

# City of Wildomar



Personnel Rules  
and Regulations  
Updated October  
2023

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CITY OF WILDOMAR  
PERSONNEL RULES AND REGULATIONS  
**RULE I. GENERAL PROVISIONS**

- A. Purpose. These personnel rules (“Rules”) are intended to establish and maintain an efficient and uniform personnel program for the City of Wildomar (“City”). This updated version of the Rules repeals and replaces all prior versions of the Rules. Upon adoption, these Rules shall supersede any and all personnel management policies, rules, regulations and procedures previously adopted, except those which were adopted by order of a department head for that department, and which are not in conflict with the Rules specified herein.
- B. Nature of Employment. All employees of the City 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 Rules, in a contract for employment, 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 either in these Rules or in a contract for employment or resolution or ordinance of the City Council, the provisions of these Rules apply to all City employees. In the event of conflict between the provisions of these Rules and a stand-alone personnel policy, the provisions of these Rules will control. In the event of a conflict between these Rules and a written contract for employment, the terms of the written contract for employment will control.
- D. Not an Employment Contract. None of these 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 Rules by resolution. The Personnel Officer shall have authority to prepare and recommend revisions to the Rules.
- F. Adoption of Administrative Policies. The Personnel Officer is hereby authorized to adopt administrative policies, so long as said administrative policies are not in direct conflict with these Rules.
- G. Delegation of Authority. Except as otherwise provided, any duties, responsibilities, powers, and authority granted by these Rules or the personnel ordinance to the City Manager, appointing authority, Personnel 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 ordinance, state or federal law, or regulation, that is incorporated in the Rules or upon which the Rules rely is amended, the Rules shall be deemed amended in conformance with those amendments.
- I. Severability. If any section, subsection, sentence, clause, or phrase of the 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 Rules.

## **RULE II. DEFINITIONS**

- A. General Definitions. All words and terms used in these 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.
- B. Specific Definitions.
  - 1. "Acting appointment" means a temporary appointment of an employee 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" means a salary increase within the limits of a pay range established for a class.
  - 3. "Allocation" means 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" means the City Manager or their designee.
  - 5. "At-will employee" means 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" or "Classification" means 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" means 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" means service in the employ of the City without a break or interruption. Unless otherwise required by law, a severance of the employee from his or her employment initiated by either the City or the employee for periods of more than 30 days constitutes a break in continuous service.
9. "Council" or "City Council" means the City Council of the City of Wildomar.
10. "Day" or "days" means calendar day(s), unless otherwise stated.
11. "Demotion" means the movement of an employee from one class to another class having a lower maximum base rate of pay.
12. "Department Head" means the administrative head of every department in the City.
13. "Disciplinary action" means the discharge, demotion, reduction in pay, suspension, or reprimand of an employee for punitive reasons.
14. "Eligibility list" means the list which contains the names of successful applicants according to relative performance on the total weighted examinations.
15. "Executive Classification" means employees who are in the "executive" group according to the City's Position Classification Schedule adopted by the Council Resolution No. 2022-60 on November 9, 2022, and as may be later amended by Council.
16. "Exempt Employee" means an employee who holds a position that, based on both the job requirements and the salary earned, do not entitle the employee to receive compensation at an overtime rate under applicable state or federal wage and hour laws.
17. "Full-time employees" means 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.
18. "Layoff" means 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.
19. "Management Classification" means employees who are in the "management" group according to the City's Position Classification Schedule adopted by the

Council Resolution No. 2022-60 on November 9, 2022, and as may be later amended by Council

20. "Non-exempt employee" means an employee who holds a position that, based on either the job requirements or the compensation earned, may entitle the employee to receive compensation at an overtime rate under applicable state or federal wage and hour laws.
21. "Personnel Officer" means the City Manager or their designee.
22. "Part-time employees" means employees whose positions work less than 1,000 hours per year, are paid on an hourly basis and only receive fringe benefits as provided by these Rules and as otherwise required by law.
23. "Position" means a group of duties and responsibilities in the service of the City requiring the full-time or part-time employment of one person.
24. "Promotion" means the movement of an employee from one class to another class having a higher maximum base rate of pay.
25. "Provisional appointment" means a temporary appointment, less than 960 hours in a fiscal year, of an individual 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.
26. "Reinstatement" means the restoration without examination of a former employee to a classification in which the employee formerly served.
27. "Suspension" means the temporary separation from service of an employee without pay for disciplinary purposes.
28. "Temporary employee" means an employee who is appointed to a position for a limited period of time and is only entitled to benefits as provided by resolution of the City Council and as required by law.
29. "Transfer" means 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.

### **RULE III. NONDISCRIMINATION**

- A. 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, gender, sexual orientation, gender identity, gender expression, age (over 40), religion, ethnicity, national origin, creed, physical or mental disability, medical condition, genetic information, marital status, pregnancy, reproductive health decision-making, childbirth or related

medical conditions, breastfeeding, military or veteran's status, or any other characteristic protected by state or federal law or local ordinance.

Any technique or procedure used in recruitment and selection of employees will be designed to measure only the job-related qualifications of applicants. No recruitment or selection technique will be used which, in the opinion of the City Manager or designee, is not justifiably linked to successful job performance.

Employees who believe they have experienced any form of employment discrimination are encouraged to report this immediately, using the complaint procedure provided in the City's policy prohibiting harassment, discrimination, and retaliation, attached as Appendix A.

- B. Policy Against Harassment, Discrimination and Retaliation. City policy prohibits unlawful harassment and discrimination based on an employee's race, color, ancestry, sex, gender, sexual orientation, gender identity, gender expression, age (over 40), religion, ethnicity, national origin, creed, physical or mental disability, medical condition, genetic information, marital status, pregnancy, reproductive health decision-making, childbirth or related medical conditions, breastfeeding, military or veteran's status, or any other characteristic protected by state or federal law or local ordinance. 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 or harassment investigation, proceeding or hearing. The City's full policy against unlawful harassment, discrimination, and retaliation is set forth in a council adopted policy, and is attached to these Rules as Appendix A.
- C. 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 discharge) will not discriminate unlawfully against disabled applicants or employees. The City provides employment-related reasonable accommodations to qualified individuals with disabilities within the meaning of the California Fair Employment and Housing Act ("FEHA") and the Americans with Disabilities Act ("ADA").
1. Request for Accommodation. An applicant or employee who desires a reasonable accommodation in order to perform essential job functions should make such a request in writing to the Human Resources Department. The request must identify: a) the job-related functions at issue; and b) the desired accommodation(s). Reasonable accommodation may include, but is not limited to, job restructuring, reassignment to a vacant position for which the employee is qualified, and making facilities accessible.
  2. Reasonable Documentation of Disability. Following receipt of the request, the Human Resources Department may require additional information, such as reasonable documentation of the existence of a disability or additional

explanation as to the effect of the disability on the employee's ability to perform the employee's essential functions, but will not require disclosure of diagnosis or genetic history.

3. Interactive Process. The City will engage in the interactive process, as defined by the FEHA and ADA, to determine whether an applicant or employee is able to perform the essential functions of their position. During this process, the City will examine potential reasonable accommodations that will make it possible for the employee or applicant to so perform. Such interactive process will include a meeting with the employee or applicant, the City, and, if necessary, the employee or applicant's health care provider.
  4. Case-by-Case Determination. The City determines, in its sole discretion, whether reasonable accommodations(s) can be made, and the type of reasonable accommodations(s) to provide. The City will not provide an accommodation that would pose an undue hardship upon the City or that is not required by law. The City will inform the employee or applicant of any decisions made under this section in writing.
  5. Light or Modified Duty. During the interactive process, the City may approve, at its sole discretion and subject to availability, the employee to perform light or modified duty for a limited period of time.
  6. Fitness for Duty Leave. While the City is engaged in the interactive process with an employee, the City may require that the employee be placed on a fitness for duty leave in accordance with Rule XII.N.
- D. Religious Accommodation. The City will make reasonable accommodations to the known religious creed of an applicant during the hiring process and of an employee in the course of employment, unless doing so would impose an undue hardship on the City.
- E. Lactation Accommodation. The City provides lactation accommodation to employees as required by law. For additional details, employees should refer to the City's stand-alone Lactation Accommodation Administrative Policy.

#### **RULE IV. CLASSIFICATION**

- A. Preparation of Plan. The Personnel 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. Adoption, Amendment and Revision of Plan. The classification/compensation plan shall be adopted by and may be amended from time to time by resolution of the City Council. At the time of consideration by the City Council, any interested party may appear and be heard. Revisions to the classification/compensation plan may consist of the addition, abolishment, consolidation, division, or amendment of existing classes.
- C. Allocation of Positions. Following the adoption of the classification/compensation plan, the Personnel Officer shall allocate every position in the employ of the City to one of the classes established by the plan.
- D. New Positions. A new position shall not be created and filled until the classification/compensation plan has been amended to provide for such position.
- E. Job Descriptions. The Administrative Services Director, in consultation with Department Heads, will prepare written specifications for each classification of positions to the City Manager for review. Subject to City Council approval, the specifications, when approved by the City Manager, will constitute the official classification specifications and will indicate the date of approval or last revision. Each specification will include the classification title, a brief description of the scope, nature, and responsibility of the class, a description of the tasks or duties ordinarily performed in the positions allocated to the classification; a statement of the minimum qualifications considered necessary for proficient performance of the work, including education, experience, training, knowledge, skills, physical characteristics, and any additional factors considered pertinent. Specifications are not restrictive. The specifications, shall not be construed as an all-inclusive list of tasks performed; or be interpreted as restricting the assignment of related tasks not specifically listed therein; or as limiting the authority of supervisory personnel to assign, direct and control the work of subordinate employees. A Department Head may temporarily assign other related duties and responsibilities or otherwise direct the work of employees.
- F. 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 Personnel 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.

## **RULE V. COMPENSATION**

### A. Salary on Appointment.

1. 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 their designee.
2. Advanced Step Hiring. The City Manager 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.
3. 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 their most recent appointment, promotion, demotion, reinstatement or reemployment. The salary anniversary date may be modified by the action of the appointing authority under Rule X.H.

### C. Increases Within Salary Range. Employees will normally become eligible for a merit adjustment in pay after 12 months of service. Increases shall not be automatic, and are based on merit. 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 the employee's highest level, and to recognize 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 evaluation recommendations and as approved by the City Manager. Unless so modified, a granted merit adjustment will be effective on the employee's salary anniversary date. The City Manager, in their sole discretion, may determine that an increase within range will be retroactive in effect to the employee's salary anniversary date or to another appropriate date.

### 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 the employee held in their 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 of the salary range as the employee previously received and their 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 the employee was receiving in the former range and the employee 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 the employee was receiving in the former range and the employee 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 their position is reallocated, their 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 their salary adjusted by one the following three methods:
  - 1. 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.
  - 2. If a non-disciplinary demotion, the employee's salary may be reduced. The employee shall retain their salary anniversary date.
  - 3. In the discretion of the Personnel 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 their 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 the employee is normally assigned, shall receive the entrance salary rate of the higher salary range or one rate higher than the rate the employee 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 10 consecutive working days in the higher classification.

- J. Bilingual Pay. Employees in certain classifications, as determined at the City's sole discretion, may be eligible to receive \$100.00 per month as bilingual pay premium.

To receive the bilingual pay premium, an employee in one of the foregoing classifications shall successfully complete a language proficiency examination, selected at the City's sole discretion. Upon successfully completing such proficiency examination, the eligible employee shall receive the bilingual pay premium effective on the following pay period.

The City, at its sole discretion, shall determine which languages qualify for bilingual premium pay.

- K. Special Salary Adjustments. Notwithstanding anything in these 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.

- L. Cost of Living Adjustment. Effective July 1, 2024, City Council, at its sole discretion, will consider providing a Cost of Living Adjustment ("COLA") to all employees on annual basis during its regularly scheduled meeting in July of each year. City Council will review the published Riverside-San Bernardino-Ontario, CA, Consumer Price Index – U 12-month percent changes on all items for the month of May to consider potential COLA adjustments. Except as otherwise supported by justifiable findings, including the City's budgetary status, such COLA shall be capped at 3% as approved by City Council.

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

- N. Severance Upon Termination. Upon termination without cause, employees who are either in the Executive Classification, or are Department Heads, shall receive severance payment, upon execution of a waiver and release of all claims acceptable to the City,, equivalent to 90 days of their base salary.

However, in no event shall the total cash value of the Severance Pay exceed the value of the employee's monthly salary multiplied by eighteen (18), or multiplied by the month's remaining in employee's term, whichever is less.

1. Reimbursement Upon Conviction of Abuse of Office. In the event any employee is convicted of any crime involving an abuse of the employee's office or position, as defined by California Government Code Section



53243.4, the employee is not entitled to receive Severance Pay, and must reimburse the City for any Severance Pay received.

2. Effect of Termination for Cause. If an executive employee or a Department Head is terminated for cause, they shall not be entitled to receive severance pay. Cause for termination shall be deemed to exist if any of the following occurs:
  - a. The employee is formally charged by a prosecuting agency with any of the following criminal conduct: theft or attempted theft from the City; fraud or other type of criminal dishonesty; misuse or misappropriation of public funds; assault, battery or other criminal physical injury to another person; any felony; solicitation, prostitution, or other sexually oriented crime; or for violating Government Code §§ 1090 et seq. and/or § 53243.4;
  - b. The employee is fined by the Fair Political Practices Commission for a violation of the Political Reform Act or FPPC Regulation in an amount in excess of one thousand five hundred dollars (\$1,500);
  - c. an independent investigation sustains that the employee engaged in unlawful discrimination or harassment of an official, officer, employee or agent of City or a third party while conducting City business or violated any provisions of the City's Municipal Code;
  - d. unauthorized absence or leave ; use or possession of illegal drugs
  - e. material acts of dishonesty;
  - f. persistent failure to disclose material information regarding the business or operation of the City necessary for the City Council to undertake its obligation as the elected legislative body of the City;
  - g. material failure to follow clear and legal directives of a majority of City Council provided in a duly noticed public meeting, including closed session; or
  - h. Any other violation of these Rules, including a violation of a listed cause for discipline under Section XVI of these Rules, or other City personnel policies or procedures.

## **RULE VI. APPLICATIONS, RECRUITMENT AND EXAMINATIONS**

- A. Vacancies. Except for the City Manager, Department Heads, Assistant City Manager, Deputy City Manager, and/or Assistant to the City Manager positions, vacant positions may be filled only by selection from an eligibility list, by acting appointment, provisional appointment, by transfer, by reinstatement, or by demotion. Each Department Head is entitled to select a candidate to fill a vacancy

within their department subject to the provisions in this rule and approval by the City Manager.

The City Council shall select the City Manager. The City Manager, or designee, shall select the Department Heads, Assistant City Manager, Deputy City Manager and Assistant to the City Manager. These positions may be filled by the method selected by the City Council or the City Manager to obtain the best candidate for the position. The provisions of this rule are inapplicable to the filling of vacancies listed in this paragraph.

- B. Announcement of Vacancies/Acceptance of Applications. When a position becomes vacant, the applicable Department Head shall notify the Personnel Officer. All positions shall be publicized by such methods as the Personnel 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; that upon receiving a conditional offer of employment, a criminal background check is required through the submission of fingerprints; and other relevant information. Applications will be available on the City's website.
- C. Disqualification of Applicants. The Personnel 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 timely submit the application, 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 employment of any person may be terminated, when any of the following has been determined by the Personnel Officer:
1. The individual does not meet the minimum qualifications established for the class or position to which they seek appointment;
  2. The individual has made a false statement, misrepresentation, or omission of material fact, or actual or attempted deception, fraud or misconduct in connection with their application;
  3. The application shows on its face that the applicant is physically or psychologically restricted from performing the essential functions of the position applied for, and the City determines that no reasonable

accommodation can be made for such medical restrictions in the position applied for;

4. An employment history or personal conduct which demonstrates a lack of fitness for City employment, including dismissal for cause from prior public or private employment;
5. The individual has failed to submit a complete application within the prescribed time limit;
6. The individual has directly or indirectly obtained information regarding examinations to which applicants are not entitled;
7. The individual has been convicted, including pleas of guilty and nolo contendere, of any 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 City Manager, or designee, may disregard such convictions of felonies or misdemeanors if it is found and determined by the City Manager that mitigating circumstances exist. In making such determination, the City Manager may consider the classification, including sensitivity, to which the person is applying or being certified and whether the classification is unrelated to the conviction; the nature and seriousness of the offense; the circumstances surrounding the offense; the length of time elapsed since the conviction; the age of the person at the time of conviction; the presence or absence of rehabilitation or efforts at rehabilitation; and/or contributing social or environmental conditions.
  - a. Unless otherwise required by law, the City will not ask an applicant for employment to disclose, orally or in writing, information concerning the conviction history of the applicant, until the City has issued a conditional offer of employment.
  - b. Applicants who receive a conditional offer of employment may be requested to complete a supplemental form regarding criminal conviction history for review by the City, and a background screening, as part of the application process. The Human Resources and Risk Manager will conduct an individual assessment, as may be required by law, for each applicant who has prior convictions before determining whether to disqualify the applicant and rescind the conditional offer of employment.
8. The individual has otherwise violated provisions of these Rules.

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

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

- E. Selection Process. The selection process shall be impartial and relate to those subjects which, in the opinion of the Personnel 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, criminal background check (after the City has determined that the applicant meets the minimum qualifications of the position), medical tests (possibly including a drug test), successful completion of prescribed training, or other selection techniques as determined by the Personnel 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 Personnel 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 Personnel Officer does not contract these duties to an agency or individual, then the Personnel Officer shall ensure that such duties are performed.

- F. Creation of Eligibility List. As soon as possible after the completion of a recruitment, the Personnel 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 6 months unless the Personnel 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 Personnel Officer if the person requests in writing that their name be removed or if the person fails to respond to a notice of certification mailed to the last designated physical address or emailed to the last designated email 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. Applicants may be required to submit to a physician's examination at the City's expense upon being made a conditional offer of employment. As set forth in more detail in the City's Drug-Free Workplace Policy, 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 Rule VI.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 Personnel 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.

## **RULE VII. 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 Personnel 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, in accordance with the following:
1. As soon as practicable, but not longer than six months after a provisional appointment has been made, the Personnel Officer may cause an examination to be prepared, and all positions filled provisionally shall be filled by an appointment from an eligibility list.
  2. 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.
  3. No special credit shall be allowed in any examination or the establishment of any eligibility lists for services rendered under a provisional appointment.
  4. Except as otherwise required by law, a provisional appointee will not be entitled to the rights and benefits afforded to employees under these Rules.
  5. Except for retired annuitants, 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 Personnel 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 cause any person to work more than 960 hours (if paid on an hourly basis) or 125 days (if paid on a per diem basis) in a fiscal year.
  6. A person who has retired from a CalPERS employer ("retired annuitant") may only be appointed to a provisional appointment when all of the following

conditions are met, unless otherwise allowed by CalPERS during extenuating circumstances:

- a. The City can show the retired annuitant has previous experience and the skill set needed to perform the work required.
- b. The appointment is made to fill a vacant position during the recruitment to permanently fill the vacancy, or during an emergency to prevent stoppage of public service. A recruitment to permanently fill the vacant position must be open before the retired annuitant is appointed.
- c. Retired annuitants cannot begin employment before the 181st day after their retirement date, unless the City certifies the nature of the employment and that the appointment is necessary to fill a critically needed position before 180 days has passed, and the City Council approves the appointment in a public meeting. The appointment may not be placed on a consent calendar.
- d. If the retired annuitant is under the normal retirement age, he or she must have a bona fide separation in service. Further, the retired annuitant must not have received unemployment insurance payments for retired annuitant work with any public employer within the 12 months prior to the date of the provisional appointment, and he or she must certify to this in writing to the City.
- e. A retired annuitant may only be appointed once to the position. Provisional appointments of retirees must specify a beginning date and an end date for the appointment, and the appointment term must not result in the retired annuitant working more than a combined 960 hours in a fiscal year for all CalPERS employers. If a retired annuitant works more the 960 hours in a fiscal year, he or she must be reinstated. The Personnel Officer may not extend any provisional appointment of a retired annuitant, and must ensure the retired annuitant does not exceed the 960 hours limit.
- f. The rate of pay for the retired annuitant must fall within the monthly rate of pay range for the vacant position, and he or she may not receive any other benefit, incentive, compensation in lieu of benefits, or other form of compensation in addition to this base rate.

The City ensures the retiree is enrolled as a retired annuitant with CalPERS and that the pay rate and hours worked by the retired annuitant are reported to CalPERS.

- C. Acting Appointments to a Higher Class. Acting appointments may be used to fill positions that are vacant or that are temporarily vacant, such as when an employee is on an extended leave of absence. . . Where applicable, 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 the appointee had continued their duties in their regular classification. Acting appointments shall be subject to the following:

1. Whenever the needs of the City require an employee to temporarily perform the duties of a higher classification than that in which the employee is currently employed for a period of more than twelve (12) consecutive working days, the employee shall receive the salary rate of the higher class in which the employee is performing the required duties. In such cases, the employee shall be paid at an appropriate step of the current salary schedule of the higher classification which will assure an increase of not less than 5% greater than the salary of the employee's current position, but in no case shall such salary exceed the top salary step of the higher classification.

The higher salary rate payable shall commence on the thirteenth working day following the temporary reassignment to the performance of duties of the higher classification. The requirement for the performance of duties of the higher classification shall be placed in writing by the City Manager, or the City Manager's designee, following recommendation by the affected Department Head. No employee shall be required to perform any of the duties of a higher classification unless that employee is deemed to possess the minimum qualification of the higher classification by the City Manager, or the City Manager's designee, as recommended by the affected Department Head.

2. In no case shall an employee serve as an acting appointee more than 960 hours in a fiscal year or six (6) total months, whichever comes first, in a higher classification.
3. An employee appointed in an acting capacity shall be eligible to receive performance increases in the permanent position during the acting appointment but shall not be entitled to performance increases in the position which the employee holds in an acting capacity.
4. The City Manager, or the City Manager's designee, shall obtain the employee's written consent for the temporary performance of any of the duties of the higher classification beyond a period of twelve (12) working days, prior to an employee assuming or continuing the duties and compensation of a higher classification, which consent shall clearly state that it is understood that employee's salary rate will revert to the salary rate in the employee's permanent position upon the expiration of the need for the performance of the duties of the higher classification.

- D. Emergency Appointment. To meet the immediate requirements of an emergency condition, the Department Head, or any persons so authorized in advance by the City Manager, may employ such persons as may be needed for the duration of the emergency without regard to these Rules. As soon as possible, such employment will be reported promptly to the Administrative Services Director or designee. Emergencies are defined as fire, flood, earthquake, or other public calamity, which

threatens life or property. The emergency appointee shall be considered a temporary employee and, except as otherwise required by law, shall not be entitled to the rights and benefits afforded to employees under these Personnel Rules. In the event that a Retired Annuitant is hired as an emergency employee, the appointment and employment of the Retired Annuitant will be governed by the applicable statutes and regulations of CalPERS or other applicable retirement system, to the extent such provisions remain in effect during the emergency. In the event that the City's rules and procedures on provisional employment are inconsistent with the applicable statutes and regulations governing the employment of retired annuitants, the statutes and regulations shall control.

- E. Reinstatement. With the approval of the Personnel 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 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 the employee's 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 Personnel Officer at the time of reinstatement. Such reinstatement action may, at the discretion of the Personnel Officer, take precedence over any eligibility list except a reemployment list. An individual requesting reinstatement is required to successfully complete a background examination and physician's examination, as set forth in Rule VI.
- F. Reemployment. An employee may be appointed from a reemployment list following layoff.
- G. Promotion. It is the policy of the City to fill authorized vacant positions based on merit. Insofar as consistent with the best interest of the City, vacancies may be filled by promotion. All employees meeting the qualifications standard of a higher-grade position under the same or different job classification may be considered for promotion. Employees promoted to a new position will start at the salary step determined appropriate by the City Manager. The date of promotion will become the employee's new anniversary date for performance review and merit salary increase purposes. Employees receiving promotions will be reviewed after six months, one year, and annually thereafter.
- H. Demotion. The City Manager may voluntarily or involuntarily demote an employee. No employee will be demoted to a position for which the employee does not possess the minimum qualifications. An employee may also request a voluntary demotion. An employee who possesses the minimum qualifications, may request a voluntary demotion to a lower position. An employee requesting a voluntary demotion will submit a memorandum to the employee's Department Head requesting a voluntary demotion and detailing the reasons for the request. Upon receipt of the request for voluntary demotion, the Department Head will notify the



City Manager. If the request for voluntary demotion involves a change from one department to another, both Department Heads must consent thereto unless the City Manager orders the demotion. The employee's anniversary date will change to the effective date of the demotion. Demoted employees will have their salary reduced accordingly to the appropriate salary range. Salary determinations for demoted employees are solely within the discretion of the City Manager.

- I. Transfer. The Personnel 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 Personnel Officer retains the right to order the transfer, consideration will be given to the affected employee's and the Department Head's wishes.
- J. Interactive Process Transfer. As part of the interactive process and in accordance with state and federal law, an employee who is unable to perform the essential functions of the employee's present classification may be placed in a vacancy in another class that does not result in a promotion if the employee can perform the essential functions of the vacant position, with or without reasonable accommodation.

#### **RULE VIII. NEPOTISM AND CONSENSUAL ROMANTIC RELATIONSHIPS BETWEEN EMPLOYEES**

##### A. Nepotism.

##### 1. Definitions.

- a. Applicant. A person who applies for a position at the City and is not a Current Employee.
- b. Change of Status. A change in the legal status or personnel status of one or more Current Employees.
  - i. Changes in legal status include but are not limited to marriage, divorce, separation, or any such change through which a Current Employee becomes a Family Member or ceases to be a Family Member of another Current Employee.
  - ii. Changes in personnel status include but are not limited to promotion, demotion, transfer, resignation, retirement or

termination of a Current Employee who is a Family Member of another Current Employee.

- c. Current Employee. A person who is presently a City employee, or an elected or appointed City official.
  - d. Direct Supervision. One or more of the following roles, undertaken on a regular, acting, overtime, or other basis shall constitute Direct Supervision:
    - i. Occupying a position in an employee's direct line of supervision; or
    - ii. Functional supervision, such as a lead worker, crew leader, or shift supervisor; or
    - iii. Participating in personnel actions including, but not limited to, appointment, transfer, promotion, demotion, layoff, suspension, termination, assignments, approval of merit increases, evaluations, and grievance adjustments.
  - e. Family Member. A spouse, domestic partner, parent, parent-in-law, step-parent, legal guardian, sister, step-sister, sister-in-law, brother, step-brother, brother-in-law, child, step-child, legal ward, daughter-in-law, son-in-law, grandchild, grandparent, niece, nephew, spouse's niece, spouse's nephew, domestic partner's niece, or domestic partner's nephew.
  - f. Prohibited Conduct. Conduct by Family Members including, but not limited to, one or more of the following:
    - i. Participation directly or indirectly in the recruitment or selection process for a position for which a Family Member is an Applicant.
    - ii. Direct Supervision of a Family Member that does not comply with limitations set forth in this Section;
    - iii. Conduct by one or more Family Members that has an adverse effect on supervision, safety, security or morale.
2. Department Head Authority. Department Heads are authorized to make initial determinations under this Rule. Should the Department Head be related to the employee/applicant in question, the City Manager shall appoint another Department Head to execute the responsibilities under this Rule.
3. Applicants for Employment.
- a. No qualified Applicant may be denied the right to file an application for employment and compete in the examination process. However,

consistent with this Section, the City may reasonably regulate, condition, or prohibit the employment of an Applicant for a full-time position.

- b. Disclosure of Relationship. Each Applicant is required to disclose the identity of any Family Member who is a Current Employee.
- c. Review of Department Head. For each Applicant who has a Family Member who is a Current Employee, the Department Head shall assess whether any of the following circumstances exist:
  - i. Business reasons of supervision, safety, security or morale warrant the City's refusal to place the Applicant under Direct Supervision by the Family Member; or
  - ii. Business reasons of supervision, security, or morale that involve potential conflicts of interest or other hazards that are greater for Family Members than for other employees, which warrant the City's refusal to permit employment of Family Members in the same department, division, or facility.
- d. Decision of the Department Head. If the Department Head determines that either of the above circumstances exist, the Department Head shall exercise his or her discretion to either reject the Applicant or consider the Applicant for employment in a position that does not present either of the above circumstances.
  - i. Following examination, if the Applicant is successfully certified as eligible pursuant to Rule VI, he or she may be employed in a position for which the Department Head has determined that neither circumstance exists pursuant to Rule VII.A.3.c.
  - ii. When an eligible Applicant is refused appointment by virtue of this Rule VI, his or her name shall remain on the eligibility list for openings in the same classification. For each opening, the Department Head shall make a determination consistent with Rule VII.A.3.c.

4. Guidelines for Current Employees.

- a. Employees shall report a Change of Status to the Department Head within a reasonable time after the effective date of the Change of Status. Wherever feasible, Employees shall report a Change of Status in advance of the effective date.
- b. Within thirty days from receipt of notice, the Department Head shall undertake a case-by-case consideration and individualized assessment of the particular work situation to determine whether the

Change of Status has the potential for creating an adverse impact on supervision, safety, security, or morale.

- i. The Department Head shall make a good faith effort to regulate, transfer, condition or assign duties in such a way as to minimize potential problems of supervision, safety, security, or morale.
- ii. Notwithstanding the above provisions, the City retains the right to exercise its discretion to determine that the potential for creating an adverse impact on supervision, safety, security, or morale cannot be sufficiently minimized and to take further action as set forth in Rule VII.A.5.b.

5. Monitoring by Department Head.

- a. Following a Change of Status or new hire of a Family Member, affected Department Heads shall reasonably monitor and regulate both Family Members' conduct and performance for a period of one year from the date of the Department Head's determination. The Department Head shall document these actions. Successive Department Heads may re-visit such a determination at their discretion.
- b. If the Department Head determines, subject to any applicable requirements of due process, that an employee has engaged in Prohibited Conduct, the Department Head shall reevaluate the Department Head's prior determination, and may take one or more of the following additional measures:
  - i. Transfer one of the Family Members to a similar position that would not be in violation of this policy. The transfer will be granted provided the Family Member qualifies and there is an opening to be filled. There can be no guarantee that the new position will be within the same classification or at the same salary level.
  - ii. If the situation cannot be resolved by transfer, one of the Family Members must separate from City employment. If one of the employees does not voluntarily resign, the employee with primary responsibility for the Prohibited Conduct will be discharged.
- c. Department Heads who receive complaints from other employees that one or more Family Members has engaged in Prohibited Conduct

shall respond in accordance with existing complaint and disciplinary procedures, where applicable.

- d. Where situations exist prior to the effective date of this Section that may be in conflict with this Section, every effort shall be made to reasonably address the situation so as to avoid any future conflict.
6. Appeal of Department Head Determination. Current Employees and Applicants affected by the application of this Section, may appeal the action of the Department Head to the City Manager within ten days of the action. The City Manager shall hear the individual's concerns and issue a written decision within 30 days of the receipt of the individual's appeal. The decision of the City Manager is final, and no other appeal may be had unless the employee is entitled to further administrative appeal under other provisions of these Rules.
7. Employee Complaints. Employees who believe that they have been adversely affected by Prohibited Conduct by one or more Family Member should submit complaints to a Department Head or to the Personnel Officer.
8. Savings Clause. Should any provision of this Section, or any application thereof, be unlawful by virtue of any federal, state, or local laws and regulations, or by court decision, such provision shall be effective and implemented only to the extent permitted by such law, regulation or court decision, but in all other aspects, the provisions of this Section shall continue in full force and effect.

B. Consensual Romantic Relationships Between Employees.

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

with another City employee. The provisions of Section A of this rule regarding nepotism shall govern employees who marry or become domestic partners with another City employee.

3. Definition of Conflict. For purposes of this section, a conflict exists if business issues of supervision, safety, security, and/or morale would be impacted by a romantic or sexual relationship between two employees.
4. Supervisor's Duty to Report. If a romantic or sexual relationship exists between a Supervisor and another employee (including another Supervisor), the Supervisor shall promptly disclose the relationship to the Personnel Officer and request a determination as to whether the relationship presents a conflict. The disclosure must identify the names and positions of both employees. A Supervisor's failure to comply with this section shall be grounds for discipline up to and including termination.
5. Determination by City Manager. Within five working days, the City Manager shall issue a written determination as to whether the relationship presents a conflict, and is thereby prohibited. The City Manager shall have exclusive discretion in making the determination.
6. Resolution of Conflicts. Subject to limitations imposed by the Municipal Code and applicable provisions of these Rules, the City Manager will attempt in good faith to work with the Supervisor and the other employee to consider options to eliminate the conflict, including removing the Supervisory authority that created the conflict, reassignment, transfer or voluntary demotion of a Supervisory employee, or where the City Manager determines that modification of a Supervisor's assignment is not feasible, reassignment, transfer or voluntary demotion of a non-Supervisory employee. The City Manager retains discretion to determine that the conflict may be resolved via voluntary resignation or termination only.
7. Prohibited On-Duty Conduct. All City employees are prohibited from engaging in intimate, physical, or other conduct in furtherance of a romantic or sexual relationship with another City employee at work locations, including off-site meetings, conferences, and similar activities. Moreover, upon termination of a sexual or romantic relationship with another City employee, employees are prohibited from engaging in behavior that adversely affects the working conditions of any City employee. In general, all employees are expected to observe appropriate standards of workplace conduct in their interactions with other City employees.
8. Complaints. Employees who believe that they have been adversely affected by romantic or sexual relationships between City employees should follow the complaint procedures provided under the City's Policy

Against Harassment, Discrimination, and Retaliation. The complaint procedures are available to all employees regardless of their past or present participation in a romantic or sexual relationship with another City employee.

### **RULE IX. REPORTS AND RECORDS**

- A. Maintenance of Personnel Files. A personal history folder shall be kept for each employee. Confidential medical records will be maintained in a separate file from other personnel files. The personnel history folders shall be maintained by the Human Resources and Risk Manager or designee, and shall contain a record of date of employment, promotions, performance reviews, disciplinary actions and such other information as the City Manager, or City Manager's designee, shall prescribe. All performance related entries to personnel history folders shall be brought to the attention of the employee.
- B. Review and Access of Personnel Files. Personnel records are confidential and, unless otherwise required by law, access to personnel records will be limited to current or former employees, authorized representatives of current or former employees, and authorized representatives of the City. Rights to access, inspect, and copy personnel records, as well as applicable procedures and limits upon such rights shall be consistent with the law.
- C. Current Address. Employees are required to notify the Human Resources and Risk Manager of any change of name, address, or telephone number within five calendar days of change.
- D. References. Any employee who receives a request for a personal reference by a former or current employee is required to forward that request to the Administrative Services Director and seek direction. Only the City Manager and the Administrative Services Director or their designees are authorized to provide references for former or current employees on behalf of the City. No other employee is authorized to provide such written or verbal references or recommendations for former or current employees. Further, no other employee is authorized to respond to questions from persons outside the City about former or current employees regarding their work performance.
- E. Destruction of Records. Upon approval of the City Attorney, records relating to personnel may be destroyed as prescribed by law

### **RULE X. 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 Personnel 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 their designee shall have the authority to prepare performance evaluations. The City Manager, or designee may, however, delegate such authority to such subordinate supervisory employees who are most familiar with work of the employees to be evaluated, provided that the City Manager, or designee, shall review and approve all performance evaluations of personnel under their 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 the employee's annual performance evaluation, their 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. Unless otherwise required by law, the use of any leave of absence in excess of 30 consecutive days shall cause the date of the employee's performance evaluation to be extended by the same period of time that the employee was absent.
- E. Review with the Department Head. A performance evaluation must be submitted for review by, and be approved by, the Department Head before the performance evaluation is provided to or discussed with an employee.
- F. 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.
- G. 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.



H. 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 Rule IX.H.3.
3. If an employee who has been denied a merit salary increase improves their 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.

**RULE XI. WORKWEEK, HOURS OF WORK AND OVERTIME**

A. FLSA Classification. The Personnel 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. This designation will be expressed in the job description for the position.

B. Work Schedules and Workweek.

1. The City Work Schedules include a standard 5/8 schedule and an alternative 4/10 schedule.
  - a. Alternative 4/10 Workweek and Work Schedule.
    - i. The City has adopted a 4/10 work schedule for most employees, which consists of ten hours per day, four days per week.
    - ii. Employees assigned to work a 4/10 work schedule will work Monday through Thursday with Fridays off. At the direction of the City Manager, some employees may be required to work a different schedule due to the requirements of their job classifications or department responsibilities.
    - iii. The workweek for employees assigned to a 4/10 work schedule shall be seven consecutive days, 12:00 a.m. on Saturday and ending at 11:59 p.m. on the following Friday.

Time worked by non-exempt employees in excess of 40 hours in a workweek shall constitute overtime.

b. Standard Workweek and Work Schedule.

- i. The standard 5/8 work schedule consists of eight hours per day, five days per week.
- ii. Employees assigned to work a standard work schedule will work Monday through Friday. At the direction of the City Manager, some employees may be required to work a different schedule due to the requirements of their job classifications or department responsibilities.
- iii. The workweek for employees on the standard work schedule shall be seven consecutive 24-hour periods, starting at 12:00a.m. on Saturday and ending at 11:59 p.m. on the following Friday. Time worked by non-exempt employees in excess of 40 hours in a workweek shall constitute overtime.

C. Daily Hours of Work/Shifts. 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 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.

D. Changes in Work Schedules. The City reserves the right to establish and modify work schedules in order to meet the varying needs of the different City departments. Except in the case of an emergency, Department Heads must provide employees with reasonable notice before changing an employee's work schedule. If the needs of the City require that a position be assigned to work a different work schedule or have a different workweek than set forth in this section, the City Manager, in consultation with the Department Head, may designate the work schedule and workweek for employees in that position in writing. Any additional alternative workweeks shall be designated by administrative policy adopted by the City Manager.

E. Meal Periods. Non-exempt employees are entitled to unpaid meal periods during which they shall be entirely relieved of responsibilities and restrictions. Such time shall not constitute hours worked.

1. Non-exempt employees shall be entitled to a 60-minute unpaid meal period during each work shift which equals or exceeds 8 hours; non-exempt

employees shall be entitled to a 30-minute unpaid meal period during each work shift which exceeds 5 hours but is less than 8 hours.

2. Supervisors shall schedule meal periods to ensure appropriate coverage.
  3. Employees shall take reasonable measures wherever feasible to avoid the need for work to be performed during meal periods. Where required, time spent on such work shall be kept to a minimum, and may only occur with the prior written authorization of a Department Head. Non-exempt employees who work during their meal periods shall be paid for time worked.
- F. Rest Periods. Except where unusual operational demands prevent a rest break, non-exempt employees are entitled to two 15-minute paid rest periods during each work shift which equals or exceeds 8 hours, or one 15-minute paid rest period during each work shift which equals or exceeds 4 hours, but is less than 8 hours. Rest periods shall not be combined or added to employees' meal periods. Rest periods shall also not be added to the beginning or end of an employee's shift.
- G. Overtime. Non-exempt employees shall be entitled to overtime at the rate of one and one-half of their regular hourly rate of pay for each hour worked in excess of 40 hours in any one workweek. Employees are not entitled to compensatory time off in lieu of overtime. Exempt employees are not eligible to receive overtime compensation.
1. 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, paid time off, including for example, time spent on a paid leave of absence, sick leave, holidays and vacation, shall not be included in the calculation of hours worked.
  2. Approval of Overtime. It is the policy of the City to avoid the necessity for overtime work whenever possible. Employees shall take reasonable measures wherever feasible to avoid the need for work to be performed outside of their regularly scheduled shifts.

Employees shall not perform work outside of their regularly scheduled shifts or in excess of 40 hours in a workweek unless requested to do so by their Department Head or with advance written authorization from their Department Head. This requirement applies to, but is not limited to:

- a. Work performed before the start of the shift;
- b. Work performed during meal periods;
- c. Work performed after the end of the shift; and
- d. Other work performed "off the clock" including work performed at home.

Time spent on such work outside an employee's regularly scheduled shift shall be kept to a minimum. Department Heads are required to notify the Finance Department of any approved overtime at the end of the workday in which overtime is worked. The City will compensate employees for all hours worked as required by law, including overtime hours worked without approval from the pertinent Department Head. However, employees that work overtime without receiving prior approval as required under this section, may be subject to disciplinary action, up to and including, termination of employment.

## **RULE XII. LEAVES OF ABSENCE**

### A. Effect of Leave of Absence.

#### 1. Effect of Leave of Absence on Employment Benefits.

- a. 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 their 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 the employee was working their normal work schedule.
- b. 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 the employee's accrued paid leaves shall receive a prorated share of their employment benefits, including, but not limited to, the accrual of paid leaves, cafeteria contributions, or supplemental pay.
- c. 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.

#### 2. Effect of Leave on Performance Evaluations and Merit Increases. Unless otherwise required by law, the use of any leave of absence in excess of 30 consecutive days shall cause the date of the employee's performance

evaluation, and merit increase, if relevant, to be extended by the same period of time that the employee was absent.

B. Unauthorized Absences. Any employee absent from their job for more than three consecutive working days without prior permission of the Department Head may be considered to have voluntarily resigned from their employment with the City. Any unauthorized absence may be cause for disciplinary action as provided in these personnel rules.

C. Holidays.

All full time employees are eligible to receive holidays under this section. Part-time employees that were hired before September, 1, 2023 are eligible for holiday leave under this section. Part-time employees hired on or after September 1, 2023, and temporary employees are not eligible for holiday leave under this section.

1. Holidays Observed for Employees on a 5/8 Work Schedule. As provided in Section B.1.b. of Rule XI above, employees working a 5/8 work schedule, that are regularly scheduled Monday through Friday of each week with occasional Saturdays, shall receive 8 hours of pay for holidays observed and recognized under this subsection. Such employees are entitled to the following days as recognized and observed paid holidays:

- a. New Year's Day (January 1)
- b. Martin Luther King Jr. Day
- c. Presidents' Day
- d. Memorial Day
- e. Independence Day (July 4)
- f. Labor Day
- g. Veterans Day (November 11)
- h. Thanksgiving Day
- i. Day after Thanksgiving Day
- j. Each working day of the last calendar week of each calendar year, commencing December 24 and ending December 31

2. Holidays Observed for Employees on a 4/10 Work Schedule. As provided in Section B.1.a. of Rule XI above, employees working a 4/10 work schedule, that are regularly scheduled Monday through Thursday of each week, shall receive 10 hours of pay for holidays observed and recognized under this subsection, if such holidays are observed on Monday, Tuesday, Wednesday, or Thursday. Such employees shall not receive holiday pay for

holidays observed on a Friday. Such employees are entitled to the following days as recognized paid holidays, so long as the observed day falls on Monday, Tuesday, Wednesday, or Thursday:

- a. New Year's Day (January 1)
  - b. Martin Luther King Jr. Day
  - c. Presidents' Day
  - d. Memorial Day
  - e. Independence Day (July 4)
  - f. Labor Day
  - g. Thanksgiving Day
  - h. Each working day of the last calendar week of each calendar year, commencing December 24 and ending December 31
3. List of Dates Holidays are Observed. In December of each year, the City Manager will send a list of observed holiday dates for the following calendar year. When a holiday falls on a Saturday, it shall be observed on the Friday immediately preceding the holiday. When a holiday falls on a Sunday, it shall be observed on the Monday immediately following the holiday. The City also observes the last week of each calendar year as a holiday by closing City hall and providing employees with holiday pay for each working day of the closure.

D. Vacation.

1. Full-time employees in all classifications shall accrue vacation, on a daily basis, and vacation accrues on a pro rata basis during each pay period. Except as otherwise approved in writing by the City Manager, vacation leave shall accrue according to the following schedule:
  - a. From the date of hire through five years of service: 80 hours per year.
  - b. Beginning the sixth year through 10 years of service: 120 hours per year.
  - c. Beginning the 11<sup>th</sup> year of employment: 160 hours per year.
2. The maximum number of vacation hours that may be accumulated by an employee is 320 hours. Once an employee reaches the maximum

accumulation, the employee shall cease vacation accrual until their total number of vacation hours falls below the maximum allowable.

3. A maximum of 80 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 up to twice a year, per the budgetary schedule. Each employee eligible for vacation benefit under this section shall make an election no later than December 31 of each calendar year, as to whether the employee wishes to cash out vacation accrued and unused during the subsequent calendar year. Such election is irrevocable. If an employee fails to make an election as required by this subsection, such failure will be treated as an election to not cash out vacation accrued and unused during the subsequent calendar year.
4. At termination of employment for any reason, the City shall compensate the employee for the employee's accumulated, but unused, vacation time at the employee's base rate of pay at the time of termination.
5. 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.
6. Vacations may be scheduled at any time during the year upon approval of the City Manager or their designee.
7. Part-time employees hired after September 1, 2023 are not eligible for vacation leave.

E. Sick Leave for Full-Time Employees.

1. Applicability. This section applies to full-time employees.
2. Definitions.
  - a. Family Member. Family Member shall include any of the following: a biological, adopted, or foster child, stepchild, legal ward, a child to whom the employee stands in loco parentis, or a child of a domestic partner, regardless of the child's age or dependency status; a biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child; a spouse; a registered domestic partner; a grandparent; a grandchild; a sibling; and a father-in-law, mother-in-law, sister-in-law, brother-in-law, or a designated person, which, for purposes of this section, means a person identified by the employee at the time the employee requests paid sick days. The City may limit an employee to one designated person per twelve (12) month period.

Exceptions to this definition shall be reviewed and possibly approved by the City Manager.

3. Sick Leave Accrual. Commencing on their first date of employment, employees shall earn eight (8) hours of Sick Leave per month of full-time service which shall accrue on a pro rata basis during each pay period (approximately 3.69 hours on bi-weekly basis). Employees shall be compensated for using Sick Leave at their regular rate of pay for the workweek in which the employee uses Sick Leave, whether or not the employee actually works overtime in that workweek, on the payday for the next regular payroll period after the Sick Leave was taken.
4. Carryover and Cap on Accrued Sick Leave. Unused Sick Leave shall be carried over from calendar year to calendar year with a maximum Sick Leave bank of 320 hours. Once an employee's Sick Leave bank reaches maximum accrual, the employee shall cease Sick Leave accrual until the total number of Sick Leave hours falls below the maximum allowable.
5. Permitted Uses of Sick Leave. Upon the verbal or written request of an employee, the City shall permit eligible employees to use earned Sick Leave for the following purposes:
  - a. Diagnosis, care, or treatment of an existing health condition of, or preventative care for, an employee or an employee's family member.
  - b. For employees who are victims of domestic violence, sexual assault, or stalking, taking time off to obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the victim or his or her child.
  - c. For employees who are victims of domestic violence, sexual assault, or stalking, taking time off to seek medical attention for injuries caused by the domestic violence, sexual assault, or stalking; to obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking; to obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking; and to participate in safety planning and take other actions to increase safety from future



domestic violence, sexual assault, or stalking, including temporary or permanent relocation.

6. Work-related Injury or Illness. 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.
7. Request for Sick Leave.
  - a. An employee shall contact his or her immediate supervisor prior to or within one hour of the commencement of their work shift, or as soon as practicable, to report the need for Sick Leave for a Permitted Purpose. If no immediate supervisor is available, an employee shall contact his or her department head. Consideration shall be given to emergency situations that restrict the employee from contacting his or her immediate supervisor within the first hour of work including, but not limited to: accident, injury, or hospitalization.
  - b. If the need for Sick Leave unforeseeably arises at an employee's work site, the employee shall notify his or her immediate supervisor before the employee leaves the work site due to a Permitted Purpose prior to completion of the work shift, or as soon as practicable.
  - c. Employees are not responsible for finding other employees to cover shifts due to their use of Sick Leave.
8. Verification of Continuing Need for Sick Leave. In cases where an employee uses Sick Leave for four or more consecutive days, the City Manager or supervisor may require verification that the Sick Leave is needed for a Permitted Purpose.
9. Minimum Increments of Sick Leave. The minimum charge to an employee's Sick Leave account shall be one-half hour, and will be rounded up to the next half hour. For example, an employee who is gone from work for two hours and ten minutes will be charged two and one-half hours of Sick Leave.
10. Notice of Available Sick Leave. An employee's paystub will display the amount of available Sick Leave.
11. No Lending of Sick Leave. The City will not lend or advance Sick Leave to any employee prior to accrual.
12. Reinstatement of Unused Sick Leave. Any unused Sick Leave at separation shall be reinstated upon return to active status with the City occurring within no more than 12 months of separation. The employee shall be entitled to use the reinstated Sick Leave and to accrue additional Sick Leave upon

re-hiring. Use of any reinstated Sick Leave is governed by the provisions in Section XII.E.5 of these Rules.

13. Records Documenting Hours Worked and Sick Days Accrued and Used. The City shall keep records documenting the hours worked and Sick Leave earned and used by an employee for the maximum duration required by law.
14. Employee Inspection of Records Pertaining to Sick Leave. Upon reasonable request, and within 21 calendar days after the request, the City shall afford current and former employees the right to inspect or copy records pertaining to their hours worked and paid sick days accrued and used.
15. Partial Cash Out of Sick Leave Upon Termination and CalPERS Service Credit Conversion upon Retirement .
  - a. Executive Level Employees. Executive employees will be permitted to cash out part of their sick leave upon termination in accordance with this section. Unless an executive employee is terminated for cause, as defined in Section V.N.2, the City shall compensate the executive employee for 50% of the executive employee's accumulated, but unused, sick leave at the executive employee's base rate of pay at the time of termination. Executive employees retiring at separation from employment with the City may receive CalPERS service credit for accrued unused sick leave consistent with the City's contract with CalPERS. However, sick leave that is converted to CalPERS service credit cannot be included in the partial cash out.
  - b. All Other Employees. Employees, other than executive employees, will be permitted to cash out part of their sick leave upon termination in accordance with this section. Employees shall become eligible for this partial cash out of sick leave upon completion of five years of continuous service with the City. Unless an employee is terminated for cause, as defined in Section V.N.2, the City shall compensate the employee for 50% of the employee's accumulated, but unused, sick leave at the employee's base rate of pay at the time of termination. Employees retiring at separation from employment with the City may receive CalPERS service credit for accrued unused sick leave consistent with the City's contract with CalPERS. However, sick leave that is converted to CalPERS service credit cannot be included in the partial cash out.
16. Abuse of Sick Leave. Employees who do not comply with this section, including providing insufficient notice of sick leave or using sick leave for reasons other than for a Permitted Purpose, are committing abuse of sick leave, which is grounds for discipline, up to and including termination. The City reserves the right to take reasonable steps to determine whether an employee is abusing sick leave, including, but not limited to, requiring a doctor's note or other relevant documentation, attempting in-person or

electronic communication with the Employee using sick leave, identifying and tracking consistent patterns of sick leave use, such as in connection with weekends, holidays, and scheduled days off, and considering social media content or other relevant evidence that is either publicly available or shared voluntarily by other employees or interested individuals.

F. Sick Leave for Part-Time and Temporary Employees

1. Applicability. This section applies to part-time and temporary employees. The City provides paid sick leave to part-time and temporary employees as required under California law.
2. Definitions.
  - a. Hours Worked. Hours worked shall include all time when a part-time or temporary employee is required to be on duty or to be on the City's premises or at a prescribed workplace, and all time when a part-time or temporary employee is suffered or permitted to work. Paid sick time is not considered time worked.
  - b. Family member means any of the following: a child (which means a biological child, adopted child, foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis. This definition of a child is applicable regardless of age or dependency status), a parent (which means a biological parent, adoptive parent, foster parent, stepparent, legal guardian of an employee or registered domestic partner, or person who stood in loco parentis when the employee was a minor child), a spouse, a registered domestic partner, a grandparent, a grandchild, a sibling, or a designated person (which means a person identified by the employee at the time the employee requests paid sick leave. The City limits the employee to one designated person per 12-month period for paid sick leave).
3. Paid Sick Leave.
  - a. Eligibility for Sick Paid Sick Leave. Part-time and temporary employees are eligible for paid sick leave after they work for the City for at least thirty (30) days within a calendar year. Part-time and temporary employees who work fewer than thirty (30) days within a calendar year are not eligible for paid sick leave.
  - b. Accrual of Paid Sick Leave. Part-time and temporary employees shall accrue paid sick leave at the rate of one (1) hour for every thirty (30) hours worked.
  - c. Qualification Period Prior to Use of Paid Sick Leave. Part-time and temporary employees are entitled to use their accrued paid sick leave only after completing ninety (90) days of employment. Part-time and

temporary employees who work fewer than 90 days are not entitled to take any paid sick leave.

- d. Notice of Accrued Paid Sick Leave. All accrued paid sick leave will be reflected on each part-time and temporary employee's paystub, including the balance of paid sick leave available. Accrual and balance information is also available via the City's electronic timesheet system.
- e. No Advance of Paid Sick Leave. The City will not "advance" or "lend" paid sick leave to a part-time or temporary employee before it has been accrued.
- f. Sick Time Rate of Pay. Part-time and temporary employees shall be compensated for paid sick leave at their regular rate of pay for the position and schedule in which paid sick leave is utilized.
- g. Annual Paid Sick Leave Use Limit. Part-time and temporary employees may use up to 24 hours of accrued paid sick leave during a calendar year.
- h. Accrued Paid Sick Leave Carry-Over. Unused paid sick leave may be carried over from calendar year to calendar year with a maximum paid sick leave bank of 48 hours.
- i. Minimum Increments Paid Sick Leave. The minimum charge to a part-time or a temporary employee's paid sick leave account shall be 30 minutes per work day.
- j. Permitted Use of Sick Leave. Upon the oral or written request of a part-time or a temporary employee, the City shall permit the part-time or temporary employee to use accrued paid sick leave for the following purposes:
  - Diagnosis, care, or treatment of an existing health condition of, or preventative care for, an employee or an employee's family member.
  - Part-time and temporary employees who are victims of crime or abuse may take time off as paid sick leave to obtain or attempt to obtain any relief. Relief includes, but is not limited to, a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the employee or their child.
  - Part-time and temporary employees who are victims of crime or abuse may take time off as paid sick leave to seek medical attention for injuries caused by crime or abuse; to obtain services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency as a result of the crime or abuse; to obtain psychological counseling or mental

health services related to an experience of crime or abuse; or to participate in safety planning and take other actions to increase safety from future crime or abuse, including temporary or permanent relocation.

- k. Request for Use of Paid Sick Leave.
- A part-time or temporary employee shall contact the employee's immediate supervisor prior to or within one hour of the commencement of their work shift to report the need for paid sick leave. If no immediate supervisor is available, an employee shall contact the Department Head. Consideration shall be given to emergency situations that restrict the employee from contacting the employee's immediate supervisor within the first hour of work including, but not limited to: accident, injury, or hospitalization. In such emergency situations, an employee shall contact the employee's supervisor as soon as practicable.
  - If the need for paid sick leave unforeseeably arises, such as at a part-time or temporary employee's work site, the part-time or temporary employee shall notify the employee's immediate supervisor before leaving the work site or as soon as practicable.
  - When a part-time or temporary employee has advance notice of the need for paid sick leave, such as when scheduling non-emergency medical and dental appointments, the part-time or temporary employee is required to notify the employee's supervisor at least three (3) days in advance of the employee's need for paid sick leave. Part-time and temporary employees are encouraged to schedule medical and dental appointments outside normal working hours if possible.
  - A part-time or temporary employee is not responsible for searching for or finding another employee to cover the employee's shift in order to use paid sick leave.
- l. Unused Paid Sick Leave. No part-time or temporary employee shall be compensated for, or allowed to exhaust any accrued paid sick leave upon resignation, including retirement, termination, layoff, or death.
- m. Reinstatement of Unused Paid Sick Leave. Unused accrued paid sick leave at termination shall be reinstated upon return to active status occurring within no more than twelve (12) months of termination. For part-time or temporary employees who return to the City within twelve (12) months from their previous separation, days worked prior to the previous separation will count toward the ninety (90) day qualification period.
- n. Paid Sick Leave Accrual Upon Promotion to Full-Time Employee Status. If a part-time or temporary employee is promoted to full-time

employee, the employee's accrued paid sick leave shall remain intact and will thereafter be subject to section XI.E. governing accrued paid sick leaves for full-time employees.

- o. Records Documenting Hours Worked and Paid Sick Leave Accrued and Used. The City shall keep records documenting the hours worked and paid sick leave accrued and used by a part-time or temporary employee for three (3) years.
- p. Employee Inspection of Records Pertaining to Paid Sick Leave. Upon reasonable request to the City's Human Resources Department, and within twenty-one (21) calendar days after the request, the City shall afford current and former part-time and temporary employees the right to inspect or copy records pertaining to their hours worked and paid sick leave accrued and used.

G. Bereavement Leave.

- 1. Eligibility and Available Leave. An employee is eligible to receive leave under this section if the employee has been employed by the City for at least thirty days prior to commencement of leave. If an employee loses an immediate family member, as defined in this section below, the employee will be allowed to take up to five (5) days of leave per death. Leave days under this section need not be consecutive, but shall be completed within three months of the date of death of the immediate family member. The City may request verification of death as permitted under the law.
- 2. Pay While on Leave. Each employee is eligible to receive up to 40 hours of pay per year while on bereavement leave as provided in this section G. These 40 hours of pay for bereavement leave shall not be chargeable to any other leave balance. Once an employee exhausts available pay under this section, such employee may use other available accrued paid leave to receive pay during additional bereavement leave.
- 3. Immediate Family Member. For purposes of this section, immediate family shall mean father, father-in-law, mother, mother-in-law, stepparent, brother, brother-in-law, sister, sister-in-law, spouse, domestic partner, child, grandparent, grandchild, legal guardian or legal ward.

H. Military Leave. Military leave with or without pay shall be granted in accordance with Section 395 of the California Military and Veteran's Code and the Uniformed Services Employment and Reemployment Rights Act. In addition, leave for military exigency or military caregiver shall be granted in accordance with the Family and Medical Leave Act, as set forth in the City's FMLA/CFRA/PDL Administrative Policy.

I. Jury Duty.

1. An employee summoned for jury duty will immediately notify the employee's department head. While serving on a jury, an employee will be given a leave of absence with pay for up to ten days of jury duty. Such leave of absence with pay is conditional upon the employee returning to work upon their dismissal each day to complete their normal work day, as required at the employee's department head's sole discretion. Employees who fail to return to work, as required by their department head, 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, not including any travel allowance received.
2. An employee required to serve on a jury for longer than ten days may elect to use any accrued paid leaves, other than sick leave, for the time spent on jury duty after the ten days of jury duty paid leave have been exhausted. An employee is not required to convey compensation received as a juror in this circumstance.

J. Pregnancy Disability Leave. Employees who are disabled due to pregnancy, childbirth, or related medical conditions shall be granted leave in accordance with the full provisions governing such leave set forth in an administrative policy.

K. 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.

L. Leave of Absence Without Pay. In accordance with the procedures in this section, a temporary unpaid leave of absence for a defined period may be considered because of illness or disability, or for other reason deemed acceptable at the City's sole discretion.

1. Exhaustion of Paid Leaves.

- a. Non-medical Leave of Absence Without Pay. An employee requesting leave under this section for nonmedical reasons is required to fully exhaust all of their paid leaves, except sick leave, in order to be eligible to receive a leave of absence without pay.
- b. Medical Leave of Absence Without Pay. An employee requesting leave under this section for medical reasons is required to fully exhaust all of their paid leaves, including sick leave, in order to be eligible to receive a leave of absence without pay.

2. 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 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 the employee received when they began their 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 by an amount equal to the days of unpaid leave taken by the employee.

Failure of the employee to return to their 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.

M. Management Leave. As compensation for the unique nature of their jobs, the City provides Management Leave to executive classification employees and management classification employees, such classifications are listed in Appendix A to these Rules and are subject to modification from time to time at the City's sole discretion, as follows:

1. Employees in the executive classification shall receive 80 hours of management leave per fiscal year.
2. Employees in the management classification shall receive 60 hours of management leave per fiscal year.

Management leave shall be credited and vest on July 1st of each year. New eligible employees shall be credited with a prorated number of management leave hours based on the number of months remaining in their first fiscal year as an eligible employee. One day worked in a particular month shall be considered as qualifying for that month.

Management leave cannot be carried forward from year to year, and any unused leave will be cashed out on June 30th of each year. Employees may not receive cash out of unused management leave at separation from City employment.

N. Fitness for Duty Leave.

1. Purpose/Policy. Employees are expected to report to work fit for duty, which means able to perform their job duties in a safe, appropriate, and effective manner, free from adverse effects of physical, mental, emotional, and/or personal problems. This Rule is intended to provide a safe environment and protect the health and welfare of employees and the public. If an employee



feels unfit to perform their duties, the employee must notify their supervisor immediately.

2. Reasons for Fitness for Duty Leave. In the discretion of the City, an employee may be placed on a paid Fitness for Duty Leave and a fitness for duty examination may be ordered in any of the following situations:
  - a. An employee returns from a medical leave of absence of more than five working days.
  - b. An employee is involved in the interactive process with the City under Rule III.C.
  - c. Supervisor observes or receives a reliable report of an employee's possible lack of fitness for duty. Observations and reports may be based on, but are not limited to, employee's own self-report of potential unfitness, dexterity, coordination, alertness, speech, vision acuity, concentration, response to criticism, interactions with the public, co-workers, and supervisors.
  - d. Fitness for duty examinations based on a reasonable suspicion that an employee is under the influence of illegal drugs or alcohol shall be conducted in accordance with the City's Drug-Free Workplace Policy.
3. Procedures for Ordering a Fitness for Duty Examination. When a supervisor becomes aware of or observes behavior that makes the supervisor reasonably suspect that an employee may not be fit for duty, the supervisor shall confer with the Personnel Officer to discuss the supervisor's basis for the reasonable suspicion that the employee may not be fit for duty. After such conference between the supervisor and the Personnel Officer, the Personnel Officer, may request the supervisor to refer the employee to the Personnel Officer who will determine whether a fitness for duty examination is necessary and should be scheduled. If the circumstances warrant it, the Personnel Officer may place the employee on a paid or unpaid leave pending the results of the employee's fitness for duty examination. The examination shall be paid for by the City.
4. Procedure Following Receipt of Examination Results. The doctor examining the employee shall be limited to finding the employee "fit for duty" or "fit for duty with restrictions" or "unfit for duty." In the case of finding an employee fit for duty, the doctor may issue work restrictions. In no case shall the doctor reveal the underlying cause of the fit or unfitness for duty without the employee's permission.

- a. Fit for Duty. If the doctor finds the employee is fit for duty, the employee shall return to work immediately and perform all duties of their position.
  - b. Fit for Duty with Restrictions. If the doctor finds the employee is fit for duty with restrictions, the doctor shall specifically list what restrictions are necessary and for how long those restrictions are necessary. If the employee's restrictions are based on a disability as defined by the ADA and/or FEHA, the City shall engage in the interactive process as set forth in Rule III.C. The City shall then evaluate those restrictions and determine if the restrictions can be reasonably accommodated.
  - c. Unfit for Duty. If the employee is found to be unfit for duty, the employee shall not be permitted to work. The Employee may request a leave of absence in accordance with the appropriate subsection of this Rule. If the employee can provide certification of fitness for duty prior to the exhaustion of all paid and unpaid leave that the employee is entitled to under these Rules, the employee shall be returned to work. However, if such certification is from the employee's own health care provider, the City may request a second opinion from a doctor of its choosing and at its cost to evaluate the employee under the requirements of this section. If the two certifications conflict, a third opinion will be sought from a doctor chosen by the City and the employee, at the expense of the City. The opinion of fit or unfit rendered by the third doctor shall be binding. If the employee's restrictions are based on a disability or a medical condition as defined by the ADA and/or FEHA, the City shall engage in the interactive process as set forth in Rule III.C.
- O. Voting Leave. The City encourages eligible employees to register and vote in all federal, state and local elections. Employees of the City are expected to vote prior to or following their assigned working hours. In accordance with the *Election Code*, Sections 14000 and 14001, if a registered voter employee does not have sufficient time outside regular working hours within which to vote at statewide elections, the employee may take off such working time as will enable the employee to vote. A maximum of two hours may be taken with pay. To receive time off for voting, the employee must notify the employee's Department Head in advance. Employees who need Voting Leave, must take such leave at the beginning or end of the employee's work shift, based on the needs of the Department and the employee's schedule. The exact amount of time off work and the scheduling of time off shall be decided between the employee and the employee's Department Head. Employees who use Voting Leave are required to present a voter's receipt to their Department Heads.
- P. Subpoenaed Absence. An employee who is subpoenaed or otherwise required under a court order to provide testimony as a witness, may receive the employee's regular pay during the employee's absence, whether such subpoena is related or unrelated to City business. An employee who receives a "Summons or Subpoena

to Appear” for witness duty, must provide reasonable advance notice to the employee’s supervisor and human resources and provide a copy of the original summons to human resources.

Q. Personnel Action Leave. The City has the right to place an employee on leave at any time with full pay. An employee may be placed on personnel action leave pending investigation of misconduct, potential disciplinary action, or other reasons that the City Manager, in City Manager’s discretion, believes warrant such leave. A personnel action leave shall not have any negative effect on the employee’s benefits. Personnel action leave may also be referred to as “Relief of Duty.” An employee assigned to personnel action leave shall be required to be available by phone during the employee’s regular working hours. In addition, employees on a personnel action leave are prohibited from entering City facilities or property or communicating with City employees, except to the extent that non-employees may access City facilities, property, or employees. The City Manager may place other reasonable restrictions on an employee during the period of personnel action leave.

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

1. Permissible Purposes:

- a. To participate in the activities of the child’s primary or secondary school or licensed child care provider;
- b. To find, or to enroll, or reenroll the child in, a primary or secondary school or licensed child care provider.
- c. To address an emergency, such as:
  - i. A request from child care provider or school that the child be picked up.
  - ii. A provision in the attendance policy for the child care provider or school, other than a planned holiday, that prohibits the child from attending.
  - iii. Closure or unexpected unavailability of the child care provider or school, other than during planned holidays.
  - iv. A natural disaster, including, but not limited to, fire, earthquake, or flood.
- d. To appear at the school of a suspended child pursuant to a request made by the child’s school under California Education Code section 48900.1.

2. An employee may take up to 40 hours of leave per calendar year, but no more than eight hours in one calendar month. However, no limit shall be placed on the amount of leave taken under Section (R)(1)(d) of this rule. If more than one City employee requests leave in connection with the same child, only the first employee to provide notice is entitled to receive leave. The second employee may also be permitted to take a simultaneous leave of absence if the second employee obtains written supervisory approval. The amount of leave available is fixed at a maximum of 40 hours per calendar year, regardless of the number of children, grandchildren, or wards that an employee may have.
3. An employee must provide reasonable advance notice of the need for leave and must make all reasonable efforts to schedule the leave so as not to unduly disrupt the operations of the City. If an emergency makes such notice impossible, the employee shall notify the employee's Department Head as soon as possible. Employees returning from leave are required to provide written verification from the school or child care provider of the employee's need for leave at the specific time and date. If an employee fails to provide sufficient verification, the City may determine that the leave time was unauthorized.
4. Leave under this section is unpaid. However, an employee may choose to use any accrued vacation time when taking leave under this section.

### **RULE XIII. ATTENDANCE**

- A. Attendance. Employees will be in attendance on time at their workstation or location in accordance with the rules regarding hours of work, holidays, and leaves. Employees will make every effort to schedule personal appointments outside their working hours. Employee adherence to the rules governing attendance, leaves of absence and tardiness will be reviewed and evaluated during the employee's annual performance evaluation. All supervisors/managers will keep track of employee attendance records, which will be reported to Administrative Services by approval of electronic timesheets.
- B. Tardiness. It is the responsibility of the employee to arrive at work on or before the assigned time each day. If for some reason beyond the control of the employee, it is not possible for the employee to come to work on time, arrangements in advance with the Department Head must be made at the earliest possible time. In no case will repeated tardiness be tolerated.
- C. General Absences. Pre-authorized vacations, authorized paid/unpaid leaves of absence due to bona fide illness or injury, jury duty, bereavement, or other City

leaves are the only types of absences permitted. All others will be considered a violation of these Rules.

- D. Unauthorized Absences. An employee who is absent for a full shift without notification or authorization may subject to disciplinary action, up to and including, termination of employment.

#### **RULE XIV. LAYOFF/SEPARATION/RETIREMENT**

- A. Layoff. Whenever, in the judgment of the City Council, 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, unless otherwise required by law. 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.
1. Notification. Employees to be laid off shall be given, whenever possible, at least 14 days prior notice.
  2. 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 Personnel Officer.
  3. 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 until a full year lapses following the layoff or demotion under this section.
- B. Resignations. Employees may resign at any time. However, the City requests that resigning employees file a written resignation stating the effective date and reason(s) at least two weeks prior to leaving the City's service. The resignation date should be the last day the employee actually worked.
- C. Terminations. The City 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 their job

because of an illness or injury which is expected to be permanent or last indefinitely, may be entitled to receive a disability retirement.

## **RULE XV. ETHICAL STANDARDS**

- A. Outside Employment, Enterprise, or Activity. In accordance with California Government Code section 1125 et seq., no employees may engage in any outside employment, enterprise, or activity that is inconsistent, incompatible, in conflict with, or adverse to the employee's employment, their ability to perform their duties and responsibilities, including performance of overtime work and emergency duties, or any other aspect of City operations.
1. 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:
    - a. It involves the use for private gain or advantage of their City time, facilities, equipment and/or supplies; or the badge, uniform, prestige, or influence of their City employment;
    - b. 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 their City employment or as part of their duties as a City employee;
    - c. It involves the performance of an act, in other than their 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
    - d. It involves the time demands as would render performance of their duties as a City employee less efficient.
  2. When outside employment is reported to a Department Head, the Department Head shall determine whether the employee's outside employment conflicts with the performance of their duties, and shall advise the employee of their determination in writing. An employee who is unsatisfied with the decision of the Department Head 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 10 days of receipt of the Department Head's decision. The City Manager shall meet with the employee and determine whether the employee's outside employment conflicts with the performance of their duties as a City employee. The City Manager shall advise the employee and the Department

Head of the City Manager's determination in writing within 15 days of meeting with the employee. The City's Manager determination shall be final and binding on all parties.

- B. Political Activities. Consistent with the provisions of California Government Code section 3201 et seq., 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. Solicitation of Political Contributions. Consistent with the provisions of California Government Code section 3201 et seq., 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.
- D. Contracts and Conflicts of Interest. In accordance with California Government Code section 1090 et seq., no City employee can be financially interested in any contract made by the employee in the employee's official capacity, or by any body or board of which the employee is a member.
- E. 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, hobbies, or personal business must be performed during off-duty hours.
- F. Employees with Access to Confidential Information. In performing their duties, employees may have access to confidential information, including, but not limited to, 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.

## **RULE XVI. DISCIPLINARY ACTIONS**

- A. Reason for Disciplinary Action. While the City maintains an at-will employment environment and may terminate any employee at any time with or without cause, the City also reserves the right to take disciplinary actions against any employee.

Disciplinary measures may be taken for any good and sufficient cause. Cause may include, but is not limited to, any of the following:

1. Violation of the personnel ordinance or of these personnel rules.
2. Violation of any policies, procedures, personnel rules and/or regulations of the employee's department.
3. Any act of insubordination.
4. Act detrimental to the public service.
5. Refusal or inability to comply with the duties of the position occupied by the employee.
6. Any type of misfeasance, malfeasance or nonfeasance relating to their duties, office or position.
7. Fraud in securing employment or making a false statement on an application for employment or on any supporting documents furnished with or made a part of any application.
8. Dishonesty.
9. Incompetence, such as failure to comply with the minimum standards for an employee's position.
10. Absence from the job during working hours without permission from the employee's supervisor or Department Head.
11. Conviction of a misdemeanor relating to the employee's fitness to perform assigned duties, or conviction of a felony.
12. Discourtesy to the public, employees, or other persons with whom the City maintains a relationship; or engaging in treatment that does not foster cooperation.
13. Malicious gossip and/or spreading rumors; engaging in behavior designed to create discord and lack of harmony; interfering with another employee on the job; or willfully restricting work output or encouraging others to do the same.
14. Misuse or abuse of City property or equipment.
15. Substandard job performance.
16. Failure to maintain any employment qualification.
17. Discrimination and/or harassment of employees or applicants based on a protected characteristic, as set forth in the City's Policy Against Harassment,



Discrimination and Retaliation.

18. Failure or refusal to properly or satisfactorily perform assigned duties.
  19. Theft or harm to City property or the personal property of another.
  20. Inattention to duty, indolence, carelessness or negligence in the care or handling of City property.
  21. Assault, battery, horseplay, or fighting while on duty or under the guise of office.
  22. Gambling on City property or during working hours.
  23. Sleeping on the job.
  24. Improper use of City funds.
  25. Acceptance or solicitation of bribes or extortion.
  26. Abuse of sick leave, repeated tardiness, or excessive absenteeism of any kind.
  27. Acceptance from any source of any emolument, reward, gift or other form of remuneration in addition to the employee's regular compensation, as a personal benefit to the employee for actions performed in the normal course of the employee's assigned duties.
  28. Refusal or failure to report to work in a disaster or an emergency.
  29. Falsification of any City report or record, or of any report or record required to be filed by the employee.
  30. Use of influence of position with the City for private gain or advantage, or the use of time, facilities, equipment or supplies for private gain or advantage.
  31. Disclosure of confidential or proprietary City information to unauthorized persons, employees, or organizations.
  32. Use of City tools, equipment, or other property for private, personal, unauthorized, or inappropriate purposes
- 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:

1. Verbal Reprimand. Verbal reprimand as a disciplinary action means the employee is informed of their poor performance or misconduct verbally by their supervisor. Such verbal reprimand may be followed up with a written documentation memorializing the verbal reprimand.
2. Written Reprimand. Written reprimand as a disciplinary action means an official notification to the employee that there is cause for dissatisfaction with their services and that further disciplinary measures may be taken if such cause is not corrected. Official reprimand shall be given in the manner prescribed by the Personnel Officer, or designee. Reprimand notices shall be made a part of the employee's official personnel record.
3. Suspension Without Pay. Suspension without pay shall be a temporary separation from City service. Employees are ineligible to use any accrued leave during a suspension without pay.
4. 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.
5. Involuntary Demotion. Demotion without consent shall include a reduction in classification or rank, with commensurate reduction in salary.
6. Termination. Termination is the dismissal of an employee from City service..

C. Authority for Disciplinary Actions.

1. 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 verbal or written reprimands.
2. The Human Resources and Risk Manager or designee shall be notified of any contemplated disciplinary action prior to the time it is taken.

D. Notice of Disciplinary Action. When disciplinary action, other than verbal or written reprimand, 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 no right to appeal or challenge disciplinary action. However, in certain circumstances, the employee may be entitled to a name-clearing hearing before the Personnel Officer consistent with Rule XIV.E below. If the employee does not meet the criteria set forth in Rule XIV.E.1., then the employee is not entitled to any hearing, appeal, or waiting time

before the disciplinary action is imposed on the employee, and such disciplinary action may be effective immediately.

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.

1. Criteria for Entitlement to a Name-Clearing Hearing. In accordance with state and federal law, when the following three elements are present, the employee is entitled to a name-clearing hearing:

- a. A stigmatizing charge.
- b. The employee's denial of the stigmatizing charge.
- c. Public disclosure of the stigmatizing charge.

2. Name-Clearing Hearing. If the employee has satisfied all three criteria set forth in Rule XIV.E.1., based on the employee's Department Head or City Manager's determination, then the employee is entitled to a hearing in order to clear the employee's name. Under this limited circumstance, the City shall provide the employee with at least five days' notice of its intent to discipline the employee. During those five days, the employee may request a name-clearing hearing. If the employee desires a name-clearing hearing, the employee must file a written request with the Personnel Officer or designee within five days of receiving notice from the City of its intent to impose disciplinary action.

If the employee does not timely request a name-clearing hearing, then the employee will have been deemed to have waived their right to said hearing. If the employee requests a hearing then the Personnel Officer or designee will make all necessary arrangements for the hearing prior to imposing the disciplinary action. . The hearing shall be before the Personnel Officer or designee. The employee is not entitled to a full evidentiary hearing, but is only entitled to the opportunity to clear their name of the stigmatizing charge(s). All name-clearing hearings shall be held in private unless the employee requests a public hearing in writing.

## **RULE XVII. 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:

1. Performance evaluations, or performance improvement plans;
2. Deferred or denied merit salary increases;
3. Verbal counseling;
4. Policy decisions of the City Council;
5. Any disciplinary actions under Rule XIV.B, or procedure imposing such disciplinary action;
6. Transfer to another position without a loss of pay;
7. Any aspect of the employment examination or selection process; and
8. Matters for which there is a separate appeal.

B. Grievance Procedure.

1. Step 1. The employee shall inform, in writing, the employee's immediate supervisor of their 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 provide complete grievance details may result in a delay in processing the grievance. At least one conference shall be held between the employee and their immediate supervisor after the employee has expressed their grievance. The supervisor shall advise the employee of their decision within 14 days following notification of the grievance.
2. Step 2. If the grievance is not satisfactorily resolved in Step 1, the grievant may, within seven days after receipt of their supervisor's response, submit the grievance to their Department Head. Such submittal shall be on the City's designated grievance form, and shall include details of the original 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. After receipt of the grievance form, the Department Head will meet with the grievant within seven days of receiving the grievance form and make such investigation as is required. Within seven days of their meeting with the grievant, the Department Head shall return the

original of the grievance form to the employee along with their written decision on the grievance.

3. 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 for consideration by the City Manager or designee. Such submittal shall be on the grievance form, and shall include details of the original grievance; 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; 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 their Department Head. The City Manager or designee shall take such review and investigative action as they deem necessary and inform the grievant of their decision within 14 days of receipt of the grievance. The decision of the City Manager is final and binding and no further appeal may be had by the employee.

C. General Provisions.

1. No retribution or prejudice shall be suffered by employees making good faith use of the grievance procedure. All parties will act in good faith while attempting to reach a solution at the earliest possible step of the procedure. The employee will have the assurance that filing a grievance will not result in reprisal of any nature. The City will not retaliate against any employee because of the employee's good faith use of the grievance procedure.
2. 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. The grievant shall be entitled to be present at all steps of the procedure.
3. 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.
4. The time limits specified at any step in this procedure may be extended by mutual written agreement.
5. 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.

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

### **RULE XVIII. EMPLOYMENT BENEFITS**

- A. Health Benefits. Accident, health, hospital, dental and vision insurance to cover non-occupational injuries and sickness for full-time employees will be provided by the City, as set forth in the benefits flyer/schedule.
  1. Any employee who does not use their full allotment for medical, dental and vision benefits may apply the remaining amount to cover the costs of other insurances, such as supplemental insurance plans.
  2. The City does not permit employees to take a "cash out" or "cash in lieu" of the medical, dental or vision insurance allotment.
  3. The City contributes directly to the cost of health care premiums in accordance with Resolution 2010-48, or as may be subsequently amended. The City reserves the right to modify the contribution amount
  4. or to terminate its participation in the PEMHCA program at any time in accordance with the CalPERS rules.
- B. Retirement Benefits. The City has contracted with the California Public Employees' Retirement System (CalPERS) for retirement benefits. Eligible Employees receive retirement benefits in accordance with CalPERS calculations.

### **RULE XIX. EDUCATIONAL ASSISTANCE**

- A. Educational Reimbursement for Training and Advancement.

The responsibility for developing training programs for employees is with the City Manager and Department Heads, 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 \$1,500.00 in any fiscal year, and is not compensation reportable for retirement purposes.

- B. Licenses and Certification Assistance.

1. In cases of enrollment for any certification which is a condition of employment, the City shall pay required application fees in advance.
2. 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 or designee. In unusual circumstances, the City Manager may authorize the payment of the test/renewal/license fees in advance.

## **RULE XX. WORKPLACE VIOLENCE PREVENTION**

The City maintains a standalone administrative policy for workplace violence prevention: the City of Wildomar Policy Prohibiting Workplace Violence and Workplace Violence Prevention Plan. Employees should refer to the stand alone policy for details regarding the prevention of workplace violence, and the City's workplace violence prevention plan.

## **RULE XXI. DRUG-FREE WORKPLACE 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.

## **RULE XXII. 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.

## **RULE XXIII. UNIFORMS AND EQUIPMENT**

A. **Uniforms.** Certain employees are required to wear a uniform in the performance of their job duties. All uniforms are expected to be clean and in good repair. The City will furnish these uniforms to employees at the City's expense. The City will also be responsible for the maintenance, cleaning, and replacement of uniforms, at the City's expense.

City uniforms are not suitable for everyday wear outside working hours, as such, employees shall wear the uniforms only while on duty and traveling to and from City work. Employees in the classifications required to wear uniforms shall wear the uniforms as a condition of employment while on City duty.

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. 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 healthcare provider's statement covering the reasons. Upon receiving such statement, the City will engage the employee in the interactive process as may be required by law and these Rules to determine whether a reasonable accommodation is available.

#### **RULE XXIV. EMPLOYEE REIMBURSEMENTS AND ALLOWANCES**

- A. Reimbursement. Employees who are required to use their personal electronic devices and/or personal automobiles during the course of their employment will be entitled to receive reimbursement for the costs of actual expenses incurred in the performance of their duties. Employees are required to submit receipts in support of their claimed expenses.
- B. Allowance. Certain employees may be provided with a monthly allowance to compensate the employee for the use of their personal electronic devices and/or personal automobile during the course of their employment. The City Manager, in their sole discretion will have the ability to determine which employees are eligible for such an allowance. If an employee receives an allowance under this section, the employee is not eligible for reimbursement under Section A of this Rule, unless the employee provides receipts establishing that the allowance was insufficient to compensate the employee for all work-related use of their personal device and/or automobile. When eligible for an allowance, the following amounts may be provided:
1. Personal electronic device (voice/telephone only): \$60/month
  2. Personal electronic device (data plan only): \$60/month
  3. Personal electronic device (voice and data): \$120/month
  4. Automobile: up to \$500/month (varies per position and usage)

#### **RULE XXV. DISASTER AND EMERGENCY SERVICE WORKERS**

- A. Employees Designated as Disaster Workers. The protection of the health and safety, and the preservation of lives and property from the effects of natural, man-made, or war-caused emergencies which result in conditions of disaster or extreme peril to life, proper, and resources, is paramount to the City. When a disaster strikes, the Wildomar community looks to City employees for leadership and assistance in mitigating its effects. The assistance of City employees is vital to




ensuring that this community recovers from a disaster as quickly as possible. It is important that all City employees be available to assist in responding to disasters, regardless of the position they hold. As such, in accordance with the provisions of Government Code sections 3100 et seq., all City employees are declared to be disaster service workers.

- B. Oath or Affirmation. All employees are required to take and subscribe to the oath or affirmation set forth in Section 3 of Article XX of the Constitution of California at the commencement of their employment. The City Clerk shall maintain the oath or affirmation of all City employees for at least five years after the employee's termination of employment.
- C. Declaration of Disaster or Emergency. Upon the declaration of a disaster or an emergency, employees are required to follow direction given in accordance with the City Emergency Management Plan.
- D. Employee Disaster Responsibilities.
  - 1. Off-Duty Procedures.
    - a. Employees With Pre-Designated Roles. After ensuring that their families are safe and any short-term arrangements have been made for their families' security, employees who have pre-designated emergency or disaster roles shall respond according to those established procedures.
    - b. Employees Without Pre-Designated Roles.
      - i. Communication Systems Not Functioning. When the telephones or other communication devices are not functioning, employees who do not have pre-designated emergency or disaster roles should gather information from radio and television broadcasts, and comply with any instructions given for City employees. Unless an employee cannot physically report to work, all City employees are expected to report to work at their normally scheduled time after ensuring the safety and security of their own families.
      - ii. Communication Systems Are Functioning. If the telephones or other communication devices are working, employees shall make every effort to contact their immediate supervisor for instructions as soon as possible. Unless otherwise instructed or if it is physically impossible for the employee to report to work, all City employees are expected to report to work at their

normally scheduled time after ensuring the safety and security of their own families.

2. On-Duty Procedures.
  - a. Remain On Duty. All employees are expected to remain on duty at their normal work location or at a disaster location, unless dismissed by the proper authority. Every attempt possible will be made by the City to assist each employee in communicating with the pertinent employee's family.
  - b. Ongoing Disasters. For disasters extending beyond the normal work day, employees are required to follow the direction and order of the proper authority.
3. Employees Physically Unable to Report to Work. In the event that an employee is unable to return to work because road and transit conditions prevent travel by automobile, public transit, or other conveyance, the employee has the option to become a disaster service worker in the City where the employee resides. Any employee who cannot return to the City and serves as a disaster worker for another municipality is required to contact the personnel department of that municipality for further instructions and to obtain written documentation of the employee's assignment. The employee is required to notify the employee's own immediate supervisor of the employee's status of working in the other municipality.
  - a. Compensation for Work Performed at Another Municipality. Employees who are unable to report to work during a disaster will be entitled to receive compensation from the City for the service performed at another municipality, provided that the employee provide written proof from the other municipality of the amount of time the employee worked there. That information should be logged on the employee's timesheet and submitted through the normal payroll process. Alternatively, the employee may present written proof from the other municipality that the employee offered the employee's services, but that the other municipality rejected the employee's assistance.
  - b. Returning to Wildomar. Employees are required to communicate with their supervisor as soon as possible, and are required to return to their normal or disaster duties at the City as soon as travel, by any reasonable means, to the City is possible.
4. Timekeeping Requirements. All employees are required to complete special timekeeping forms daily, which will keep a record of the following information:

- a. The kind of disaster work performed;
  - b. The number of hours worked; and
  - c. The location where work was performed.
5. Failure to Report to Work During a Disaster. An employee who fails to report to work as a disaster worker at the City or at another municipality will be considered on unpaid leave during the duration of the emergency, and may be subject to discipline, unless the employee submits documentation that supports justification to receive paid leave.
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EMPLOYEE ACKNOWLEDGMENT OF RECEIPT OF PERSONNEL  
RULES AND REGULATIONS

This acknowledges that I have received my copy of the City of Wildomar ("City") Personnel Rules and Regulations ("Rules"). I recognize that the Rules supersede any related Personnel Rules, Employee Handbook, policy statements, manuals, and/or administrative policies previously issued by the City. I have read and agree to abide by all provisions set forth in the Rules and associated personnel policies.

I understand that these Rules do not create a vested contractual right in the execution by City of any duties and responsibilities relating to these Rules or associated personnel policies. I also understand that my employment with the City is at-will, meaning either City or I may terminate my employment at any time with or without cause and with or without advance notice.

PRINT FULL NAME \_\_\_\_\_

SIGNED \_\_\_\_\_

DATE \_\_\_\_\_

[RETAIN IN EMPLOYEE PERSONNEL FILE]