monday shall be observed as a holiday.

(iv) If any employee works on the day the City observes any of the holidays listed above, he/she shall be paid for all hours worked at the rate of two times his/her regular rate of pay and shall be granted eight hours of floating holiday time. Employee must take this day off by December 31. If the employee does not, the floating holiday shall be cashed out at the employee's then-current rate of pay.

(d) *Vacation.*

(i) Full-time employees in all classifications shall accrue vacation, on a daily basis, according to the following schedule:

(1) From the date of hire through five years of service: 80 hours per year.

(2) Beginning the sixth year through ten years of service: 120 hours per year.

(3) Beginning the eleventh year of employment: 160 hours per year.

(ii) Vacation accrues on a pro rata basis during each pay period.

(iii) The maximum number of vacation days that may be accumulated by an employee is 240 hours. Once an employee reaches the maximum accumulation, he/she shall cease vacation accrual until his/her total number of vacation hours falls below the maximum allowable.

(iv) A maximum of 40 hours of vacation per calendar year may be converted to compensation and shall be paid at the employee's rate of pay at the time of the conversion with a balance of 40 hours payable the first pay period December.

(v) At termination of employment for any reason, the City shall compensate the employee for the employee's accumulated vacation time at the employee's base rate of pay at the time of termination.

(vi) If a holiday falls on a work day during an employee's vacation period, that day shall be considered as a paid holiday and not vacation time.

(vii) Vacations may be scheduled at any time during the year upon approval of the City Manager or his/her designee.

(viii) Part-time employees shall accrue vacation leave on a prorata basis based on the number of hours they are regularly scheduled to work.

(e) *Sick Leave.*

(i) Sick leave may only be taken for absences from duty made necessary by:

(1) The employee's illness, injury, incapacity, or quarantine due to exposure to a contagious disease. When an injury or illness is job-related, the employee shall be charged with sick leave usage only to the extent that their salary is not covered by Worker's Compensation.

(2) Medical, dental or eye examination or treatment for which appointment cannot be made outside of working hours.

(3) When the employee's presence is needed to attend to the illness or injury of a member of his/her immediate family. For purposes of sick leave, immediate family shall be defined as spouse, domestic partner, parent (including a biological, foster, or adoptive parent, a stepparent, or a legal guardian), child (including a biological, foster, or adopted child, a stepchild, a legal ward, a child of a domestic partner, or a child of a person standing in loco parentis), brother, sister, grandparent, father-in-law, mother-in-law, sister-in-law, brother-in-law, or any other person who is a legal dependent of the employee. Exceptions to this definition shall be reviewed and possibly approved by the City Manager.

(ii) Sick leave is not a privilege which an employee may use at his/her discretion, but shall be allowed only in case of necessity and actual sickness or disability of the employee, or because of illness in his/her immediate family (as defined in paragraph viii).

(iii) Full-time employees shall earn sick leave at the rate of eight hours per month. Part-time employees do not accrue sick leave. The maximum number of sick days that may be accumulated by an employee is 240 hours. Once an employee reaches the maximum accumulation, he/she shall cease sick accrual until his/her total number of sick hours falls below the maximum allowable.

(iv) In order to receive compensation while on sick leave, the employee shall notify his/her supervisor prior to the time for beginning the regular work day, or as soon thereafter as practical.

(v) The City Manager or supervisor may require a doctor's verification the employee's inability to work due to illness or injury when an employee has been absent due to illness or non-job related injury.

(vi) Sick leave may also be used for bereavement leave in the event of death in the immediate family, as long as the employee has exhausted all other available paid leaves of absence.

(f) *Military Leave.* Military leave with pay shall be granted in accordance with Sec*tion* 395 of the California Military and Veteran's Code and the Uniformed Services Employment and Reemployment Rights Act.

(g) *Jury Duty.* This policy shall apply to employees in all classifications. An employee summoned for jury duty will immediately notify the City Manager. While serving on a jury, he/she will be given a leave of absence with pay for the duration of such jury duty. Such leave of absence with pay is conditional upon the employee returning to work upon his/her dismissal each day to complete his normal work day. Employees who fail to return to work are required to use other accrued paid leaves for that period of the employee's absence. Such leave is also conditional upon the employee's conveyance to the City of any compensation received *as a juror, n*ot including any travel allowance received.

(h) *Pregnancy Disability Leave.* Employees who are disabled due to pregnancy, childbirth, or related medical conditions shall be granted leave in accordance with the California Pregnancy Disability Leave Law, the Family Medical Leave Act, and the California Family Rights Act. The full provisions governing such leave will be set forth in an administrative policy.

(i) *Family Care and Medical Leave.* Employees shall be granted family care or medical leave in accordance with the Family Medical Leave Act and the California Family Rights Act. The full provisions governing such leave will be set forth in an administrative policy.

(j) *Leave of Absence Without Pay.* The Human Resources Officer, in his/her discretion, may grant an employee leave of absence without pay for up to three months. After the initial three months of leave of absence without pay, the Human Resources Officer may, in his/her discretion, extend the leave for an up to nine additional months in a maximum of three-month increments. However, unless otherwise required by law, in no circumstances shall the total amount of unpaid leave be longer than 12 months. The Human Resources Officer may require sufficient documentation establishing the employee's need for leave.

(i) *Exhaustion of Paid Leaves.*

(1) *Nonmedical Leave of Absence Without Pay.* An employee requesting leave under this section for nonmedical reasons is required to fully exhaust all of his/her paid leaves, except sick leave, in order to be eligible to receive a leave of absence without pay.

(2) *Medical Leave of Absence Without Pay.* An employee requesting leave under this section for medical reasons is required to fully exhaust all of his/her paid leaves, including sick leave, in order to be eligible to receive a leave of absence without pay.

(ii) *Accrual of Benefits.* Leave of absence without pay shall not be construed as a break in service or employment, and rights accrued at the time of leave is granted shall be retained by the employee; however, vacation credits, sick leave credits, increases in salary and other similar benefits shall not accrue to a person granted such leave during the period of absence. An employee reinstated after leave of absence without pay shall receive the same step in the salary range he/she received when he began his/her leave of absence. Time spent on such leave without pay shall not count toward service for increases within the salary range, and the employee's salary anniversary date shall be set forward one month for each 30 consecutive days taken.

(iii) *Failure to Return from Leave.* If an employee takes any action during his/her leave that is inconsistent with an intention to return to employment with the City, such as accepting full-time employment with another employer, he/she will be considered to have voluntarily terminated his/her employment. Failure of the employee to return to his/her employment upon the termination of any authorized leave of absence shall constitute an automatic termination from City service of that employee, unless such leave is extended. .

(k) *Management Leave.* Department heads shall receive 40 hours of management leave per calendar year. During their first year as a department head, they shall obtain a prorata amount of management leave commensurate with the time remaining in the fiscal year. Management leave cannot be carried forward from year to year.

(l) *Part-Time Employees.* Employees who work less than 40 hours per workweek, including those on a temporarily reduced schedule, shall accrue all leaves of absence on a pro rata basis, based on the number of hours they work per workweek.

2.07.090 Layoff/Separation/Retirement.

(a) *Layoff.* Whenever, in the judgment of the City Manager, it becomes necessary to abolish any position or employment, the employee holding such position or employment, may be laid off without disciplinary action and without the right of appeal. The City Manager shall determine the class and number of positions within each class to be affected, as well as the effective date of the layoff.

(i) *Notification.* Employees to be laid off shall be given, whenever possible, at least 14 days prior notice.

(ii) *Order of Layoff.* In each class of position, employees shall be laid off according to the needs of the service as determined by the Department Head and the Human Resources Officer.

(iii) *Reemployment List.* The names of persons laid off or demoted in accordance with this Section shall be entered upon a reemployment list. Lists from different departments or at different times for the same class of position shall be combined into a single list. Such list shall be used by every Department Head when a vacancy arises in the same or lower class of position before certification is made from an eligible list or starting a recruitment. Names of persons laid off shall be carried on a reemployment list for one year, except that persons appointed to a position of the same level as that which laid off, shall, upon such appointment, be dropped from the list. Persons who refuse reemployment shall be dropped from the list. Persons reemployed in a lower class, or on a temporary basis, shall be continued on the list for the higher position for one year.

(b) *Resignations.* Resigning employees shall be required to file a written resignation stating the effective date and reason(s) at least two weeks prior to leaving the City's service, unless the time limit is waived by the City Manager. The resignation date should be the last day the employee actually worked.

(c) *Terminations.* The City Manager may terminate any employee at any time with or without cause and with or without notice.

(d) *Retirement/Disability Retirement.* In accordance with the City's contract with the California Public Employees' Retirement System (CalPERS), employees who meet the age and service credit minimums may qualify for a service retirement from CalPERS. Under CalPERS laws, an employee who is unable to perform his/her job because of an illness or injury which is expected to be permanent or last indefinitely, may be entitled to receive a disability retirement.

2.07.100 Ethical Standards.

(a) *Outside Employment, Enterprise, or Activity.* In accordance with California *Government Code* Title 1, Division 4, Chapter 1, Article 4.7, no employees may engage in any outside employment, enterprise, or activity that is inconsistent, incompatible, in conflict with, or adverse to his/her employment, their ability to perform their duties and responsibilities, including performance of overtime work and emergency duties, or any other aspect of City operations.

(i) Employees are required to notify their Department Head in writing of all outside employment in which they are engaged, regardless of when that outside employment began, so that the City may assess whether such outside employment conflicts with the employee's City employment. An employee's outside employment, enterprise, or activity will be prohibited when any of the following are present:

(1) It involves the use for private gain or advantage of his/her City time, facilities, equipment and/or supplies; or the badge, uniform, prestige, or influence of his/her City employment;

(2) It involves the receipt or acceptance by the employee of any money or other consideration from anyone other than the City for the performance of an act which the employee, if not performing such act, would be required or expected to

render in the regular course or hours of his/her City employment or as part of his/her duties as a City employee;

(3) It involves the performance of an act, in other than his/her capacity as a City employee, which may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other officer or employee of the City; or

(4) It involves the time demands as would render performance of his/her duties as a City employee less efficient.

(ii) When outside employment is reported to a Department Head, the Department Head shall notify the Human Resources Officer of all pertinent details of the outside employment. The Human Resources Officer shall determine whether the employee's outside employment conflicts with the performance of his/her duties, and shall advise the employee and the Department Head of his/her determination in writing. An employee who is unsatisfied with the decision of the Human Resources Officer may appeal the decision to the City Manager. An employee wishing to appeal this determination must file a written appeal to the City Manager within ten days of receipt of the Human Resources Officer's decision. The City Manager shall meet with the employee and determine whether the employee's outside employment conflicts with the performance of his/her duties. The City Manager shall advise the employee, the Department Head, and the Human Resources Officer of his/her determination in writing within 15 days of meeting with the employee.

(b) *Political Activities.* Consistent with the provisions of California Government Code Title 1, Division 4, Chapter 9.5, employees may not engage in political activity during working hours, while on City property on which members of the public would not be entitled to engage in political activities, or while in uniform.

(c) *Contracts and Conflicts of Interest.* In accordance with California Government Code Title 1, Division 4, Chapter 1, Article 4, no City employee can be financially interested in any contract made by him/her in his/her official capacity, or by any body or board of which he/she is a member. All employees of the City are required to adhere to the provisions of Article 4 of Title 1, Division 4, Chapter 1 of the *Government Code.*

(d) *Conduct During the Workday.* During the workday, employees are expected to devote their full time in the performance of their assigned duties. Any approved outside work, part-time job, hobbies, or personal business must be performed during off duty hours. Off duty hours include unpaid lunch break periods, but do not include other rest or break periods during which the employee continues to receive pay.

(e) *Employees with Access to Confidential Information.* In performing their duties, employees may have access to confidential information, including employees' personnel files and the personal or financial information of other City employees or persons who do business with the City. In addition, some City employees will be involved in some communications with the City Attorney's Office, which can be

protected by the attorney-client privilege. Employees with such access are required to keep such information confidential.

(f) *Solicitation of Political Contributions.* Consistent with the provisions of California Government Code Title 1, Division 4, Chapter 9.5, no City employee may knowingly, directly or indirectly, solicit a political contribution from a City employee, City officer, or person on an employment list. However, this does not prohibit City employees from requesting political contributions if the solicitation is part of a solicitation made to a significant segment of the public, which may include City employees. This also does not prohibit a City employee from soliciting or receiving political funds or contributions to promote the passage of or defeat of a ballot measure which would affect the rate of pay, hours of work, retirement, civil service, or other working conditions of City employees, provided that such solicitation cannot occur during working hours or while on City property. For purposes of this Section, "contribution" means a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment except to the extent that full and adequate consideration is received, unless it is clear from the surrounding circumstances that it is not made for political purposes.

2.07.110 Disciplinary Actions.

(a) *Reason for Disciplinary Action.* Disciplinary measures may be taken for any good and sufficient cause. Cause may include violation of the Personnel Ordinance or of these Personnel Rules or any policies, procedures, Personnel Rules and/or regulations of the employee's department, any act of insubordination or act detrimental to the public service, refusal or inability to comply with the duties of the position occupied by the employee, or any other type of misfeasance, malfeasance or nonfeasance relating to his/her duties, office or position.

(b) *Types of Disciplinary Actions.* The City employs a disciplinary system, which includes a variety of levels of disciplinary actions, up to and including termination of employment. However, nothing in this disciplinary policy should be interpreted in any way that would affect the employee's at will employment status. Notwithstanding any provision of this policy, all employees may be terminated at any time, with or without notice, and with or without cause. The City may take any of the following types of disciplinary actions against its employees:

(i) *Verbal Reprimand.* Verbal reprimand as a disciplinary action means the employee is informed of his/her poor performance verbally by his/her supervisor.

(ii) *Written Reprimand.* Written reprimand as a disciplinary action means an official notification to the employee that there is cause for dissatisfaction with his/her services and that further disciplinary measures may be taken if such cause is not corrected. Official reprimand shall be given in the manner and on forms prescribed by the Human Resources Officer. Reprimand notices shall be made a part of the employee's official personnel record.

(iii) *Suspension Without Pay.* Suspension without pay shall be a temporary separation from City service.

(iv) *Reduction In Range.* Reduction in step within range as a disciplinary measure is the withdrawal of increments granted for merit, efficiency and length of service. Reduction in pay shall become effective on the first pay period following the effective date of the disciplinary action.

(v) *Involuntary Demotion.* Demotion without consent shall include a reduction in classification or rank, with commiserate reduction in salary.

(vi) Termination means the permanent dismissal of an employee from the City service and approved by the City Manager.

(c) *Authority for Disciplinary Actions.*

(i) The department heads and/or City Manager shall have authority to take disciplinary action and they may delegate to certain of their subordinate supervisory employees the authority to make official reprimands. Only the City Manager may terminate employees.

(ii) The Human Resources Officer shall be notified of any contemplated disciplinary action prior to the time it is taken.

(d) *Notice of Disciplinary Action.* When disciplinary action is to be taken against an employee, the department head or City Manager shall notify the employee in writing of the disciplinary action to be taken, the reasons for the disciplinary action, and the effective date of such disciplinary action, if applicable. Because all employees are at-will, there is generally no right to challenge disciplinary action. However, in certain circumstances, the employee may be entitled to a name-clearing hearing before the Human Resources Officer. If the employee satisfies the criteria in Section 2.07.110(e)(i), the City shall provide the employee with at least five days notice of their intent to discipline the employee. During those five days, the employee may request a name-clearing hearing. If the employee does not request a name-clearing hearing, then he/she will have been deemed to have waived his/her right to said hearing. If the employee requests a hearing in accordance with Section 2.07.110(e), then the Human Resources Officer will make all necessary arrangements for the hearing prior to imposing the disciplinary action. If the employee does not meet the criteria set forth in Section 2.07.1210(e)(i), then he/she is not entitled to any hearing, appeal, or waiting time before the disciplinary action is imposed on the employee.

(e) *Name-Clearing Hearing.* In certain circumstances, an employee may be entitled to a name-clearing hearing before the disciplinary action is imposed by the City. In such circumstances, the employee will be entitled to a name-clearing hearing in accordance with this section 2.07.110(e).

(i) *Criteria for Entitlement to a Name-Clearing Hearing.* When the following three elements are present, the employee is entitled to a name-clearing hearing:

(1) A stigmatizing charge.
(2) The employee's denial of the stigmatizing charge.
(3) Public disclosure of the stigmatizing charge.

(ii) *Name-Clearing Hearing.* If the employee has satisfied all three criteria set forth in Section 2.07.110(e)(i), then the employee is entitled to a hearing in order to clear his/her name. If the employee desires a name-clearing hearing, he/she must file a written request with the Human Resources Officer within five days of receiving notice from the City of its intent to impose disciplinary action. Failure to timely request a hearing shall constitute a waiver of the right to a hearing. The hearing shall be before the Human Resources Officer. The employee is not entitled to a full evidentiary hearing, but is only entitled to the opportunity to clear his/her name of the stigmatizing charge(s). All name-clearing hearings shall be held in private unless the employee requests a public hearing in writing.

2.07.120 Grievance Procedure.

(a) *Purpose of the Grievance Procedure.* The grievance procedure shall be used to resolve employee complaints regarding an alleged violation or interpretation of the City's Personnel Ordinance or these Personnel Rules. Specifically excluded from the grievance procedure are:

(i) Performance evaluations;
(ii) Deferred merit salary increases;
(iii) Verbal counseling;
(iv) Policy decisions of the City Council;
(v) Disciplinary actions;
(vi) Transfer to another position without a loss of pay; and
(vii) Matters for which there is a separate appeal.

(b) *Grievance Procedure.*

(i) Step 1. The employee shall inform, in writing, his/her immediate supervisor of his/her grievance and relevant facts within seven days after the employee knew, or in the exercise of reasonable diligence should have known, of the events giving rise to the grievance. The grievance must include a statement of the event causing the grievance; the Personnel Rule or provision of the Personnel Ordinance alleged to have been violated; the relief sought by the employee; and any potential witnesses. Failure to fully complete the grievance form may result in a delay in processing the grievance. At least one conference shall be held between the employee and his/her immediate supervisor after the employee has expressed his/her grievance. The supervisor shall advise the employee of his/her decision within 14 days following notification of the grievance.

(ii) Step 2. If the grievance is not satisfactorily resolved in Step 1, the grievant may, within seven days after receipt of his/her supervisor's response, submit the grievance to his/her department head. Such submittal shall be in writing and include the original of the grievance form. The grievance must include a statement of the event causing the grievance; the Personnel Rule or provision of the Personnel

Ordinance alleged to have been violated; the relief sought by the employee; and any potential witnesses. After receipt of the grievance, the department head will meet with the grievant and make such investigation as is required. Within seven days of his/her meeting with the grievant, the department head shall return the original of the grievance form to the employee along with his/her written decision on the grievance.

(iii) Step 3. If the grievance is not satisfactorily resolved in Step 2, the grievant may, within seven days of receipt of the department head's decision, submit the grievance to the Human Resources Officer for consideration by the City Manager. Such submittal shall include the original of the grievance form, a statement of the event causing the grievance; the Personnel Rule or provision of the Personnel Ordinance alleged to have been violated; the relief sought by the employee; and any potential witnesses; a written statement of any issues which are still in dispute; and the specific basis upon which the grievant takes issues with the position of his/her department head. The City Manager or his/her designee shall take such review and investigative action as he/she deems necessary and inform the grievant of his/her decision within 14 days of receipt of the grievance. The decision of the City Manager is final and no further appeal may be had by the employee.

(c) *General Provisions.*

(i) No retribution or prejudice shall be suffered by employees making good faith use of the grievance procedure.

(ii) Failure by management at any step of this procedure to communicate the decision of the grievance within the specified time limits shall permit the grievant to proceed to the next step.

(iii) The grievant shall be entitled to be present at all steps of the procedure.

(iv) Failure at any step of this procedure to appeal a decision on a grievance within specified time limits shall be deemed acceptance of the decision rendered, and the grievant waives all further appeal of the matter.

(v) The time limits specified at any step in this procedure may be extended by mutual written agreement.

(vi) The original of the grievance form shall accompany all requests for institution of the next step in the grievance procedure, and shall be maintained in the employee's personnel file at the completion of the grievance procedure.

(vii) Communication with grievant shall be processed by personal signed receipt of document, certified mail or registered mail.

2.07.130 Employment Benefits.

(a) *Health Benefits.*

(i) Accident, health, hospital, dental and vision insurance to cover non-occupational injuries and sickness for employees in all job classifications, and one dependent shall be provided by the City. The scope of coverage and the payment of premiums is subject to periodic review by the City Council.

(b) *Retirement Benefits.* The City has contracted with the California Public Employees' Retirement System (CalPERS) for the 2.7% at age 55 retirement plan.

2.07.140 Drug/Alcohol Policy. It is the desire of the City that all work environments of employees be safe and productive and free of the influence of drugs and alcohol. The City is concerned with the physical safety of all employees, potential damage to property and equipment, mental and physical health of employees, productivity and work quality, medical insurance costs, and the harm done to employees and their families by drug and alcohol abuse. The full provisions regarding drugs and alcohol in the workplace will be set forth in an administrative policy.

2.07.150 Policy Against Harassment, Discrimination and Retaliation. City policy prohibits unlawful harassment and discrimination based on an employee's race, religion, color, creed, national origin, sex, gender, sexual orientation, marital status, age, mental or physical disability, and/or any other category protected by federal and/or state law. In addition, City policy prohibits retaliation because of the employee's opposition to a practice the employee reasonably believes to constitute employment discrimination or harassment or because of the employee's participation in an employment discrimination investigation, proceeding or hearing. The City's full policy against unlawful harassment, discrimination, and retaliation will be set forth in an administrative policy.

2.07.160 Educational Assistance.

(a) *Educational Reimbursement for Training and Advancement.*

(i) The responsibility for developing training programs for employees is with the City Manager and department directors, jointly. When an educational course to be taken by an employee will benefit the City, the City Manager may authorize payment by the City of tuition charges and books. An "educational course" may include courses that are in furtherance of a degree, other college-credit courses, or training. In order to be eligible for educational reimbursement, the employee must obtain written approval of the City Manager prior to enrolling in any courses. Educational reimbursement shall not exceed $1,500 in any fiscal year.

(ii) If an employee is entitled to additional compensation by earning a degree, as specified in their job description, it will be the responsibility of the employee to pay all fees for their courses and upon completing the course and earning a grade of C or better, to submit a cancelled check and receipt for reimbursement of the tuition charges and books. After the above information has been submitted to the City, the employee shall begin receiving any additional compensation that he/she is entitled to in the next pay period, and shall receive the educational reimbursement, if any, that he/she is entitled to under this Section.

(b) *Licenses and Certification Assistance.*

(i) In cases of enrollment for any certification which is a condition of employment, the City shall pay required application fees in advance.

(ii) The cost of licensing fees, renewal fees, and test fees for all levels of certification are reimbursable, upon receipt of the certification or license. To obtain reimbursement after successful completion of the test/renewal/license process, the employee is responsible for submitting proof of payment for test fees, renewal fees, and license fees, along with proof of the certification or license, to the City Manager. In unusual circumstances, the City Manager may authorize the payment of the test/renewal/license fees in advance.

2.07.170 Uniforms and Equipment.

(a) *Uniforms.* The cost of such uniforms as employees are required to wear shall be borne by the City.

(b) *Equipment.* The City shall provide employees with the essential equipment to perform the duties of their positions. Employees are responsible for requesting training on equipment that they are unfamiliar with. Also, employees are responsible for the proper operation and maintenance of all equipment.

(c) *Safety Equipment and Protective Clothing.* Certain employees will be required to wear approved safety shoes and other safety equipment and protective clothing. Such employees failing or refusing to wear such safety equipment and protective clothing as appropriate will be subject to disciplinary action up to and including termination. If any employee is unable to wear such safety equipment and protective clothing for medical reasons, the employee must submit to the City a doctor's statement covering the reasons."

2.07.180 Electronic Communications Policy. The City provides its employees with certain electronic communications devices. Employees should be aware that no computer usage including messages transmitted or received on the computer system are private or confidential. The City's full policy regarding the use of electronic communications equipment will be set forth in an administrative policy.

SECTION 3. Intent to Supersede County and City Ordinances. The provisions of this ordinance shall supersede County Ordinance No. 440, as amended, as County Ordinance No. 440 was adopted by City Ordinance No. 08-01. The provisions of this ordinance shall also supersede City Ordinance No. 08-14.

SECTION 4. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 5. Effective Date. This ordinance shall take immediate effect upon its passage by the City Council.

SECTION 6. Publication. The City Clerk shall cause this ordinance to be published or posted in accordance with Government Code section 36933.The City Clerk shall certify the passage of this ordinance and shall cause the same to be posted as required by law.

PASSED, APPROVED, AND ADOPTED this 13th day of October, 2010.

Bridgette Moore, Mayor

ATTEST:

Debbie A. Lee, City Clerk

APPROVED AS TO FORM:

Julie Hayward Biggs, City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)
CITY OF WILDOMAR)

I, Debbie A. Lee, CMC, City Clerk of the City of Wildomar, California, do hereby certify that the foregoing Ordinance No. 53 was introduced at a regular meeting of the City Council of the City of Wildomar, California, on September 27, 2010, and was duly adopted at a regular meeting held on October 13, 2010, by the City Council of the City of Wildomar, California, by the following vote:

AYES: Mayor Moore, Mayor Pro Tem Swanson, Council Members Ade, Cashman, Farnam

NOES: None

ABSTAIN: None

ABSENT: None

Debbie A. Lee

Debbie A. Lee, CMC
City Clerk
City of Wildomar