

PERSONNEL RULES, REGULATIONS, AND POLICIES

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THIS BINDER INCLUDES:

- The amended Personnel, Rules, Regulations, and Policies that were approved by the Gonzales City Council on October 7, 1996
- Revisions approved by the City Council on April 7, 1997, in: Sections 19.04 (E) "Job Applicant Testing: General Standards;" Section 5.15 "Travel Allowance;" and New Section 23.08, entitled "Confidentiality"
- Revisions approved by the City Council on October 20, 1997, in: Section 3.07 "Employment: Selection Process;" and Section 4.01 "Separation From Service: Resignation"
- Revisions approved by the City Council on November 17, 1997, in: Section 10.02 (Q) "Disciplinary Action: Causes for Disciplinary Action;" and Section 19.04 (D,1) "Drug Free Workplace Policy - Controlled Substance and Alcohol Testing Policy - General Rules"
- Revisions approved by the City Council on December 15, 1997, in: Section 3.03 "Residency Requirements"
- Revisions approved by the City Council on October of 1998, in: Section 6.04 and 6.06.
- Amendments approved by the City Council on February 7, 2000, in: Section 6.04 "Deductions" and Section 6.06 "Donation of Sick Leave;" addition of Section 6.10 "Use of Sick Leave to Care for Members of Immediate Family;" addition of Chapter 21-A "City of Gonzales Volunteer Fire Department Membership and Reimbursement;" amendments to Section 3.10B "Temporary appointments"

Revised 3/00

CHAPTER 1

GENERAL PROVISIONS

1.01 Adoption and Amendment

The following Personnel Rules and Regulations have been adopted by the City Council by Resolution, pursuant to Section 2.44.020 of Chapter 2.44 of the Gonzales Municipal Code (G.M.C.). These rules may be amended only by the adoption of Resolutions of the City Council. The provisions of these rules and regulations are to be read in conjunction with any Memorandum of Understanding (M.O.U.) governing positions or classes covered by these rules. Where conflicts arise between these rules and any such M.O.U., the provisions of the MOU shall control.

1.02 Purpose

The purpose of these rules and regulations is to facilitate effective and economical services to the public and to provide for a fair and equitable system of personnel management in the municipal service. These rules and regulations set forth in detail those procedures which ensure equal treatment for applicants and employees, and define the obligations, rights, privileges, benefits and prohibitions placed upon all employees in the municipal service, except as otherwise indicated herein. They are intended to indicate the customary and the most reasonable methods whereby the aims of the personnel program of the City of Gonzales can be carried out in all City departments, under the direction of the City Manager.

1.03 Personnel Policy

The following statements are hereby declared to be the personnel policy of the City of Gonzales, and these rules and regulations shall be administered and interpreted in terms of this policy:

- A. By law, as well as pursuant to G.M.C. Section 2.44.020, it is the duty and obligation of the City Manager to supervise all personnel and administer these rules and regulations, and the City Council shall not allow employees or individual members of the Council to interfere with that duty.
- B. Employment and promotion by the City of Gonzales shall be based on merit and fitness for duty without regard to race, ethnicity, ancestry, national origin, sex, disability, sexual orientation, marital status, political affiliation or religious creed. These rules shall be administered in such a manner as to systematically work toward the elimination of discrimination by breaking down barriers of habit, attitude and training which prevent the recognition of individual merit.
- C. The California Fair Employment Practice Act shall govern all City employment and employment practices.

- D. The tenure of employees covered by these rules and regulations shall be subject to good behavior, satisfactory work performance, necessity for the performance of work and the availability of funds.
- E. The City of Gonzales is an equal opportunity employer and shall comply with all laws prohibiting discrimination in employment and employment practices.
- F. The sole reason for the existence of the City is to provide services to citizens; therefore, all actions and activities of employees shall be viewed in terms of this fact.
- G. These rules and regulations shall apply to all offices and positions in City service except:
 - a) The City Manager
 - b) The City Attorney
 - c) Elective offices and members of appointed boards and commissions.
 - d) Volunteer personnel who receive no compensation for such service from the City.
 - e) Persons under contract to supply expert, professional, technical or other services.
 - f) Classes of employment for which these rules and regulations establish exemptions from a provision or provisions.

Notwithstanding the above, the City Manager, in the exercise of his/her discretion, or based upon prior history, may apply any provision or provisions of these rules to any employee or position exempted from these rules by this sub-section.

1.04 Administration and Interpretation of Rules and Regulations

The City Manager shall administer and interpret these rules and regulations as Personnel Officer of the City.

1.05 Employment Constitutes Acceptance

In accepting employment with the City of Gonzales, each employee agrees to be governed by and to comply with these personnel rules and regulations, administrative rules, policies and procedures established by the City Manager pursuant hereto, and regulations and directives of the department in which s/he is employed. All employees holding a position in the municipal service on the effective date of these rules and regulations shall thereafter be subject in all respects to the provisions herein, except as indicated herein.

CHAPTER 2

CLASSIFICATION PLAN

2.01 Statement of Purpose

Every position in the municipal service shall be assigned to an appropriate class based on the duties and responsibilities of such position. The purpose of the Classification Plan is to standardize titles, each of which is indicative of a definite range of duties and responsibilities, and has the same meaning throughout the municipal service.

2.02 Composition of Classification Plan

The Classification Plan shall assign to specific classes those positions which are approximately equal in difficulty and responsibility, which call for the same general qualifications, and which can be equitably compensated within the same range of pay under similar working conditions. Each such class shall have a specification which shall include: a concise, descriptive title; a description of the duties and responsibility of positions in the class; and a statement of the minimum desirable qualifications for filling such positions.

2.03 Use of Classes

Class titles are to be used in all personnel, accounting, budget, appropriation and financial records. No person shall be appointed to or employed in a position under a title not included in the Classification Plan. Class specifications, however, are to be interpreted in their entirety and in relation to others in the Classification Plan. Particular phrases or examples are not to be isolated and treated as a full definition of the class. Specifications are deemed to be descriptive and explanatory of the kind of work performed, and not necessarily inclusive of all duties performed.

The Classification Plan may include specifications for classes designated as "exempt" from the Fair Labor Standards Act (F.L.S.A.) or provisions of these rules and regulations. A given class specification shall clearly state that it describes an "exempt" class or position.

2.04 Adoption and Amendment of Classification Plan

The City Manager shall prepare and recommend to the City Council a Classification Plan. The City Council shall adopt a Classification Plan by Resolution. The Classification Plan may be amended from time-to-time by Resolution of the City Council, upon recommendation of the City Manager.

CHAPTER 3

EMPLOYMENT

3.01 Statement of Policy

The stated Employment Policy of the City of Gonzales is to hire, train, promote and retain the best qualified personnel available. The best qualified personnel shall mean those persons who can most effectively perform the specific functions of a given position. Applicants are to be evaluated only in terms of those factors which affect their ability to perform on the job. Employees are to be evaluated only in terms of their effectiveness in the position.

3.02 Citizenship

Employment is open to qualified men and women who are citizens of the United States, or to qualified non-citizens who are residents of the State of California and are either a) aliens lawfully admitted for permanent residence, or b) aliens authorized to be so employed by the Immigration and Naturalization Service.

3.03 Residence Requirements

Employment shall not necessarily be limited to residents of Gonzales; however, in the cases where residents and nonresidents are equally qualified for particular positions, residents shall receive first consideration in filling such positions.

In order to assure public safety employees' availability for the protection of life and property and to otherwise serve the health, safety and welfare of the community, all public safety employees, as a condition of employment so long as they work for the City of Gonzales, shall be required, by the end of their respective probationary periods, to establish and maintain continuous residence at a location which is not more than twenty-five (25) road miles from the City limits of the City of Gonzales; provided, however, that employees hired before July 1, 1984, who as of August 1, 1990, had their principal residence at a distance greater than that specified above, may continue to maintain said residence until such time as they elect to move, whereupon they shall be subject to the foregoing residence requirement.

All City employees are strongly encouraged to live within Gonzales during their employment with the City.

Notwithstanding the foregoing provisions of this section, the public safety employees' residence requirement may be waived by the City Council if it finds that in a particular case, because of special circumstances peculiar to the work involved or the limited availability of persons qualified to perform the work, it is to the best interests of the City to do so.

3.04 Recruitment

Individuals shall be recruited from a geographic areas as wide as is necessary to assure obtaining well qualified candidates for the various types of positions. The City Manager shall prepare recruiting notices for the vacant positions to publicize vacancies and to provide to candidates.

The City Manager, in his/her discretion, shall use all means necessary to provide adequate notice of the vacancy to as many qualified persons as possible.

In the case when the vacancy has been filled by a temporary employee who has been tested by the City prior to appointment, and the performance of that temporary employee during his/her temporary employment has demonstrated that s/he is qualified for the position, the Department Head may recommend to the City Manager that the temporary employee be appointed to fill the vacancy. The City Manager may determine, at his/her discretion, if an appointment of that temporary employee as a regular employee shall be made. In such case, no external recruitment shall be held.

Recruiting notices shall be circulated to employees of the City for a period of four working days prior to being sent to external agencies, other recruiting sources and/or the various publicity media.

3.05 Promotions

Employees of the City are encouraged to apply for those vacant positions for which they are qualified and in which they have an interest. In the event that a Department Head has determined that current City employees are fully qualified and capable of performing the duties of the vacant position, s/he may recommend to the City Manager that the vacant position be filled through an internal recruitment. With the City Manager's approval, the vacancy may be filled internally without an outside recruitment.

Applicants for promotion shall have their performance evaluations and service ratings considered by the City Manager in determining individual merit and fitness for the position in question. In addition, the City Manager may require a current employee to be tested for the vacant position to determine if s/he is fully qualified. In the event that no City employee is found to be qualified for the position, a recruitment for external candidates shall be held.

If the City Manager initially determines an external recruitment should be held, City employee applicants for promotional opportunities shall compete with all other external candidates for vacant positions; however, they shall be given preference for promotional opportunity when an employee is judged to be at least equally well qualified with an external candidate.

A regular appointee, when promoted, shall receive an increase to the minimum step of the new salary range which is equal to or greater than his/her current salary.

3.06 Job Applications

All candidates for employment shall file an application with the City Manager's office on an official City application form.

3.07 Selection Process

Selection techniques used in the examination process shall be impartial and shall, in the opinion of the Personnel Officer, fairly measure the qualifications of candidates to perform the essential job functions of the class to which they seek to be appointed. The selection process shall include personal interviews and may include, but shall not be limited to, such recognized selection techniques as assessment centers, aptitude tests, performance tests, evaluation of previous work performance, work samples, physical agility test whereby candidates demonstrate their physical capacity to perform a task or series of tasks directly related to the essential functions of the position applied for, review and investigation of personal background and references, driving record checking, finger printing and criminal history check. Subsequent to a conditional offer of employment, but before permanent appointment, all selected candidates shall provide the City Manager with the results of a preemployment examination performed by a doctor acceptable to the City, and a controlled substance test, and which examination and test shall be paid for by the City.

Upon a determination of the examining physician that a condition exists which would impair an applicant's ability to perform the essential duties of a given position, and for which no reasonable accommodation can be made, the applicant may be disqualified.

Selection techniques shall be impartial and shall relate to those areas which, in the opinion of the City Manager, shall adequately and fairly indicate the relative ability and quality of candidates under consideration to execute the duties and responsibilities of the position to which they seek to be appointed. Because of the unique characteristics of the population within the City, it is desirable that applicants be capable of fluently communicating in both English and Spanish.

Upon completion of the selection process, the City Manager shall make appointments from those candidates who, on the basis of their performance in the selection process, appear best qualified for the position under consideration.

No selection for any employment within the scope of these rules shall be made in any manner affected or influenced by political, fraternal, or religious opinions or affiliations. Any employee who has secured a position through the use of fraud shall be removed by the appointing authority and shall be ineligible for further employment by the City.

3.08 Authorization to Work

Following selection, but before appointment, the City Manager or his/her designated representative shall request documents from the candidate establishing his/her identity and evidence of his/her authorization to work in the United States. Before the candidate can be appointed, s/he must sign a form under penalty of perjury, attesting that s/he is either a citizen of the United States or an alien, either lawfully admitted for permanent residence or an alien authorized to be hired for such employment in the United States.

The selected candidate must provide any of the documents listed below that establish both his/her identity and evidences his/her authorization to work in the United States or two documents, one establishing identity and the other evidencing authorization to work in the United States.

Those documents that establish both identity and authorization to work are as follows:

- A. United States Passport;
- B. Certificate of United States Citizenship;
- C. Unexpired foreign passport that contains an appropriate, unexpired endorsement by the Attorney General authorizing individual employment in the United States;
- D. Resident Alien Card or other alien registration card, if the card contains:
 - 1. A photo of the individual or other such identifying information relating to the individual as the Attorney General finds, by regulation, sufficient; and
 - 2. Is evidence of authorization of employment in the United States.

Those documents that establish identity of the individual are as follows:

- A. A current driver's license or similar document issued for purposes of identification by a State, if it contains a photograph of the individual or such other personal identifying information relating to the individuals as the Attorney General finds, by regulation, sufficient;
- B. In case of a State that does not provide for the issuance of an identification document (other than a driver's license) documentation of personal identity of such other type as the Attorney General finds, by regulation, provides a reliable means of identification;
- C. A military identification card.

Those documents that evidence employment authorization are as follows:

- A. A social security account number card (other than such a card which specifies on the face that the issuance of the card does not authorize employment in the United States);
- B. Certificate of Birth in the United States or establishing United States nationality at birth, which certificate the Attorney General finds, by regulation, to be acceptable;
- C. Other documentation evidencing authorization of employment in the United States which the Attorney General finds, by regulation, to be acceptable.

Upon presentation of the required documents, the City Manager or his/her designated representative, serving as the authorized City representative, shall initiate a copy of the Attestation of Identity and Employment Authorization form.

All forms and document copies shall be kept in the employee's Personnel File.

Neither the forms nor the copies appended thereto or the information contained therein may be used for purposes other than enforcement of the Immigration and Nationality Act, as amended.

The City Manager or his/her appointee shall sign the same form, under penalty of perjury, attesting to the fact that the documents provided by the candidate are sufficient to meet relevant statutory requirements and appear to be genuine on their face. Without the execution of the form, the candidate shall not be hired and is disqualified from employment.

The appointment shall become effective on or after the date the selected candidate has signed all official papers required by the City, and when those papers bear the appropriate signatures confirming the appointment.

3.09 Ineligibility or Disqualification

The City Manager may withdraw anyone from consideration whose appointment shall be deemed contrary to the best interest of the City. Reasons for disqualifications may include, but shall not be limited to, the following deficiencies:

- A. Lack of any of the requirements established for the examination or position for which s/he applies.
- B. Where, based upon a bona fide occupational qualification and business necessity, the applicant is physically or psychologically unable to perform the essential functions of the position applied for, and no reasonable accommodation can be made of such disability.
- C. Use of intoxicating liquors to excess to the detriment of work performance or unlawful use of narcotics or drugs.
- D. Conviction of a felony, or a plea of guilty or no contest to a felony, or conviction of a misdemeanor involving moral turpitude or a plea of guilty or no contest to a misdemeanor involving moral turpitude.
- E. Infamous or notoriously disgraceful conduct.
- F. Dismissal from any position for any cause which would be cause for dismissal by the City.
- G. Resignation from any position to avoid dismissal.
- H. Deception or fraud in making the application or in any other representations to the City.
- I. Request by applicant that his/her name be withdrawn from consideration.
- J. Failure to reply within reasonable time to communication concerning availability for employment.

- K. Failure to accept appointment within two days after notification or to report for duty within the time prescribed in the offer of employment.

All applicants disqualified shall be notified immediately. All records related to disqualified applicants shall be maintained for a period of at least one year.

3.10 Categories for Appointment

The following categories of appointment may be made to the municipal service in conformity with the rules established and exclusions indicated in this section and in subsequent sections and chapters.

A. Regular Appointments

Regular Appointments are subject to the rules and regulations and received all benefits and rights as provided by the rules and regulations, except as excluded herein. Such employees, except part-time employees working at less than one-half ($\frac{1}{2}$) time, are eligible for insurance and retirement benefits, as indicated in the specific policies and programs. Part-time Employees working at less than one-half ($\frac{1}{2}$) time are ineligible for insurance and retirement benefits, except as statutorily required.

Regular Appointments cannot be made to positions funded in whole or in part by the Federal Government or for periods of twelve (12) months or less. Categories of employees assigned to regular appointments are:

1. **Regular Employees:** A regular employee works full-time and on a continuing (indefinite) basis.
2. **Part-Time Employees:** A part-time employee works less than a normal work week, but on a regular and continuous (indefinite) basis.

B. Temporary Appointments

Temporary appointments are subject to all the rules and regulations and receive all benefits and rights as provided by the rules and regulations, except as excluded herein. Temporary appointments may not exceed thirty six (36) months. Such employees are ineligible for insurance and retirement benefits, except as statutorily required. Employees appointed to temporary positions shall serve at the pleasure of the City Manager, and are not afforded the rights pertaining to grievances or disciplinary procedures established in these personnel rules and regulations. Methods of selection shall be as determined by the City Manager. Categories of employees assigned to temporary appointments are:

1. **Seasonal Employees:** Seasonal employees work either full or part-time during a specific season of the year, and they shall be

laid off at the close of the season for which they have been employed.

2. **Student Employees:** Student employees are hired for the purpose of affording students an opportunity to gain actual work experience through service to the City. Students are employed for a definite period of time, not to exceed twelve (12) months.
3. **Emergency Employees:** Emergency employees are hired to prevent stoppage of public business or loss, or serious inconvenience to the public. Such employment must be authorized by the City Manager.
4. **Limited Term Employees:** Limited term employees are hired for a specific period of time to handle a specific project or projects that require additional employees, or to fill in for an employee on leave of absence.
5. **Program Employees:** Program employees are hired for a limited period of time and have their positions funded more than one-half (½) time by other than City funds.

3.11 Probationary Period

The probationary period shall be regarded as part of the selection process. It shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee to his/her new position, and for rejecting any probationary employee whose performance does not meet the acceptable standards of work.

All original and promotional appointments to municipal service shall be tentative and subject to successful completion of a probationary period. Management employees shall serve a probationary period of not less than twelve (12) months of actual service. All other non-sworn employees, working at or more than one-half time, shall serve a probationary period of not less than twelve (12) months and not more than eighteen (18) months. Police (sworn) Officers, working at or more than one-half time, shall serve a probationary period of eighteen (18) months.

Time on leave totaling more than thirty (30) calendar days for any reason is not counted toward completion of the probationary period. Additionally, when the duties of a position, as set forth in the job description, require licensing or certification by any public or private agency, or the completion of any course of training given by any such agency, the employee shall be on probation from the date of hiring until the date on which such licensing or certification is obtained, or course of training is satisfactorily completed, and thereafter for the full probationary period specified above.

Employees shall be notified of the extension of, or their failure to successfully complete, the probationary period no later than fourteen (14) calendar days in advance of the date of the normal expiration of the probationary period.

3.12 Probationary Employee Performance Reports

A performance report of each probationary employee shall be made by the Department Head according to the rules established by the City Manager. Upon the completion of the employee's third month of service, the Department Head shall meet with the employee to discuss his/her performance. The Department Head shall identify in writing any specific performance problems observed to date during the probationary period. The Department Head shall formally evaluate the employee's performance, using the City's standard evaluation procedure, at the end of the employee's sixth (6th) month and, if still applicable, at the end of his/her probationary period.

3.13 Dismissal of Probationary Employee

A probationary employee may be suspended, demoted or terminated at any time by the Department Head, or City Manager, without cause and without the right of appeal or to submit a grievance at any time during the probationary period. Notification of rejection shall be served in writing on the probationary employee, with a copy to be maintained in the City Manager's office.

3.14 Reappointments

Reappointment after termination shall be considered as new employment.

3.15 Continued Employment

Continued employment of employees with the City of Gonzales shall be subject to good behavior, satisfactory work performance necessary for the position, and availability of funds.

3.16 Employee Performance Evaluation

An "Employee Performance Evaluation" program shall be initiated and unless unusual circumstances exist, such performance evaluation shall be conducted no more than once every six (6) months nor less than annually for any employee.

Any employee, if agreement cannot be reached with the evaluator on any given performance report, shall have his/her written comments attached to said "Employee Performance Evaluation" as record of his/her challenge made to any portion(s) of said evaluation.

3.17 Service Ratings

The City Manager, in cooperation with the Department Heads, shall establish a system of service rating based on standards of performance. The standards shall have reference to the quality and

quantity of work done, the manner in which the service is rendered, and the faithfulness of the employees to their duties. The ratings shall be so developed so they can be used as a guide in determining layoffs and promotions. Service ratings shall be shown to each employee, but shall be confidential between the Department Head, City Manager and employee. All service ratings shall be reviewed with employees and shall be signed by the employee indicating that s/he has seen it and received a copy.

3.18 Election or Appointment of Employee to Office

Pursuant to Government Code Section 53227 an employee of the City may not hold office as an elected or appointed member of the City Council unless he or she resigns as an employee. If the employee does not resign, the employment shall be automatically terminated upon his or her being sworn into office. Section 53227 does not apply to volunteer firefighters .

3.19 Nepotism

No employee shall be appointed or promoted to a position in which s/he will be supervised in any capacity by a member of his/her family. No members of the family of City Council Members shall be appointed as an employee of the City during the Council Member's term of office. In the event a Council Member is elected to office and a member of his/her family is already employed by the City, the employee may retain his/her position, but may not be promoted, reassigned or rehired (in the event s/he leaves his/her position with the City) during the term of office of the Council Member.

CHAPTER 4

SEPARATION FROM SERVICE

All separation of employees from positions in the classified service shall be designated as one of the following types: resignation, dismissal, reduction in force, demotion and retirement.

4.01 Resignation

A non-management employee wishing to leave the services of the City in good standing, either by resignation or retirement, shall give his/her Department Head at least two (2) weeks notice. Said Department Head shall be responsible for notifying the Personnel Officer of the pending separation within one (1) working day of receipt of said notice. A management employee wishing to leave the services of the City in good standing, either by resignation or retirement, shall give the City Manager at least thirty (30) days notice.

4.02 Dismissal

An employee in the city service may be discharged for cause at any time by the City Manager pursuant to the provisions of Chapter 10 of these rules. Any regular employee who has been discharged shall be entitled to receive a written statement of the reasons for such action and to a hearing if he/she so requests, as provided herein.

4.03 Reduction in Force

Whenever, in the judgment of the City Manager, it becomes necessary to reduce the workforce in the interests of economy, or as the result of a reorganization or reclassification, or because the need for a given position no longer exists, the City Manager may abolish any position of employment in the city service and the employee holding such position may be laid off without taking disciplinary action and without the right of appeal. Regular employees shall receive written notice of the pending lay-off at least two (2) weeks prior to the effective date of their dismissal. Every effort shall be made to notify temporary employees in writing of scheduled lay-offs at the earliest possible date. The order of layoff shall be as follows:

- A. Temporary appointees in the order to be determined by the City.
- B. Probationary employees in the order to be determined by the City.
- C. Regular appointees in the order determined by the following formula:
 1. Compute a performance evaluation score by averaging the last three evaluations received by each employee for service in the affected classification. A performance evaluation to be done for all employees being considered at the time of the layoff is to be included.

- a. Outstanding = 5 points
 - b. Exceeds Job Standard = 3 points
 - c. Meets Job Standard = 1 point
 - d. Improvement Needed = 0 points
 - e. Unsatisfactory = -1 point
2. Establish a seniority point score by years of service in a classification as follows:
- a. One to three years = 1 point
 - b. Three to five years = 2 points
 - c. Five to ten years = 3 points
 - d. Ten years or more = 4 points
3. Add seniority and performance point scores.
4. Employee with the lowest point score to be laid off first.
5. Employees with equal point scores shall be laid off in the order as determined by the City Manager.
6. Transfer to another department is authorized upon approval of the Department Head if there is a vacancy and the employee meets the minimum job requirements.

4.04 Recall from Layoff

The names of regular and part-time employees laid off shall be placed upon reemployment lists for one year for those classes requiring substantially the same qualifications, duties and responsibilities of the class from which the layoff was made. When the work force is increased within one year after a layoff, regular appointees on layoff within the needed classification shall be recalled according to the highest point score as specified above. Persons who refuse re-employment shall be dropped from the recall list. Persons re-employed in a lower class shall be continued on the recall list for a one year period.

4.05 Rehire

Former employees of the City who have been terminated due to a layoff and are not subject to recall from layoff (as described in 4.04 above) and those who have resigned with required notice are eligible for rehire; however, positions subsidized by State and Federal employment programs shall meet the terms and conditions of rehire so specified in such programs.

4.06 Non-disciplinary Demotions

All demotions must be approved by the City Manager. An employee may be demoted to a position of lower grade for which s/he is qualified for any of the following reasons:

- A. When an employee would otherwise be laid off because his/her position is being abolished, reclassified to a higher grade, for lack of work, lack of funds, or because of the return to work from authorized leave of another employee to such a position in accordance with the rules of leave.
- B. When removed during probation.
- C. When an employee voluntarily requests such demotion.

CHAPTER 5

COMPENSATION AND HOURS

5.01 Employee Compensation

Each class in the Classification Plan shall be assigned a salary range or a rate established in the salary schedule, which shall be approved annually by the City Council. All persons employed by the City shall be compensated in accordance with the plan then in effect, except as provided below.

5.02 Administration and Review of Employee Compensation

At least once each year, the City Manager shall recommend to the City Council an appropriate salary range for each class. In case the salary range for a class is changed by the City Council, all employees whose positions are allocated to this class shall be adjusted to the corresponding step in the new range (i.e. step 5 old range, step 5 new range).

5.03 Application and Use of Salary Ranges and Rates

All initial appointments to classes assigned a pay range in the City Classification Plan shall be at the first or second step of the salary range, provided that the City Manager may make an appointment to a position at an appropriate higher salary step when in his/her opinion it is difficult to obtain qualified personnel at the starting salary or when it appears that the education and experience of a proposed employee is substantially superior to that required of the classification and justifies the beginning salary in excess of the first or second step.

Advancement within a given pay range is not automatic. An evaluation of eligibility for step advancement to the next step shall occur coincident with the anniversary of the date the employee was appointed to his/her current position, except that the evaluation of probationary employees shall take place as provided in Section 3.12.

A Regular appointee shall be considered for salary advancement in accordance with the following provisions:

Advancement to Step 2 (or the next step if initial appointment was higher than Step 1) in the salary range shall be based upon evaluation, improvement and efficient and effective services, as recorded by a written performance evaluation. Employee shall be eligible for the step increase on the first day of the payroll period during which an employee has completed one (1) year of service in the appointed classification. Such merit advancement shall be made only upon the recommendation of the Department Head, with the approval of the City Manager.

Advancement to the next step and above in the salary range shall be based on evaluation, continued improvement, and continued efficient and effective services by the employee in the performance of his/her duties as recorded in his/her performance evaluation. Employees shall be eligible for said merit advancement on the first day of the payroll period during which the anniversary date of

his/her appointment to the classification falls. Such merit advancements shall be made only upon the recommendation of the Department Head, with the approval of the City Manager.

Nothing herein prohibits the granting of a merit salary advancements prior to the normal time interval as established in the employee Classification Plan, with the approval of the City Manager.

Retroactive merit advancements shall be provided should an oversight or error occur which results in an untimely merit advancement. It shall be incumbent on the employee to notify his/her supervisor prior to his/her anniversary of performance evaluation for consideration of a merit advancement.

Merit advancement at the established review dates, and as provided above, shall not exceed one step. Once the top step of the range has been reached, the employee is not eligible for further merit advancement in that classification.

Performance evaluation conducted preceding consideration for advancement to any step of a salary range shall consider all disciplinary action taken against the employee during the twelve (12) month period of evaluation immediately preceding such consideration.

5.04 Standard Work Hours

The standard work week shall begin at 12:00:01 a.m. on Saturday and end at 12:00:00 midnight on the following Friday. Within that work week the standard work schedule shall be forty (40) hours. Scheduling of working hours within the standard work week shall be done by the Department Head for all departmental employees.

5.05 Attendance

An employee shall be in attendance at regular work hours in accordance with these rules and general departmental regulations. All departments shall keep daily attendance records of its employees, which shall be reported to the City Manager upon request.

5.06 Pay Periods

The pay period for all employees shall be bi-weekly and salaries shall be paid every other Friday. When the regular payday coincides with a holiday, pay checks shall be issued on the work day immediately preceding such holiday.

Except for employees being terminated, salaries shall be paid only on regular paydays. Employees leaving the municipal service shall normally be paid on the regular payday following the date of termination and upon written clearance from the Department Head, that said employee has returned all City tools, clothing, keys and equipment.

The method of distribution of payroll checks shall be established by the City Manager.

5.07 Computation of Hourly Rate

The salary rates for all authorized positions are set forth in the Classification Plan. In the conversion of monthly salaries, hourly rates are computed as follows:

Monthly salary divided by 173.33 hours per month.

5.08 Overtime Policy

It is the policy of the City that overtime work is to be kept to a minimum consistent with the protection of life, property, and the efficient operation of the departments and activities of the City, and that overtime be compensated as provided herein. Overtime work for all eligible employees shall be defined as any time worked beyond the standard work schedule, as provided in Section 5.04 herein.

Overtime compensation shall not apply to exempt management and mid-management personnel (as defined by the Classification Plan).

5.09 Overtime Computation-call out

Employees who are called to work overtime from their day off or other off-duty hours shall be compensated for a minimum of one hour of work, at the rate set forth in Section 5.10, except as otherwise provided in these rules and regulations. Overtime shall commence at the time an employee reaches the place where s/he is directed to report and shall continue until s/he is released or the work is completed, whichever is earlier.

5.10 Overtime Compensation

Except as provided below, all work performed in excess of forty (40) hours in one week which has received City Manager approval shall be compensated at one and one-half (1-1/2) times the employee's regular hourly rate of pay.

5.11 Overtime in Disaster Conditions

In case of disaster, state of extreme emergency or local peril, the overtime procedures herein established shall not be in effect and compensation procedures shall be determined at that time for such conditions.

5.12 Methods of Overtime Payment

- A. For non-exempt employees, employees performing overtime duties may select and be credited with cash compensation at the rate of one and one-half (1-1/2) times the employee's basic hourly rate of pay (excluding extra pay incentives) for each such hour worked.
- B. With the approval of the City Manager or Department Head, an employee may be credited with compensatory time off at the rate of one and one-half (1-1/2) hour for each hour of said overtime. Use of compensatory time off shall not interfere with the normal operation

of the City. Use of compensatory time by employees shall not be denied by the City without reasonable cause. A maximum accumulation of compensatory time of forty (40) hours shall not be exceeded unless a higher accumulation level has been approved by the City Manager or is negotiated per applicable MOU. The City may choose, at its discretion, to buy some portion of an employee's accumulated unused compensatory time. Upon separation of service, an employee is entitled to receive the cash value of all accrued compensatory time.

5.13 Administrative Leave Policy

Employees exempt from overtime pay or compensatory time off pursuant to the Fair Labor Standards Act, including executive, administrative and professional employees, shall be authorized a specific number of Administrative Leave hours per fiscal year, as designated by City Council Resolution.

Each exempt employee shall be credited with the authorized number of hours of Administrative Leave time as of July 1st of each calendar year. Leave usage shall be monitored by having each eligible employee submit a leave request to the Department Head or City Manager as far in advance of the date of said leave as is possible. All such requests are subject to the sole approval of the City Manager. Administrative Leave usage must be identified and recorded on the official time card for the period during which the leave was taken.

Residual Administrative Leave hours as of June 30th of each calendar year shall be forfeited, and the employee shall not have rights to payment of said unused hours. Residual hours may not be carried forward beyond June 30th of each year. In the event an eligible employee terminates employment while having an unused credit of Administrative Leave hours, employee is not eligible for any payment in lieu of unused hours. For eligible employees hired during the year, leave credit shall be applied a monthly prorata rate for the time remaining from the date of employment through June 30th.

5.14 Deductions

Deductions from employees' pay shall be made in accordance with prevailing laws, contract and administrative rules and procedures established by the City Manager. Such deductions may include, but are not limited to federal withholding tax, state withholding tax, CalPERS deductions, union dues, etc.

5.15 Travel Allowance

Occasionally, employees and elected or appointed officials shall be required to travel on City business. If the employee or official uses his/her own car while traveling, the City shall make a per mile reimbursement at the standard mileage rate currently set by the Internal Revenue Service. The current mileage reimbursement has been set at \$.31 per mile. If the employee or official travels by air, the cost of the airline fare shall be paid by the City in an amount not to exceed the regular coach fare.

If it is deemed by the City Manager that a rental car is required for travel by the employee or official, the actual cost of the car rental, insurance and gas charges shall be paid by the City. The actual cost

of lodging shall be paid by the City. Meals and incidental expenses shall be covered by a per diem expense advance which is equal to the upper limit of the standard rate for meals and incidental expenses currently set by the Internal Revenue Service. Expenses beyond the per diem advance may be reimbursed if approved by the City Manager. Current per diem expenses have been set at \$50 per day. If travel is for less than a full day, a partial advance shall be given as follows: \$10 for breakfast, \$15 for lunch and \$25 for dinner.

5.16 Termination Pay

At the time an employee terminates employment with the City, s/he shall be compensated for all accumulated vacation and overtime. In addition, where it is deemed appropriate, upon recommendation of the City Manager and approval of the City Council, the employee may be given up to two weeks of termination pay at the employee's current rate of pay.

5.17 Life Insurance

The City shall provide term life insurance for each eligible employee. The amount of coverage shall be \$25,000 per employee.

5.18 Health, Dental and Vision Insurance

The City shall pay 100% of the cost of health insurance premiums for an eligible employee's medical, dental and vision coverage. Insurance coverage for dependents, if any, shall be determined by City Council Resolution or by approved Memorandums of Understanding with recognized bargaining units.

5.19 Bilingual Pay

The City shall designate certain job classifications which require the ability to speak Spanish and English. If an employee assigned to one of these classifications successfully demonstrates, by passing a test designed and administered by the City, the ability to speak and write both Spanish and English, s/he shall be eligible for bilingual pay. The amount of bilingual pay shall be determined by City Council Resolution or approved Memorandums of Understanding with recognized bargaining units.

5.20 Retirement Benefits

The City shall participate in the California Public Employees Retirement System (CalPERS) and make the retirement program available to all permanent, full-time sworn Police Officers designated as Safety Employees and Miscellaneous Employees. The City shall contribute the "Employer's" Premium, as set annually by CalPERS, for employees participating in the program.

The City shall also make available to all employees a 457 Deferred Compensation Program. Employees may make voluntary contributions to this program through payroll deductions.

CHAPTER 6

SICK LEAVE

6.01 Statement of Policy

The purpose of sick leave is to provide an employee time off without loss of pay due to illness. It is provided in recognition of the fact that a sick employee is not fully productive and that time off to rest shall allow such an employee to recuperate more rapidly. Additionally, sick leave is provided so that employees who have illnesses which may be contagious shall not expose other employees or members of the public. Sick leave shall not be considered as a privilege which an employee may use at his or her own discretion, but shall be granted only upon the recommendation of the Department Head. Sick leave shall be allowed and used only in the case of necessity and actual personal sickness or disability, medical or dental treatment or in the case of any emergency illness in the immediate family. Immediate family shall mean the spouse, parent, child, brother, sister, or a close relative residing in the household of the employee.

6.02 Accrual

Sick leave shall be accrued monthly, beginning with the first full month of employment, provided the employee has been in pay status for fifty percent (50%) or more of the first month. Sick leave shall be accrued at the rate of eight (8) hours per month for all permanent employees, and eight (8) hours or less, proportional to the hours on pay status during the month, for eligible part-time employees

6.03 Eligibility

In order to receive compensation while absent on sick leave, the employee shall notify the head of his/her department of his/her absence prior to the designated starting time, and in no case later than the end of the first hour. When an employee is absent due to illness or injury for more than three work days, a physician's certificate or personal affidavit may be required. Prior to the resumption of normal duties the employee may be required by his/her Department Head to file a physician's certificate or personal affidavit stating the cause of the absence and attesting to the employee's ability to resume work. If the certificate or affidavit is not filed, the employee is not entitled to be paid for sick leave unless the Personnel Officer grants a waiver.

In the case of frequent use of sick leave, or where a pattern of sick leave abuse is suspected (i.e. ill on Mondays once a month), the City may require that an employee provide a physician's certificate to document that the employee was too ill to work on a given day or days.

6.04 Deductions

Sick leave with pay shall be granted for periods no shorter than one hour. Appointments with medical, dental, or other similar health practitioners during working hours shall be considered sick leave, and the employee shall be charged with using a minimum of one hour of sick leave for each absence from work. However, on an annual basis, each employee shall be allowed to take up to a maximum of four (4) hours of leave without deduction from accrued sick leave, for the purpose of obtaining cancer screening and/or testing. The City Manager shall determine the appropriate means of substantiating that such testing has been sought and obtained by a given employee. Beyond the first hour, sick leave shall be deducted hour for hour based on the absence of the employee. Benefits under this provision shall be granted for maternity cases during the period the employee is physically unable to work, as certified by the attending physician or practitioner.

Upon termination, employees shall receive no compensation for unused sick leave except as provided in Section 6.07. If a permanent employee is terminated for reasons that are not a discredit to him/her, and re-employed within twelve (12) months, s/he may be eligible for any unused sick leave, with pay, existing at the time of this termination, unless s/he resigned of his/her own volition.

6.05 Pregnancy Disability Leave

A. An employee disabled due to pregnancy, child birth or related medical condition, may take an unpaid leave of absence of up to one hundred-twenty (120) calendar days. Said policy applies to all employees, including regular, temporary and exempt, whether they have completed their probationary periods. Said leave shall be called a "Pregnancy Disability Leave." Employees are required to request Pregnancy Disability Leave at least thirty (30) days before the leave is to commence unless the need for leave is not foreseeable. If the need for leave is not foreseeable, the employee must give as much notice as possible. Included with said request shall be a Physician's Certificate certifying the pregnancy, estimating the delivery date, and providing a prospective calendar date for the recommended start of leave. Employee may select to use any accrued paid leave prior to requesting an unpaid leave of absence.

B. A longer leave of absence may be granted where extenuating circumstances exist. An employee may be permitted to continue working beyond her eighth (8th) month of pregnancy, if not in conflict with the date provided by her physician in Section A above, upon her written request, accompanied by a statement from her physician stating in writing that:

1. She is physically able to continue with the normal duties of her job and stating what these duties are;
2. Setting forth any restriction upon activity;
3. Providing an exact calendar date upon which maternity leave is recommended to commence.

C. The returning employee must present a release from her physician to return to work.

D. An employee who fails to return to work at the termination of her maternity leave, or any extension thereof, shall lose her seniority, and her employment shall be terminated.

E. In addition to leave due to disability related to pregnancy, child birth or related medical condition, an eligible employee may be entitled to additional Family Care Leave. All impacted employees should consult with the City Personnel Officer for further information in this regard.

6.06 Donation of Sick Leave

In the event an employee is prevented from working for a minimum of six (6) weeks due to serious illness or injury, other City employees shall be allowed to donate to said employee sick leave hours not to exceed a maximum of three hundred-sixty (360) hours total. Said donation by employees of sick leave hours is voluntary. Notwithstanding the above, the City Manager shall be granted the discretion to allow for the donation of sick leave hours to an employee who is prevented from working for less than the stated maximum of six (6) weeks. In exercising said discretion, the Manager shall consider such factors as the availability of accrued sick and vacation leave and disability payments to the potential recipient of donated sick leave hours.

6.07 Conversion of Accumulated Sick Leave

Any employee who retires or resigns from City services with a minimum of fifteen (15) years of service shall be entitled to convert unused sick leave as provided below:

An employee who is at least fifty-five (55) years old and has completed a minimum of twenty (20) years of service shall be entitled to convert fifty percent (50%) of his/her unused sick leave to paid time off.

An employee who is at least fifty-five (55) years old and has completed a minimum of fifteen (15) years of service shall be entitled to convert twenty percent (20%) of unused sick leave to paid time off.

An employee who is under the age of fifty-five (55) and has completed a minimum of fifteen (15) years service shall be entitled to convert ten percent (10%) of his/her sick leave into pay at the time of resignation.

Such paid time off shall be used immediately preceding the employee's retirement date. Employees terminated by the City are not eligible for the provisions provided herein.

6.08 Workers' Compensation - Public Safety Employees

An employee of the Police Department who is entitled to the benefits of Labor Code Section 4850, who is absent from work by reason of an injury or illness covered by Worker's Compensation; shall be allowed up to one (1) year leave of absence, as required by his/her condition, with the City supplying the difference between the employee's regular rate of pay and the total of Workers' Compensation, Social Security benefits, and the City paid disability insurance benefits. The following conditions apply:

A. A sworn Peace Officer employee of the Police Department who is absent from work by reason of an injury or illness covered by Workers' Compensation, shall accrue sick leave and vacation benefits and consideration for normal salary increases as though s/he were not on leave of absence; but shall not receive credit for holidays or paid days in lieu of holidays.

B. Whenever such disability of an employee continues for a period beyond one (1) year, the leave of absence may continue utilizing his/her accrued sick leave, vacation and previously accrued compensating time off for overtime and paid days in lieu of holidays, calculated to the nearest one-half (1/2) day, with compensation at the employee's regular rate of pay.

C. When it appears that the employee cannot return to work by the expiration of the allowances mentioned in (B) above, disability retirement shall be requested by the City, to become effective at the expiration of these allowances unless the employee applies for or consents to his/her retirement as of an earlier date at which time s/he may be compensated for his/her accrued benefits at his/her regular rate of pay.

D. No sworn Peace Officer employee of the Police Department shall be paid any disability indemnity under an insurance program paid by the City concurrently with wages or salary payment paid by the City amounting to more than his/her regular rate of pay at any time during his/her leave of absence.

E. No sworn Peace Officer employee of the Police Department shall receive wages and salary payments from the City after a period of five (5) years from the date of injury, for any one (1) injury.

6.09 Workers' Compensation: Non-public Safety Employees

Any employee, other than sworn Peace Officer personnel, who is absent from work by reason of any injury or illness covered by Workers' Compensation shall continue in pay status under the following provisions:

A. The difference between the amount granted pursuant to such Workers' Compensation and the employee's regular rate of pay shall be paid to the employee for a period of thirty (30) days.

B. Beyond the initial thirty (30) days, the difference between the employee's regular rate of pay and the total of Worker's Compensation, Social Security benefits, and City paid disability insurance benefits, such difference to be deducted from the employee's accumulated sick leave, compensatory time, and, when authorized by the employee, vacation days.

C. Such an employee shall continue in pay status and receive his/her regular rate of pay until his/her accumulated sick leave, compensatory time, and vacation days have been depleted to the nearest one-half (1/2) day.

D. During this time the employee is in pay status while absent from work by reason of injury or illness covered by Workers' Compensation, s/he shall continue to accrue sick leave and vacation benefits as though s/he were not on leave of absence; but shall not receive credit for holidays.

E. Any employee, other than Police Department (sworn Peace Officer) personnel, who depletes his/her accumulated sick leave, compensatory time, holidays, and vacation days to maintain pay status while absent from work by reason of an injury or illness covered by Workers' Compensation, shall be removed from pay status. Upon depletion of accumulated sick leave for an injury or illness and upon recommendation of the employee's Department Head, an employee may be placed on medical leave of absence without pay for a period not to exceed sixty (60) days. If the employee is unable to return to work at the end of this period, s/he must request further medical leave which shall be subject to approval of the City Manager. If further leave is granted, the employee must notify the City of his/her intent to return to work every thirty (30) days. If further leave is not granted, the employee's service with the City shall be considered terminated.

6.10 Use of Sick Leave to Care for Members of Immediate Family

Notwithstanding policy statements or language to the contrary set forth in this Chapter, in any calendar year, an employee may use accrued and available sick leave, in an amount up to that which would be accrued during six months at the employee's then current rate of sick leave accrual, to attend to the illness of the employee's child (biological, foster or adopted child, stepchild, legal ward, or child of an employee standing in loco parentis), parent (biological, foster, or adoptive parent, stepparent, or legal guardian) or spouse. All conditions and restrictions established by this Chapter for the use of sick leave, including but not limited to the notification and physician's certification requirements set forth in Section 6.03, shall apply to the use of sick leave to attend to the illness of an employee's child, parent or spouse. Use of sick leave pursuant to this Section shall not extend the maximum period of leave to which an employee is entitled under Section 12945.2 of the Government Code or under the federal Family And Medical Leave Act of 1993. City expressly agrees that it will not deny an employee the right to use sick leave in accordance with this Section or discharge, threaten to discharge, demote, suspend or in any manner discriminate against an employee for using or attempting to exercise the right to use sick leave in the manner set forth herein. The City Manager shall have the authority to allow the use of sick leave in excess of that which may be accrued in a six-month period based on the circumstances of a given request.

CHAPTER 7

VACATION LEAVE

7.01 Statement of Policy

The purpose of annual vacation leave is to enable each eligible employee to take a break from his/her work and return mentally and physically refreshed. For this reason, it is the intention of the City that vacations be taken, in-so-far as possible, in increments of one week or more.

7.02 Vacation Accrual

Vacation shall be accrued and credited on a monthly basis beginning with the first full month of employment, provided a permanent employee has been in pay status for fifty percent (50%) or more of the work days in the previous month. Each eligible employee shall accrue vacation at the following rate of continuous service performed in pay status:

- A. Less than three (3) years - For employees completing less than three (3) years of continuous service, six and two-thirds (6.66) hours for each month of service. (Two [2] weeks per year).
- B. Three (3) years or more, but less than ten (10) years - For employees completing three (3) or more years, but less than ten (10) years of continuous service; ten (10) hours for each month of service. (Three [3] weeks per year).
- C. Ten (10) or more years, but less than fifteen (15) years - For employees completing ten (10) or more years, but less than fifteen (15) years of continuous service; eleven and two-thirds (11.66) hours for each month of service. (Three and one-half [3-1/2] weeks per year).
- D. Fifteen (15) or more years - For employees completing fifteen (15) or more years of continuous service; thirteen and one-third (13.33) hours for each month of service. (Four [4] weeks per year).

7.03 Maximum Vacation Accrual Limits

Vacation accrual for all eligible employees may not exceed a maximum level equal to the amount of hours credited to the employee within the last twelve (12) months. The City shall review the level of each employee's accrued vacation at the end of each calendar year. If, as of December 31 of any year, an employee's vacation accrual level exceeds the number of vacation hours credited to that employee within the past twelve (12) months, all hours over the maximum level shall be forfeited, and the employee shall have no rights to payment of the unused hours. Accrued vacation hours beyond the maximum level may not be carried forward beyond January 1 of each year, except as provided below.

If an employee has a vacation scheduled within the first thirty (30) days of the calendar year and that vacation leave shall reduce his/her accrued vacation balance to a level at or below the number of vacation hours credited to the employee in the past twelve (12) months, s/he may submit a written

request to the City Manager for a one (1) month extension to the year-end review date. However, if the vacation accrual level is not reduced by February 1 of that year, all hours over the maximum level shall be forfeited, and the employee shall have no rights to payment of the unused hours.

If an employee is prevented by his/her supervisor from taking vacation during a calendar year due to operational necessity, s/he shall be given a reasonable time period to reduce his/her vacation accrual level to a level at or below the number of hours earned in the last twelve (12) months. The time period shall be set by the City Manager, but cannot exceed six (6) months. If the vacation accrual level is not reduced by the end of the approved time period, the employee's leave balance shall be reduced to the level credited in the last twelve (12) months and the employee shall have no rights to payment of the forfeited hours.

"Operational necessity" shall apply if the employee has submitted at least two (2) requests for vacation within the last six (6) months, which were denied by his/her supervisor because the employee was needed on the job (i.e. staff shortage, departmental or City emergency, etc.). Denial of a vacation request because one (1) or more employees in the same department have previously submitted and received approval for time off during the same period requested by the employee shall not be deemed "operational necessity."

7.04 Use of Vacation

Employee shall complete six (6) months of continuous service before becoming eligible to use accrued vacation leave.

Request for vacation shall be processed within one (1) week of submittal or request. All requests must be submitted to the Department Head on the proper form.

Every effort shall be made to accommodate requests for vacation provided that the employee has accrued sufficient vacation time. Operational necessity, as determined by the Department Head, is cause for a denial of a request. Denial may be appealed to the City Manager within ten (10) days of receipt of denial by employee. If two or more employees submit a request at the same time for the same vacation days, seniority and job assignment shall be the determining factors in granting the request.

Once an employee's request for vacation leave has been approved, said approval may not be withdrawn by the employee's supervisor within thirty (30) days of the first day of the requested vacation, except in the case of a City emergency as determined by the City Manager. An unexpected reduction in work force within the department may be considered an emergency. Changes within the thirty (30) day period may be made with the agreement of the employee.

Employees shall not work for the City during their vacation in order to earn double compensation. Vacation shall be granted in full workday or shift increments only.

7.05 Holidays Falling During Vacation

In the event a City holiday falls within an employee's vacation period which would have excused the employee from work, and for which no other compensation is made, said holiday shall not be charged as a vacation day.

7.06 Vacation Pay Upon Termination

Employees leaving the municipal service after at least six (6) months service, who have accumulated vacation leave, shall be paid the amounts of accrued vacation to the date of termination. An employee whose service is terminated for the convenience of the City shall be paid for his/her accrued vacation leave.

7.07 Effect of Extended Military Leave

An employee who interrupts his/her municipal service because of extended military leave shall be compensated for accrued vacation at the time the leave becomes effective.

CHAPTER 8

HOLIDAYS

8.01 Statement of Policy

Permanent employees shall receive eight (8) hours of holiday pay for each approved City holiday. Permanent part-time employees working fifty percent (50%) or more of a regular full-time position's schedule shall receive holiday pay in proportion to the number of hours regularly worked. Temporary employees shall not be paid for holidays.

8.02 City Holidays

The following holidays are recognized as municipal holidays and all non-police employees eligible for holiday pay shall have these days off, except as provided herein.

- A. January first (New Year's Day)
- B. Third Monday in January (Martin Luther King Jr. Day)
- C. Third Monday in February (Washington's Birthday)
- D. Last Monday in May (Memorial Day)
- E. July 4 (Independence Day)
- F. First Monday in September (Labor Day)
- G. November 11 (Veterans' Day) ✓
- H. Fourth Thursday in November (Thanksgiving Day)
- I. Fourth Friday in November (The day following Thanksgiving)
- J. December 24 (Christmas Eve)
- K. December 25 (Christmas)
- L. Floating Holiday: As of January 1 of each year, each Permanent full-time employee shall be credited with an eight (8) hour Floating Holiday. The Floating Holiday may be taken any time throughout the year. Sufficient notice must be given to the employee's immediate supervisor and the request must be approved prior to the use of the Floating Holiday. Scheduling of the Holiday may not interfere with the work schedule of the City. The Floating Holiday must be taken as one-day (8 hour) leave prior to December 31 of each year

or the employee shall forfeit the Holiday and shall have no rights to payment of the unused hours. Part-time employees are not eligible for a Floating Holiday.

- M. Every day appointed by the President of the United States or Governor of the State of California as a holiday shall be considered and may be granted as a City holiday upon the City manager's recommendation and the City Council's approval.

8.03 Compensation for Work on Paid Holidays

Employees assigned to work on holidays shall receive whatever holiday pay is due them in accordance with Section 8.01 above, plus time and one-half (1-1/2) for each hour worked on said holiday.

8.04 Holiday Pay for Sworn Public Safety Employees

Paid holidays shall not be granted to sworn Peace Officer personnel. Permanent employees shall accrue seven and one-third (7.33) hours of additional overtime, in lieu of paid holidays, for each month in pay status fifty percent (50%) of the time or more. Part-time public safety employees shall not accrue paid holiday leave.

8.05 Holidays Falling on Weekends

For employees eligible in accordance with Section 8.01 above, holidays falling on a Saturday shall be taken on the preceding Friday, or immediately prior to any intervening holiday. Similarly, holidays falling on a Sunday shall be taken on the following Monday, or immediately following any intervening holiday.

CHAPTER 9

OTHER LEAVES OF ABSENCE

9.01 Leave of Absence Without Pay

A leave of absence without pay, defined as five (5) or more consecutive days, may be granted in cases of emergency or where such absence would not be contrary to the best interests of the City. Such leave is not a right, but a privilege. Employees on authorized leave of absence without pay may not extend such leave without the expressed approval of the City Manager. A leave of absence is not considered a break in service of employment; however, no vacation or sick leave benefits shall be used for illness occurring during such leave nor shall any such benefits accrue. All requests for a leave of absence without pay must be submitted in writing to the City Manager, who shall approve or disapprove, based on the merit of the case. Such leaves shall not exceed twelve (12) months duration. Failure of an employee to return to duty upon the termination of authorized leave of absence shall be cause for discharge.

9.02 Unauthorized Leave of Absence

An unauthorized leave of absence shall be without pay, and reductions in the employee's pay shall be made accordingly. Absence without leave for more than one (1) day may result in discharge. Such discharge shall not be subject to appeal, although an impacted employee shall be provided with notice of the intent to discharge and the right to be heard at a non-evidentiary hearing before the discharge may be imposed.

9.03 Leave of Absence for Death Within the Immediate Family

Leave of absence with pay for a period not to exceed three (3) days may be granted to a permanent employee by the Department Head, with the approval of the City Manager, in the event of death of an immediate family member. Beyond that time, an employee may use accumulated sick leave.

9.04 Leave of Absence for Death Outside the Immediate Family

Leave without pay may be granted a permanent employee by the Department Head in the event of death of a family member other than one of the immediate family. Such leave is granted in accordance with Section 9.01.

9.05 Military Leave of Absence

State and other applicable laws shall govern the granting of military leaves of absence and the rights of employees returning from such absence. (See The Veteran's Reemployment Rights Act, California Military Code Sections 395 et seq.)

9.06 Voting Leave

Time off with pay to vote at any general, direct primary, or presidential primary election shall be granted as provided in the State of California Elections Code, and notice that employee desires such time off shall be in accordance with provisions of said Code.

9.07 Jury Duty

Employees required to report for jury duty shall be granted a leave of absence with pay from their assigned duties until released by the Court, provided the employee remits to the City all fees received for such duties other than mileage and subsistence allowance within thirty (30) days from the termination of his/her jury service. If jury duty permits, an employee is expected to work a partial day. Part-time employees shall not be entitled to jury leave with pay.

9.08 Subpoenas

Permanent employees who are subpoenaed to appear as witnesses on behalf of the State of California or any of its agencies may be granted leave of absence with pay from their assigned duties until released. The employee shall remit all fees for such appearance(s) to the City within thirty (30) days of the termination of his/her services. Compensation for mileage and subsistence allowances shall not be considered as a fee and shall be retained by the employee.

9.09 Workers' Compensation Hearings

Employees who have been injured in the course and scope of their employment with the City and who are required, as a result of such injury, to be absent from duty to take physical examinations required by the City's Workers' Compensation insurer or the Industrial Accident Commission, or to attend hearings of the Industrial Accident Commission, may be granted leave with pay for such absences by the City Manager when s/he determines such absences are in the best interest of the City, and only if the employee is in pay status at the time of the scheduled examination or hearing.

9.10 Family or Medical Leave

Employees are entitled to leave for family and medical purposes pursuant to the Family and Medical Leave Act and the California Family Rights Act. Computation of such leave, which may also be coordinated with leave for pregnancy related disabilities, can be exceedingly complex. The following policy provides general rules and guidelines. Any employee wishing to make use of available leave provisions should confer with the City Personnel Officer for further guidance and specific details.

A City employee with more than one (1) year of continuous service who has worked more than 1250 hours in the previous year and who meets all requirements of this section, may be entitled to take up to a total of four (4) months in a twenty-four (24) month period for unpaid family care or medical leave. This policy applies to all employees, including regular, temporary or exempt, whether or not they have completed their probationary periods.

Family care or medical leave may be requested under the following circumstances:

- A. Leave for reason of the birth of a child of the employee, the placement of a child with an employee in connection with the adoption of the child by the employee, or the serious illness of a child of the employee.
- B. Leave to care for a parent or a spouse who has a serious health condition.
- C. Leave to attend to the employee's own serious health condition.

Serious health conditions means an illness, injury, impairment, or physical or mental condition which warrants the participation of a family member to provide care during a period of the treatment or supervision and involves either inpatient care in a hospital, hospice, or residential health care facility, or continuing treatment or supervision by a health care provider.

An employee taking family care leave may elect, or the City may require the employee, to substitute employee's accrued vacation leave or other accrued time off during this period. The employee shall not use sick leave during the period of family care leave unless mutually agreed to by the employer and the employee.

Any employee taking leave pursuant to this section shall continue to be entitled to participate in health plans, pension and retirement plans, and supplemental

unemployment benefit plans to the same extent and under the same conditions as apply to an unpaid leave taken for any purpose other than family care. The City may require the employee to pay premiums, at the established group rate, during the period of leave not covered by any accrued vacation or other accrued time off. However, the nonpayment of premiums by an employee shall not constitute a break in service, for purposes of longevity, seniority under any collective bargaining agreement, or any employee benefit plan. In some instances, City shall pay employee's share of premiums in order to insure full benefits, although employer is entitled to recover such monies once employee returns to work.

The City shall not be required to make payments for an employee to any pension and/or retirement plan, and the leave period shall not be required to be counted for purposes of time accrued under the plan. However, an employee covered by a pension plan may continue to make contributions in accordance with the terms of the plan during the period of the leave.

During a family care leave the employee shall retain employee status with the City, and leave shall not constitute a break in service. An employee returning from leave shall return with no less seniority than the employee had when the leave commenced, for purposes of layoff, recall, promotion, job assignment, and seniority-related benefits.

If the employee's need for a leave is foreseeable, the employee shall provide the employer with reasonable advance notice of the need for the leave.

The City may require that an employee's request for leave to care for a child, a spouse, or a parent who has a serious health condition be supported by a certification issued by their health care provider of the individual requiring care. The certification shall include: the date on which the serious health condition commenced; the probable duration of the condition; an estimate of the

amount of time that the health care provider believes the employee needs to care for the individual requiring the care; and a statement that the serious health condition warrants the participation of a family member to provide care during a period of the treatment or supervision of the individual requiring care.

Upon expiration of the time estimated by the health care provider, the City may require the employee to obtain recertification in accordance with the procedure provided in the above paragraph.

The City shall not be required to grant an employee family care leave which would allow the employee and the other parent of the child family care leave totaling more than the amount specified, nor to grant an employee family care leave for any period of time in which the child's other parent is also taking family care leave from employment or is unemployed.

The City may refuse to grant a request for family care leave if necessary to prevent undue hardship to the operations of the City.

CHAPTER 10

DISCIPLINARY ACTION

10.01 Statement of Policy

Whenever an employee's performance, attitude, work habits, or personal conduct at any time falls below a desirable level, supervisors are expected to inform employees promptly and specifically of such lapses and give counsel and assistance. If, in the opinion of the supervisor, a reasonable period of time for improvement is appropriate and justified, said period may be allowed before initiating disciplinary action. In some instances, a specific incident may justify severe disciplinary action in and of itself; in determining the action to be taken, the supervisor may consider the seriousness of the incident and the whole pattern of the employee's past performance and conduct. Any instance of disciplinary action shall be documented in the employee's personnel file. As used in this chapter "disciplinary action" shall mean discharge, demotion, reduction in salary, disciplinary probation, or suspension.

10.02 Causes for Disciplinary Action

Causes for disciplinary action against any employee may include, but shall not be limited to, the following:

- A. Failure to meet prescribed standards of work, morals, and ethics to an extent that makes an employee unsuitable for any kind of employment in the City service;
- B. Theft or malicious destruction of City property, or negligence or willful misconduct which has caused damage to or waste of public property or supplies;
- C. Incompetence, inefficiency, or repeated negligence in the performance of duty;
- D. Insubordination, willful disobedience or dishonesty;
- E. Conviction of a felony, or a plea of guilty or no contest to a felony, or conviction of a misdemeanor involving moral turpitude or a plea of not guilty or not contest to a misdemeanor involving moral turpitude;
- F. Notoriously disgraceful personal conduct;
- G. Unauthorized absences or abuse of leave privileges;
- H. Acceptance of any valuable consideration which was given with the expectation of influencing the employee in the performance of his/her duties;
- I. Falsification of records or fraud in securing employment;
- J. Use of official position for personal advantage;

- K. The use, possession or consumption, or acting under the influence, of an alcoholic beverage during the work day or at any time while at the workplace or in a city uniform, except as authorized in the line of duty; the use, possession, consumption or sale, or acting under the influence, of illegal drugs or narcotics (not lawfully prescribed) at any time;
- L. Unlawful harassment, sexual harassment or discrimination;
- M. Discourteous treatment of the public or other employees;
- N. Improper political activity as defined by Federal and State laws;
- O. Violation of any of the provisions of these rules and regulations, policies or departmental rules and regulations, including adopted safety rules;
- P. Other failure of good behavior either during or outside of duty hours which is incompatible with or inimical to City service.
- Q. The off-duty or off work-site consumption of alcohol or illegal drugs or narcotics while operating City machinery or a City vehicle while attending a seminar, conference, training or meeting as a representative of the City.

10.03 Administration of Disciplinary Action

A. **Oral and Written Reprimands.** With respect to oral or written reprimands, an employee's supervisor may orally or in writing communicate to an employee any conduct or performance not in compliance with the causes for action for discipline set forth in this Chapter, or any other appropriate unlisted cause of action, which must be improved and may detail the areas of improvement, the degree of improvement required, and notice that failure to improve will result in more serious disciplinary action. If the reprimand is put in writing, it shall be made a part of the employee's official personnel record, and may be considered pertinent evidence or information in subsequent disciplinary matters. An employee shall have ten (10) days within which to file a written response to any written reprimand and said response shall be placed in the employee's official personnel record.

B. **Other Types of Disciplinary Action.** For all disciplinary actions other than oral or written reprimands, the City Manager or any Department Head may take disciplinary action against any employee under his/her control for one or more of the causes for discipline specified in this Chapter, or any other appropriate unlisted cause of action, by notifying the employee, in writing, within a period of two (2) to ten (10) calendar days prior to the proposed action, of the following:

1. Nature of the proposed disciplinary action.
2. Statement of reasons for the proposed action.
3. Statement indicating the proposed effective date for the disciplinary action and that the employee may respond orally or in writing prior to that date.

The notice should also include copies of all documentation or materials upon which the proposed disciplinary action is based. The notice shall be served upon the employee either personally or by Certified Mail, return receipt requested.

C. **Informal Predisciplinary Hearing.** The employee shall be given, within five (5) working days from the date of receipt of written notice of proposed disciplinary action, an opportunity to respond either personally at an informal hearing, in writing, or both, to the individual proposing the intended discipline. The involved hearing is not adversarial and the employee does not have the right to cross-examine witnesses. At the hearing, the employee shall be given the opportunity, either orally or in writing, or both, to bring forward facts or circumstances which may cause the charges to be modified or dropped. Following the hearing, the hearing officer (either the party recommending discipline or their designee) will determine whether it is appropriate to impose the recommended discipline, or to modify or drop the same. If the proposed action is to be suspension or discharge, the employee may be relieved of duty while continuing to receive pay and other benefits until the disciplinary action is effected by the City. If no response to a notice of proposed disciplinary action is received, then either the City Manager or Department Head may carry out the disciplinary action. Written notice of the final discipline shall be in the form set forth below.

If an employee chooses to respond to the notice of proposed discipline, written notice of the disciplinary action, if any, shall be served on the employee not later than five (5) days after receipt of the employee's response, or in instances in which an informal hearing is requested, within five (5) days of the conclusion of the hearing. The notice shall be served upon the employee either personally or by Certified Mail, and shall include:

- A. A statement of the nature of the disciplinary action;
- B. The effective date of the penalty;
- C. Statement of the causes thereof;
- D. A statement in ordinary and concise language of the admissions upon which the causes are based;
- E. A statement advising the employee of his/her right to appeal such action.

If no discipline is imposed, a notice to that effect should be served.

10.04 Right of Appeal

Any regular employee shall have the right of appeal to the City Manager for any disciplinary action taken under Section 10.03B. Such appeal must be filed with the City Manager within ten (10) working days after receipt of written notice of such disciplinary action; failure to file an appeal within such time constitutes the waiver of the right of appeal. The appeal must be in writing, must be verified before a Notary Public, or must be made under penalty of perjury, and must state specifically the reasons upon which it is based. In instances in which the appeal is taken for disciplinary action imposed by the City Manager, the City Manager shall appoint an individual to process and handle the appeal. The City Manager, or his/her appointee shall cause such appeal to be investigated and shall conduct a hearing as provided in this Chapter. Neither the provisions of

this section nor this Chapter shall apply to reduction and force reductions in pay which are part of a general plan to reduce or adjust salaries and wages.

10.05 Hearing

The City Manager or his/her appointee shall, with the assistance of the City Attorney, schedule and conduct an evidentiary hearing on an appeal filed in accordance with previous Section 10.04 within thirty (30) days after receipt thereof. The City Manager or his/her appointee may continue the hearing either for the convenience of the City or upon written application of the appellant, for a period not to exceed an additional thirty (30) days from the receipt of the appeal. Written notice of the time and place of the hearing and any continuance thereof shall be given to the appellant. Such hearings need not be conducted in accordance with the technical rules relating to evidence or witnesses. Reference to the provisions of Government Code Sections 11513 and 19580 may be made for guidance as to appropriate hearing procedures. All costs of said hearing shall be shared on an equal basis by the City and the involved employee.

10.06 Representation

The appellant may represent his/herself or may be represented by a designated representative in all matters of discipline other than reprimands.

10.07 Notice to Witnesses

The City Manager or his/her appointee shall issue notices for the appearances of witnesses for the appellant upon his/her written request and at his/her cost. City Manager or his/her appointee may require such cost to be prepaid.

10.08 Failure of Employee To Appear At Hearing

Failure of the appellant or his/her representative to appear at the hearing shall be deemed a withdrawal of his/her appeal and the action of the City Manager and/or Department Head(s) shall be final.

10.09 Decisions

The City Manager or his/her appointee shall render a written decision within fifteen (15) days after concluding the hearing. A copy of such decision shall be forwarded to appellant. If a disciplinary action taken against the employee is reversed or modified by the City Manager or his/her appointee, the employee may be compensated in whole or part, for lost time, if any. The City Manager or his/her appointee's determination in this matter shall be final.

10.10 Effect of Certain Disciplinary Actions

- A. Oral Reprimand - Employees receiving oral reprimand should have it noted in their departmental record by the Department Head.
- B. Written Reprimand - Employees receiving a written reprimand shall have a copy of their reprimand filed in their employment record. Such record may be considered as pertinent evidence or information in any subsequent disciplinary action. Each employee's permanent record is in his/her personnel file kept in the City Manager's office. City shall comply with all applicable provisions of the Public Safety Offices Procedural Bill of Rights Act (Government Code §§ 3300) prior to placing a written record of discipline in the file of a public safety officer.
- C. Disciplinary Probation Period - Employees placed on disciplinary probation shall not receive a salary review while on such probation, and the rules governing the regular probationary period shall govern; however, they shall accrue vacation, sick leave and earn time towards their next salary review.
- D. Suspension - Employees suspended from the municipal service shall forfeit all rights, privileges, and salary while on such suspension with the exception of group health and life insurance benefits.
- E. Demotion - Employees subject to demotion shall be assigned to any designated step in a lower pay range which is at least one (1) step less than the dollar amount received in the pay range from which the employee is demoted.
- F. Discharge - Employees terminated for disciplinary reasons shall be paid salary accumulated to the effective date of termination.

10.11 Effect of Disciplinary Action

Disciplinary action taken against an employee shall be considered in the performance evaluation process that reviews the period of time in which the event giving rise to the disciplinary action occurred, including the salary review process involving that same period. Disciplinary action occurring in any particular time period may also be used in subsequent disciplinary matters.

10.12 Clarification of Terms Used in This Chapter

Throughout this Chapter reference is made to date of notification by and receipt of notification from employee or employer.

Whenever reference is made to notification by a particular party, this means the date the notification was made. This date is the later of a) the date the written notice is personally handed to the party; b) the date on the letter or c) the date the letter was mailed as verified by the later of the postmark or the date of mailing on the mailing certificate.

Whenever reference is made to receipt of notification from employee or employer, this means the date the notification is received by the party or their agent. This date is the earlier of a) the date the written notice is personally received as verified by the earlier of a date stamp applied by the recipient or the date of delivery or date of attempted delivery on the mailing certificate.

Where no modifying term such as "working" or "calendar" precedes a reference to a specific number of days, it will be assumed that the reference is to "calendar days".

CHAPTER 11
GRIEVANCE PROCEDURES

11.01 Statement of Purpose

Grievance procedures for employees are provided herein:

- A. To ensure that employees receive fair and equitable treatment.
- B. To promote improved employer-employee relations by establishing grievance procedures on matters that are not otherwise exempted from grievance and for which appeal or hearing is not provided by the rules and regulations.
- C. To afford employees, individually or through qualified employer organizations, a systematic means of obtaining further consideration of problems after every other reasonable effort to resolve such problems has failed.
- D. To provide that grievances shall be settled as near as possible to the point of origin.
- E. To provide that grievances shall be heard and settled as informally as possible.

11.02 Matters Subject to Grievance Procedures

Any City employee shall have the right to present a grievance regarding interpretation or application of personnel policy, or rules or provisions of employee-employer agreements or working conditions. The grievance procedure shall not be used to resolve any complaint concerning any disciplinary action involving discharge, demotion, reduction in salary, disciplinary probation or suspension without pay exceeding two (2) days, or resolution of any complaint concerning any aspect of the performance evaluation process.

In order to ensure the prompt, efficient resolution of all grievances, employees must comply with each of the deadlines described in this policy, unless the Personnel Officer has agreed to extend the employee's deadline in writing. If any employee does not submit a grievance within the time period required by this policy, the employee will have waived the right to submit the grievance.

11.03 Grievance Procedure

A. Informal Discussion.

Prior to an employee initiating the grievance procedure, the employee with a grievance shall first discuss the matter with his/her immediate supervisor within five (5) working days after the matter complained of first arises in an attempt to resolve the matter. Every effort should be made to find an acceptable solution to the identified problem by informal means at the most immediate level of supervision. An informal discussion is a prerequisite to filing a grievance. The immediate

supervisor shall have five (5) working days in which to respond to a request for an informal discussion. If the employee is not in agreement with the decision reached through informal discussion, he/she shall then have the right to file a formal grievance in writing within ten (10) calendar days after receiving the informal decision of his/her supervisor.

B. Steps in Grievance Procedure

Step 1: A formal grievance shall be prepared in writing by employee and presented to the employee's Department Head who shall discuss the grievance with the employee, his/her representative, if any, and with other appropriate persons. Any grievance presented in accordance with this step shall include a detailed factual basis of the nature and date of the occurrence giving rise to the grievance, identification of informal efforts to resolve the grievance, identification of rule, regulation, policy or sections of the relevant Memorandum of Understanding on which the grievance is based, and the remedies sought by the grievant. The Department Head may meet with the grievant, and shall thereafter render a decision and comments in writing and return them to the employee within fifteen (15) calendar days after receiving the grievance. If the employee does not agree with the decision reached, or if no answer has been received within fifteen (15) calendar days, the employee may present the grievance in writing to the City Manager. Failure of the employee to take further action within ten (10) calendar days after receipt of the decision, or within a total of twenty-five (25) calendar days from the receipt of the grievance by the Department Head if no decision is rendered, will constitute a withdrawal of the grievance.

Step 2: Upon receiving the grievance the City Manager shall discuss the grievance with the employee, his/her representative, if any, and with all other appropriate persons within ten (10) days of receipt of the grievance. The City Manager may designate an individual not in the normal line of supervision to advise him/her, or to conduct whatever investigation he/she deems appropriate, concerning the grievance. The City Manager shall render a decision in writing to the employee within twenty (20) calendar days after receiving the grievance.

Step 3: If the employee is not satisfied with the decision of the City Manager, the employee may then take the appeal, in writing, to the Employee Grievance Board within ten (10) calendar days of the written decision of the City Manager as served on employee.

The Grievance Board will hear the grievance within thirty (30) calendar days of its appointment in accordance with Section 11.04. At the conclusion of the hearing the Grievance Board shall, within ten (10) calendar days, prepare and file a written decision including its findings and conclusions.

The Grievance Board may affirm, reverse, or modify the decision of the City Manager.

All Board hearings on grievance matters shall be conducted in an expeditious manner and need not be conducted according to technical rules relating to evidence and witnesses. The Chairperson shall retain final authority to rule on procedural matters or on other points which might impact the length and conduct of the hearing.

11.04 Gonzales Employee Grievance Board

The Gonzales Employee Grievance Board shall have a non-permanent status and shall consist of three (3) members, to be appointed on an as-needed basis. The City Manager shall appoint one member and the appropriate employee organization shall appoint one member, each within ten (10) calendar days of the date of appeal. The third appointee shall be selected by the two appointees. The City's and Employee Organization's appointees shall submit a list of three potential appointees for consideration. The third appointee shall be selected from these lists.

If the appointees cannot agree on the third, they shall submit the candidates list to the City Clerk for submittal to the City Council at the first available opportunity for selection of the third appointee.

11.05 Miscellaneous

- A. The time limits specified above may be extended to a definite date by mutual written agreement of the employee and reviewer concerned.
- B. Employee shall be free from reprisal, discrimination, and coercion for using the grievance procedure.
- C. Compliance with the foregoing grievance procedure shall be considered as mandatory to the exhaustion of administrative remedies.

CHAPTER 12

INJURY AND ILLNESS PREVENTION PROGRAM

12.01 Statement of Policy

It is the policy of the City of Gonzales to provide a safe and healthy work environment for all employees and to comply with the State and Federal laws governing workplace health and safety.

The City's Injury and Illness Prevention Program (IIPP) contains many components that work together in making the City's work sites safe places of employment. Each employee plays a critical role in implementing the program and in ensuring its success. The main components of the program are as follows.

- A. The program document that outlines specific employee safety responsibilities.
- B. The City's Manager or his/her designee shall be designated as the Program Administrator and shall administer the program outlined herein.
- C. A system of scheduled safety inspections and evaluations.
- D. Safety training of new or transferred employees shall be conducted by the Program Administrator.
- E. Implementing a means of communication allowing employees to report hazardous conditions. It is the policy of the City that reporting hazardous conditions is encouraged and no employee shall be disciplined for reporting such a condition.
- F. Posters displayed at each work site to convey safety information.

Through this policy and an active role played by all employees, the City's goal is to provide the safest and healthiest environment possible.

12.02 Safety Rules and Practices

It is the responsibility of all employees to follow safe work practices in carrying out their job assignments. Specific safety practices for each position shall be the responsibility of the on-site supervisors and managers, as it would be impractical to detail safety rules for each position. The general safety rules and practices listed below shall apply to all employees, regardless of their position.

- A. Employees must immediately report unsafe conditions, work practices or hazards by completing the Hazardous Condition Report Form or calling the Program Administrator, as designated on the Hazardous Condition Report Form.

- B. All employees may refuse to perform an assignment under potentially unsafe conditions.
- C. All employees should utilize proper safety techniques when lifting, moving or stacking objects.
- D. All employees should immediately report damaged or broken machinery to their supervisor.
- E. Employees should utilize proper care when using stairs or walking on potentially slippery surfaces.
- F. Employees should not stand on furniture or other items not designated for standing.
- G. No employee should attempt to move heavy furniture or other large items.
- H. No employee should engage in "horseplay," defined as physical conduct and activity unrelated to work duties, while at work.

To ensure that all employees practice the safety guidelines published in this IIPP, the following policies have been established:

- A. Supervisors and managers shall be responsible and accountable for the safety of all employees under their direction. This includes reminding employees to work safely.
- B. Appropriate disciplinary action may be taken against individuals who are not following the IIPP guidelines. Disciplinary action shall also be initiated against individuals who retaliate against an employee who has made a report about an unsafe condition or practice.
- C. The City Manager may give appropriate recognition to employees whose performance consistently demonstrates compliance with the IIPP.
- D. The City Manager may propose additional policies or amendments to ensure compliance with IIPP guidelines.

12.03 Inspections

The Program Administrator shall conduct regular semi-annual inspections of City facilities. Employees are encouraged to be proactive when inspections are conducted and point out any potential hazards. Safety hazards shall be documented on the "Safety Correction Schedule" and shall be tracked until the hazard is corrected.

12.04 Hazard Communication

During the year, hazards may periodically arise. Therefore, employees shall be encouraged to complete a "Hazardous Condition Report" form in the event they come across a potential safety hazard. The form should be completed and returned to the Program Administrator. The hazard shall be investigated and acted upon accordingly.

12.05 New Employee Training

All new employees, as part of their initial orientation shall be trained on safety and other IIPP guidelines by his/her Department Head. Each part of the program shall be covered and the employee shall be required to acknowledge said training. To assist in this process, a "New Employee Safety Training Checklist" has been developed. The checklist shall provide an outline of safety issues and both the Department Head and the new employee shall sign the checklist verifying the issues have been covered. The checklist shall then be placed in the IIPP training folder maintained by the Program Administrator.

12.06 Emergency Procedures

The following information is provided to assist employees with general, common sense approaches to emergency situations. It would be impossible to document every possible emergency scenario, yet the changes of injury or illness shall decrease by following these guidelines.

A. Fire Alarm: Evacuate - immediately stop what you are doing and proceed to the nearest exit. Each City facility shall have a designated area or escape routes which shall be covered in the initial training. Exit cautiously. Use alternate routes if smoke, flames, or hot doors block the closest exit.

Aid employees or building occupants with special needs or disabilities. Remain calm, assess the situation and act quickly.

B. Earthquake: During an Earthquake - if you are inside, stay there. **DO NOT RUN OUTSIDE**. Take cover under a desk or in a doorway and stay away from overhead glass. Stay there until the earthquake subsides.

If you are outside, stay there. Go to an open area away from trees, building walls or power lines.

If you are driving, pull over to the side of the road and stop. Avoid overpasses and power lines. Stay inside the car until the shaking is over.

After an Earthquake: Remain calm. If necessary and when it is safe to do so, evacuate the building and go to an open area away from building walls, trees or power lines. Assist co-workers if necessary.

Check for fires. Do not smoke, use matches or lighters. **ONLY USE THE TELEPHONE FOR EMERGENCY CALLS.**

C. Bomb Threat: General Procedures: If a bomb threat is received by phone, the employee should remain calm and get as much information as possible. Try to document the following information.

1. Exact time call was received.
2. When is the bomb going to explode?
3. Where is the bomb?
4. What kind of bomb is it?
5. What does the bomb look like?
6. Whom do you represent?
7. Why did you place the bomb?
8. Try to record the exact words of the individual.
9. Document a description of the caller. Male/Female, accent, slang, emotional state, background noises.
10. Immediately notify the City Manager or his/her designee. Follow directions given.

D. Proper Lifting Procedures

Most back injuries result from improper lifting. Listed below are proper back lifting techniques.

1. Get a firm footing. Keep your feet apart for a stable base; point toes out.
2. Bend your knees. Don't bend at the waist. Keep the principles of leverage in mind at all times. Don't do more than necessary.
3. Tighten stomach muscles. Abdominal muscles support your spine when you lift, offsetting the force of the load.
4. Lift with your legs. Let your powerful leg muscles do the work of lifting, not your weaker back muscles.
5. Keep the load close. Don't hold the load away from your body. The closer it is to your spine, the less force it exerts on your back.
6. Keep your back upright. Whether lifting or putting down the load, don't add the weight of your body to the load. Avoid twisting.

CITY OF GONZALES
HAZARDOUS CONDITION REPORT

Route to: _____, Program Administrator

Name (Optional): _____

Directions: Please fill out the following information when encountering a hazardous condition in or around your department or location. Your assistance in creating a safe environment is greatly appreciated. Please return completed form to the City Manager's Office.

Date: _____

Location (please be specific): _____

Description of hazard: _____

What is the cause of the hazard: _____

Has an injury resulted from this hazard? Yes _____ No _____

Has an illness resulted from this hazard? Yes _____ No _____

If yes, describe: _____

Suggestion for improving safety: _____

CITY OF GONZALES

EMPLOYEE SAFETY TRAINING CHECKLIST

Employee Name: _____ Date: _____

Job Title: _____ Date of Hire: _____

General Safety Guidelines:

Reviewed:

- | | |
|--|-------|
| 1. Review of Safety Policies and Procedures | _____ |
| 2. Organizational Structure of City | _____ |
| 3. Familiarization of Working Area | _____ |
| 4. Location and Use of Safety Communications | _____ |
| 5. Location of Restroom Facility | _____ |
| 6. Posted Areas, Signs and Other Information | _____ |
| 7. First Aid Supplies | _____ |
| 8. Injury Reporting | _____ |

I have been instructed on the safety information above:

Employee Signature: _____ Date: _____

Trained By: _____ Date: _____

12.07 City-Wide Safety Committee

A. Function: The City-Wide Safety Committee shall be advisory only, so as not to conflict with the Department Head's direct responsibility for safety. The Safety Committee shall fulfill its advisory role by recommending the adoption of overall safety policies; participating in developing safety training programs; reviewing accident statistics and injury reports in order to identify accident trends and make recommendations for correction and reviewing specific injury case histories where warranted.

B. Membership: The City-Wide Safety Committee shall include the City Manager or his/her designee, a representative from the Police Department, a representative from the Public Works Department and a representative of clerical staff.

C. Meetings: The City-Wide Safety Committee shall meet as determined by the City Manager and on call of the Committee Coordinator.

12.08 Accident Reporting Procedures

The primary reason for specifying a precise procedure for reporting an accident is to protect the employee by ensuring that s/he received all available benefits under the State Workers' Compensation Law. Failure to follow the prescribed accident reporting procedures outlined in this section may result in the employee being required to pay medical expenses which otherwise would have been covered by Workers' Compensation.

A. Employee Injury: When an employee becomes injured on the job, it shall be his/her responsibility to promptly seek out adequate medical treatment, as indicated by the following guidelines:

1. Injuries of a minor nature requiring first-aid treatment only shall be treated immediately by the employee him/herself or a fellow employee, and reported to the employee's supervisor as soon as possible. In all cases an accident of this nature must be reported to the supervisor on the same day it occurs. The supervisor shall then determine whether the injury is serious enough to require medical attention from a physician.

When it is determined that a physician's care is necessary, the injured employee shall be referred to a physician at the Gonzales Medical Group.

2. An employee involved in an accident causing a serious injury shall be referred immediately by the employee him/herself or a fellow employee to the duty physician at the Gonzales Medical Group or the nearest hospital.

The employee's supervisor shall be notified immediately concerning the accident and the condition of the injured employee.

During the hours from 8:00 AM to 5:00 PM, Monday through Friday, an injured employee needing a physician's attention shall be referred to the Gonzales Medical Group.

3. Sworn Police Officer employees who develop conditions that are presumed to be caused on the job, shall notify their supervisor immediately after receiving such a diagnosis from the treating physician. After receiving such notification, the supervisor shall report the employee's condition to the City Manager.

B. Accidents Involving City Owned Mobile Equipment: Such accidents shall be reported to the Police Department immediately regardless of the seriousness of the accident and the hour of the accident. Regardless of the type of accident, no equipment is to be moved if at all possible until a Police Officer arrives. The Gonzales Police Department shall take photographs of all such accidents within their jurisdiction.

After the police investigation report is completed, copies shall be sent to the appropriate department and to the City Manager for filing after the case has been reviewed.

CHAPTER 13

BLOOD-BORNE PATHOGEN PROGRAM

13.01 Statement of Purpose

City personnel, in the course of normal duties, may become exposed to human blood, which may be capable of transmitting fatal or debilitating diseases. It is imperative that personnel exercise universal precautions (treating all human blood and all human body fluids as if known to be infectious for HIV, HBV, and other blood-borne pathogens) in any setting that may result in contact with any human body fluid.

An occupational exposure means any reasonably anticipated skin, eye, mucous membrane or parental (any act that pierces a mucous membrane) contact with blood or other potentially infectious materials that may result from the performance of an employee's duties. This includes any and all body fluids in situations where it is difficult or impossible to differentiate between body fluids, including unfixed human tissue or organs, whether living or dead.

Several classifications of personnel are at risk of exposure to blood and other body fluids while engaging in assigned duties. To limit the adverse health effects that may result from an unprotected contact with these fluids, personnel must wear the appropriate personal protective equipment.

13.02 Job Classifications That Have Occupational Exposure

- A. Firefighters
- B. Police Officers
- C. Building Maintenance Workers
- D. Animal Control Officer
- E. Street Sweepers
- F. Parks & Recreation Workers
- G. Street Workers
- H. Sewer Maintenance Workers

13.03 Protective Measures

Since contact with bodily fluids could occur without warning, personnel shall be provided, as a minimum, the appropriate protective gloves prior to commencing work in any of these service areas, and if the need for additional personal protective equipment becomes necessary while performing a task in these areas, personnel shall stop and don the appropriate additional protective equipment before continuing. This may not be necessary if, in the employees professional judgment for that specific instance, its use shall pose an increased hazard to the safety of the worker or co-worker. Exposure resulting from a failure to exercise universal precautions shall be followed up with a written investigation of the incident.

Proper hand washing provides a *first line of defense* against exposure.

- A. Remove gloves before contacting uncontaminated persons, articles or equipment.
- B. Wash hands as soon as possible after removing protective equipment.
- C. If hand washing facilities are not available, personnel shall use an appropriate antiseptic hand cleanser in conjunction with clean paper towels. Hand washing should take place as soon as is feasible.
- D. After hand washing has been completed, personnel shall dry their hands on paper towels. Use of a community towel adjacent to the wash area is not recommended.

Personnel at risk shall exercise additional protective measures.

- A. Personnel shall not eat, drink, smoke, apply lip balm or make-up while in a potentially contaminated setting.
- B. Personnel shall avoid all contact with his/her face or mucous membranes while in a potentially contaminated setting.
- C. Gloves and other protective equipment shall be kept in each vehicle as part of the appropriate work clothing.
- D. Personnel shall use universal precautions during any clean-up operations where contact with human blood or other body fluids is likely (i.e. sewer spills, working on or around drain cleaning equipment, handling toilet fixtures, spills of infectious or unknown materials).

13.04 Types of Protective Equipment

Personnel shall wear the appropriate protective equipment based on their professional assessment of the risk of exposure. Personal protective equipment shall be considered "appropriate" only if it does not, under normal conditions of use, permit blood or other potentially infectious materials to pass through or reach the employee's work clothes, street clothes, undergarments, skin, eyes, mouth or other mucous membranes.

- A. Latex or vinyl gloves shall be used in all cases.
- B. In high risk situations, high-risk gloves shall be worn over latex or vinyl gloves.
- C. Protective eye wear shall be worn if there is a potential of splash.
- D. Masks shall be worn if there is a potential of splash or air borne transmitted exposure.
- E. Disposable coveralls shall be worn if there is a potential of splash that would contaminate work clothing.

To limit secondary exposure to blood-borne pathogens, personnel shall not reuse one-time use (disposable) protective equipment. If uniforms become exposed to blood products in the course of the employee's job duties, the exposed employee shall remove the contaminated clothing, place all contaminated clothing in a marked and sealed plastic bag, shower using soap and water and dress in a clean uniform. The contaminated clothing shall be taken to an appropriate laundry for washing, at no cost to the employee. In any situation where personnel come into direct physical contact with blood or other bodily fluids, they must wash the affected body part with soap and water at the earliest possible time. In the most serious exposure cases, this washing may include, but is not limited to, gross decontamination procedures at the

scene of the exposure decontamination and an opportunity to seek a follow-up medical evaluation.

13.05 Vaccination and Post-Exposure Evaluation

The City shall make available the Hepatitis B vaccine and vaccination series to all employees who have occupational exposure, and a post-exposure evaluation and follow-up to all employees who have had an exposure incident. Vaccination and evaluation, as provided by a licensed health care professional, shall be available at no cost to the employee.

The employee may refuse the vaccination in writing, but this refusal does not prohibit the employee from requesting the vaccination at a later date. Booster dose(s), if required, shall be provided by the employer.

In the event of an exposure, the employee shall inform his/her supervisor of the exposure and shall fill out the appropriate On-The Job-Injury forms. All exposures shall be documented and shall include the circumstances under which the exposure occurred, route of exposure and individual source. The City shall make immediately available a confidential medical evaluation and follow-up, including the above information and a test of the source individual's blood, when this information can be ascertained, as soon as is feasible within the requirements of the law. Post exposure can include, if medically warranted, prophylaxis, counseling, and, at the employee's consent, blood evaluation. All results of any tests shall be provided to the employee, and shall be followed by a health care professional's written opinion within fifteen (15) days of the completion of the evaluation.

13.06 Training

Personnel shall be trained in precautions necessary to identify and protect themselves from an exposure to blood-borne pathogens.

- A. Training shall be conducted anytime new procedures are established, or anytime there is a change in job duties or tasks.
- B. Training shall include epidemiology, modes of transmission, methods to reduce or prevent exposure, protective measures, handling of contaminated personal equipment, information on Hepatitis B, procedures of contact in the event of an exposure, information on post exposure follow-up, explanation of signs and labels for coding infectious materials and interactive questioning.

13.07 Record Keeping

Medical and training records shall be maintained in the manner prescribed:

Medical: The City shall maintain an accurate record for each employee with occupational exposure. This record shall include: Social Security number; copy of Hepatitis B vaccination status and records on employee's ability to receive Hepatitis B vaccination; copies of results of exposure(s) and follow-up testing and examinations; copies of health care provider's written opinion; copies of information provided to health care professional. The City shall maintain the confidentiality of all medical records and only provide this information to anyone with the employee's express written consent. These records shall be maintained for at least the duration of employment plus seven (7) years. To the extent permitted by law, record keeping responsibilities may be delegated to an appropriate entity or business.

Training: All training shall be conducted by a qualified instructor(s) with knowledge of the subject as it relates to the work place. Training records shall include date(s), contents of training sessions(s), names and qualifications of trainer(s), names and job titles of employees, and shall be maintained for three (3) years. Records shall be made available to employee and inspector(s).

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Hepatitis B Vaccine Declination

I _____ understand that, due to my occupational exposure to blood or other potentially infectious materials, I may be at risk of acquiring Hepatitis B virus (HIV) infection. I have been given the opportunity to be vaccinated with Hepatitis B vaccine, at no charge to myself. However, I decline Hepatitis B vaccination at this time. I understand that by declining the vaccine, I continue to be at risk of acquiring Hepatitis B, a serious disease. If, in the future, I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with Hepatitis B vaccine, I can receive the vaccination series at no charge to me.

Employee's Signature

Date

Supervisor's Signature

Date

A copy of this signed form shall be given to the employee, and the original shall remain part of the employee's confidential file as required by 29 CFR Part 1910.1030.

CHAPTER 14

EMPLOYEE DEVELOPMENT

14.01 Statement of Policy

It is the policy of the City of Gonzales to foster and promote in-service training and other job related educational activities of employees for the purpose of improving the quality of personnel services rendered to the City, and assist employees to equip themselves for advancement in the service.

14.02 Eligibility for Educational Cost Reimbursement

To qualify for educational reimbursement, the employee must be a regular appointee and the course selected must be of such a nature that it benefits the City and better prepares the employee to carry out the duties for which s/he was hired. Employees seeking college degrees shall be eligible for reimbursement for courses that are directly related to their current duties.

Each eligible employee desiring to qualify must attend the course on his/her own time, complete the course satisfactorily with a passing grade of "C," or its numerical equivalent or better, and must have exhausted educational benefits under the G.I. Bill and/or the California Veterans' Benefit.

If an employee voluntarily leaves the City service within one (1) year after the completion of any course paid for by the City, the cost of such course shall be deducted from the employee's last pay check.

14.03 Procedures for Obtaining Payment

The tuition reimbursement policy covers courses taken at accredited colleges and universities and approved correspondence courses. The policy also covers the cost of text books and other required course materials.

The appropriate Department Head and the City Manager shall mutually agree that the requested course is directly related to the employee's present duties and that the immediate benefit to the City is sufficient to warrant the expenditure of City funds. The request shall then be approved by the City Manager.

Immediately upon completion of a course, verification of the grade received shall be sent to the City Manager. This verification may be either in the form of a transcript, a letter from the class instructor or other responsible member of the school staff, or a certification of satisfactory completion in the case of correspondence courses.

A memo requesting payment, accompanied by confirmation of the grade received and a paid receipt for the tuition, books and materials, should be sent to the City Manager.

Upon completion of the course, all text books and materials shall become the property of the respective department, and become part of each department's library. A memorandum shall be required from the Department Head certifying that the text books have been turned in to the Department library.

None of the preceding instructions shall be construed as applying to training courses which may be taken by employees at the request of the City or which the City may designate as a required course.

CHAPTER 15

EMPLOYER-EMPLOYEE ORGANIZATION RELATIONS

15.01 Statement of Purpose

This Chapter implements Chapter 10, Division 4, Title 1 of the Government Code of the State of California (sections 3500 et seq.) captioned "Local Public Employee Organizations," by providing orderly procedures for the administration of employer-employee relations between the City and its Employee Organizations. However, nothing contained herein shall be deemed to supersede the provisions of State law, City ordinances, or the other Chapters of these rules and regulations which establish and regulated the personnel system, or which provide for other methods of administering employer-employee relations. This Chapter is intended, instead, to strengthen merit, personnel system and other methods of administering employer-employee relations through the establishment of uniform and orderly methods of communications between Employee Organizations and the City.

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

15.02 Definitions

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

- A. "Appropriate Unit" means a unit of employees classes or positions, established pursuant to this Chapter.
- B. "City" mean the City of Gonzales, and, where appropriate herein, refers to the City Council or any duly authorized City representative as herein defined.
- C. "Confidential Employee" means an employee, who, in the course of his or her duties, is required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to information contributing significantly to the development of management positions relating to the City's administration of employer-employee relations.

- D. "Consult/Consultation in Good Faith" means to communicate orally or in writing for the purpose of presenting and obtaining views or advising of intended actions; and, as distinguished from meeting and conferring in good faith regarding matters within the required scope of such meet and confer process, does not involve an exchange of proposals and counter-proposals in an endeavor to reach agreement, nor is it subject to impasse procedures.
- E. "Day" means calendar day unless expressly stated otherwise.
- F. "Employee Relations Officer" means the City Manager or his/her duly authorized representative.
- G. "Grievance" means any dispute concerning the interpretation or application of an agreement, or of rules and regulations governing personnel practices or working conditions.
- H. "Impasse" means that the representative of the City and a Recognized Employee Organization have reached a point in their meet and confer in good faith process where their differences on matters to be included in a Memorandum of understanding, and concerning which they are required to meet and confer, remain so substantial and prolonged that further meeting and conferring would be futile.
- I. "Management Employee" means an employee having significant responsibility for formulating, administering or managing the implementation of City policies or programs, and/or having authority to exercise independent judgment to hire, transfer, suspend, lay-off, recall, promote, discharge, assign, reward or discipline other employees, or having the responsibility to direct other employees, or to adjust their grievances.
- J. "Mediation" means the effort by an impartial third party to assist in reconciling a dispute regarding wages, hours, and other terms and conditions of employment between authorized representatives of the City and Association(s) through interpretation, suggestion and advice.
- K. "Meet and Confer in Good Faith - Scope" means the City, through its representative, shall meet and confer in good faith with representatives of formally recognized employee organizations with majority representation rights regarding matters within the scope of representation including wages, hours, and other terms and conditions of employment within the appropriate unit.
- L. "Proof of Employee Support" means (1) an authorization card recently signed and personally dated by an employee, or (2) a verified authorization petition or petitions recently signed and personally dated by an employee, or (3) employee dues deduction authorization, using the payroll register for the period immediately prior to the date of petition is filed hereunder, except that dues deduction authorizations for more than one (1) Employee

Organization for the account of any one (1) employee shall not be considered as proof of employee support for any Employee Organization.

The only authorization which shall be considered as proof of employee support hereunder shall be the authorization last signed by an employee. The words "recently signed" shall mean within one hundred eighty (180) days prior to the filing of a petition.

- M. "Recognized Employee Organization" means an Employee Organization which has been formally acknowledged by the City as the Employee Organization that represents the employees in an appropriate representation unit.
- N. "Scope of Representation" means the scope of representation which shall include all matters relating to employment conditions and employer-employee relations, including, but not limited to, wages, hours, and other terms and conditions of employment. The scope of any meet-and-confer meeting shall not include City rights with respect to matters of general legislative or managerial policy, which include among others: the exclusive right to determine the mission of its constituent departments, commissions and boards; set standards of service; determine the procedures and standards of selection for employment; direct its employees; take disciplinary action; relieve its employees from duty because of lack of work or for other legitimate reasons; maintain the efficiency of governmental operations; determine the methods, means and personnel by which government operations are to be conducted; take all necessary actions to carry out its mission in emergencies; and exercise complete control and discretion over its organization and the technology of performing its work.
- O. "Supervisory Employee" means any employee having authority, in the interest of the City, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if, in connection with the, foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

15.03 Filing of Recognition Petition By Employee Organization

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

- A. Name and address of the Employee Organization;
- B. Names and titles of its officers;
- C. Names of Employee Organization representatives who are authorized to speak on behalf of the organization;

- D. A statement that the Employee Organization has, as one of its primary purposes, representing employees in their employment relations with the City;
- E. A statement whether the Employee Organization is a chapter of, or affiliated directly or indirectly in any manner, with a local, regional, state, national or international organization, and, if so, the name and address of each such other organization;
- F. Certified copies of the Employee Organization's constitution and by-laws;
- G. A designation of those persons, no exceeding two (2) in number, and their addresses, to whom notice sent by regular United States mail shall be deemed sufficient notice on the Employee Organization for any purpose;
- H. A statement that the Employee Organization has no restriction on membership based on race, color, creed, religion, sex, mental or physical handicap or national origin;
- I. The job classifications or titles of employees in the unit claimed to be appropriate and the approximate number of member employees therein;
- J. A statement that the Employee Organization has in its possession proof of employee support as herein defined to establish that a majority of the employees in the unit claimed to be appropriate have designated the Employee Organization to represent them in their employment relations with the City. Such written proof shall be submitted for confirmation to the Employee Relations Officer or to a mutually agreed upon disinterested third party;
- K. A request that the Employee Relations Officer formally acknowledge the petitioner as the Recognized Employee Organization representing the employees in the unit claimed to be appropriate for the purpose of meeting and conferring in good faith.

The Petition, including all accompanying documents, shall be declared to be true, correct and complete, under penalty of perjury by the duly authorized officer(s) of the Employee Organization executing it.

15.04 City Response to Recognition Petition

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

- A. There has been compliance with the requirement of the Recognition Petitions, and
- B. The proposed representation unit is an appropriate unit in accordance with Section 15.08.

If an affirmative determination is made by the Employee Relations Officer on the foregoing two matters, s/he shall so inform the petitioning Employee Organization and shall give written notice of such request for recognition to the employees in the unit and shall take no action on said request for

thirty (30) days thereafter. If either of the foregoing matters are not affirmatively determined, the Employee Relations Officer shall offer to consult thereon with such petitioning Employee Organization, and, if such determination thereafter remains unchanged, shall inform that organization of the reasons therefore in writing. The petitioning Employee Organization may appeal such determination in accordance with Section 15.10.

15.05 Open Period for Filing Challenging Petition

Within thirty (30) days of the date written notice was given to affected employees that a valid recognition petition for an appropriate unit has been filed, any other Employee Organization may file a competing request to be formally acknowledged as the recognized Employee Organization of the employees in the same or in an overlapping unit (one which corresponds with respect to some but not all the classifications or positions set forth in the recognition petition being challenged), by filing a petition evidencing proof of employee support in the unit claimed to be appropriate of at least thirty percent (30%) and otherwise in the same form and manner as set forth in Section 15.03. If such challenging petition seeks establishment of an overlapping unit, the Employee Relations Officer shall call for a hearing on such overlapping petitions for the purpose of ascertaining the more appropriate unit, at which time the petitioning Employee Organizations shall be heard. Thereafter, the Employee Relations Officer shall determine the appropriate unit or units in accordance with the standards in Section 15.08. The petitions Employee Organization shall have fifteen (15) days from the date notice of such unit determination is communicated to them by the Employee Relations Officer to amend their petitions to conform to such determination or to appeal such determination pursuant to Section 15.10.

15.06 Election Procedure

After receipt of a Recognition Petition, and in compliance with the provisions of Sections 15.04 and 15.05, the Employee Relations Officer shall conduct or shall arrange for a secret ballot election to be conducted by a party agreed to by the Employee Relations Officer and the concerned Employee Organization(s), in accordance with its rules and procedures subject to the provisions of this Chapter. All Employee Organizations who have duly submitted petitions which have been determined to be in conformance with this Chapter shall be included on the ballot. The choice of "no organization" shall also be included on the ballot. Employees entitled to vote in such election shall be those persons who are regular appointees within the designed appropriate unit who were employed during the pay period immediately prior to the date which ended at least fifteen (15) days before the date the election commences, including those who did not work during such period because of illness, vacation or other authorized leaves of absence, and who are employed by the City in the same unit on the date of the election. An Employee Organization shall be formally acknowledged, as the Recognized Employee Organization for the designated appropriate unit following an election or run-off election if the number of valid votes cast in the election for it constitutes a majority of all employees eligible to vote. In an election involving three (3) or more choices, where none of the choices receives the necessary majority vote, a run-off election shall be conducted between the two (2) choices receiving the largest number of valid votes cast; the rules governing an initial election being applicable to a run-off election.

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

In the event that the parties are unable to agree on the third party to conduct an election, the election shall be conducted by the American Arbitration Association.

Costs of conducting elections shall be borne in equal shares by the City and by each Employee Organization appearing on the ballot.

15.07 Procedure for Decertification of Recognized Employee Organization

A Decertification Petition alleging that the incumbent Recognized Employee Organization no longer represents a majority of the employees in an established appropriate unit may be filed with the Employee Relations Officer only during the month of January of any year following the first full year of recognition or during the thirty (30) day period commencing one hundred eighty (180) days prior to the termination date of a Memorandum of Understanding then having been in effect less than three (3) years, whichever occurs later. A Decertification Petition may be filed by two (2) or more employees or their representative, or an Employee Organization, and shall contain the following information and documentation declared by the duly authorized signatory under penalty of perjury to be true, correct and complete:

- A. The name, address and telephone number of the petitioner and a designated representative authorized to receive notices or requests for further information.
- B. The name of the established appropriate unit and of the incumbent Recognized Employee Organization sought to be decertified as the representative of that unit.
- C. An allegation that the incumbent Recognized Employee Organization no longer represents a majority of the employee in the appropriate unit, and any other relevant and material facts relating thereto.
- D. Proof of employee support that a majority of the employees in the established appropriate unit no longer desires to be represented by the incumbent Recognized Employee Organization. Any written signature constituting such proof must have been provided within six months of the date upon which the petition is filed. Such proof shall be, submitted for confirmation to the Employee Relations Officer or to a mutually agreed upon disinterested third party.

An Employee Organization may file a Petition under this section in the form of a Recognition Petition that conforms to the requirements of Section 15.03 in satisfaction of the Decertification Petition requirements hereunder.

The Employee Relations Officer shall initially determine whether the Decertification Petition or Recognition Petition, if any, have been filed in compliance with the applicable provisions of this Chapter. If his/her determination is in the negative, s/he shall offer to consult thereon with the representative(s) of such petitioning employees or Employee Organization, and, if such

determination thereafter remains unchanged, shall return such Petition(s) to the employees or Employee Organization with a statement of the reasons therefore in writing. The petitioning employees or Employee Organization may appeal such determination in accordance with Section 15.10. If the determination of the Employee Relations Officer is in the affirmative, or if his/her negative determination is reversed on appeal, s/he shall give written notice of such Decertification or Recognition Petition to the incumbent Recognized Employee Organization and to unit employees.

The Employee Relations Officer shall thereupon arrange for a secret ballot election to be held not less than fifteen (15) days nor more than thirty (30) days after such notice to determine the wishes of unit employees as to the question of decertification, and, if an accompanying Recognition Petition was duly filed, and in the event decertification of the incumbent Recognized Employee Organization is voted, the question of representation. Such election shall be conducted in conformance with Section 15.06.

15.08 Policy and Standards for Determination of Appropriate Units

The basic policy objectives in determining the appropriateness of units shall be the effect of a proposed unit on (1) the efficient operation of the City and its compatibility with the primary responsibility of the City and its employees to effectively and economically service the public, and (2) providing employees with effective representation based on recognized community of interest consideration. These policy objectives required that the appropriate unit shall be the broadest feasible grouping of positions that share an identifiable community of interest factors to be considered shall be:

- A. Similarity of the general kinds of work performed, types of qualifications required, and the general working conditions.
- B. History of representation in the City and similar employment; except however, that no unit shall be deemed to be an appropriate unit solely on the basis of the extent to which employees in the proposed unit have organized.
- C. Consistency with the organizational patterns of the City.
- D. Number of employees and classifications, and the effect on the administration of employer-employee relations created by the fragmentation of classification and proliferation of units.
- E. Effect on the classification structure and impact on the stability of the employer-employee, relationship of dividing a single or related classifications among two or more units.

Notwithstanding the foregoing provisions of this Chapter, management, confidential and supervisory employees shall only be included in a unit consisting solely of either management, confidential, or supervisory employees. Any supervisory unit shall not be represented by a Recognized Employee Organization that represents non-supervisory employees of the City. Professional employees shall not be denied the right to be represented in a separate unit from non-

professional employees. City employees who are full-time peace officers shall have the right to join and participate in employee organizations which are comprised solely of such peace officers.

The Employee Relations Officer shall, after notice to and consultation with affected Employee Organization, allocate new classifications or positions, delete eliminated classification or positions, and retain, reallocate or delete modified classifications or positions from units in accordance with the provisions of this Section.

15.09 Procedure for Modification of Established Appropriate Units

Requests by Employee Organizations for modifications of established appropriate units may be considered by the Employee Relations Officer only during the period specified in Section 15.07. Such requests shall be submitted in the form of a Recognition Petition, and, in addition to the requirements set forth in Section 15.03, shall contain a complete statement of all relevant facts and citations in support of the proposed modified unit in terms of the policies and standards set forth in Section 15.08.

The Employee Relations Officer shall process such petitions as other Recognition Petitions.

The Employee Relations Officer may on his/her own motion, propose during the period specified in 15.07 that an established unit be modified. The Employee

Relations Officer shall give written notice of the proposed modification(s) to any affected Employee Organization and shall hold a meeting concerning the proposed modification(s), at which time all affected Employee Organizations shall be heard. Thereafter the Employee Relations Officer shall determine the composition of the appropriate unit or units in accordance with Section 15.08, and shall give written notice of such determination to the affected employee organizations. The Employee Relations Officer's determination may be appealed as provided in Section 15.10. If a unit is modified pursuant to the motion of the Employee Relations Officer hereunder, Employee Organizations may thereafter file Recognition Petitions seeking to become the Recognized Employee Organization for such new appropriate unit or units pursuant to Section 15.03.

15.10 Appeals

An Employee Organization aggrieved by an appropriate unit determination of the Employee Relations Officer may, within ten (10) days of notice thereof, request the intervention of the California State Conciliation Service, pursuant to Government Code Sections 3507.1 and 3507.3, or may, in lieu thereof or thereafter, appeal such determination to the City Council for final decision within fifteen (15) days of notice of the Employee Relations Officer's determination or the termination of proceedings pursuant to Government Code Sections 3507.1 or 3507.3, whichever is later.

An Employee Organization aggrieved by a determination of the Employee Relations Officer that a Recognition Petition (Section 15.03); Challenging Petition (Section 15.05) or Decertification or Certification Petition (Section 15.07) has not been filed in compliance with the applicable provisions

of this Chapter, may, within fifteen (15) days of notice of such determination, appeal the determination to the City Council for final decision.

Appeals to the City Council shall be filed in writing with the City Clerk, and a copy thereof served on the Employee Relations Officer. The City Council shall commence to consider the matter within thirty (30) days of the filing of the appeal. The City Council may, in its discretion, refer the dispute to a third party hearing process. Any decision of the City Council on the use of such procedure and/or any decision of the City Council determining the substance of the dispute shall be final and binding.

15.11 Submission of Current Information by Recognized Employee Organizations

All changes in the information filed with the City by a Recognized Employee Organization under Items (A) through (H) of its Recognition Petition under Section 15.03 shall be submitted in writing to the Employee Relations Officer within fourteen (14) days of such change.

15.12 Payroll Deductions on Behalf of Employee Organizations

Upon formal acknowledgment by the City of a Recognized Employee Organization under this Chapter, only such Recognized Employee Organization may be provided payroll deductions of membership dues and insurance premiums for plans sponsored by such organization upon the written authorization of employees in the unit represented by Recognized Employee Organization on forms provided therefore by the City. The providing of such service to the Recognized Employee Organization by the City shall be contingent upon and in accordance with the provisions of Memoranda of Understanding and/or applicable administrative procedures.

It is understood and agreed that the City shall not be required to deduct said dues or to remit same to the Association when any employee covered by this Agreement who has previously filed a written authorization requesting such deduction requests in writing that the City cancel said previously authorized dues deductions.

It is further agreed that the Association shall indemnify and save the City harmless against any and all claims, demands, suits, or other forms of liability that shall arise out of or by reason of action taken or not taken by the City for the purpose of complying with the provisions of this Section.

15.13 Employee Organization Activities - Use of City Resources

Access to City work locations and the use of City paid time, facilities, equipment and other resources by Employee Organizations and those representing them shall be authorized only to the extent provided for in Memorandum of Understanding and/or administrative procedures, shall be limited to activities pertaining directly to the employer-employee relationship and not such internal Employee Organization business as soliciting membership, campaigning for office, organization meetings and elections, and shall not interfere with the efficiency, safety, and security of City operations.

15.14 Administrative Rules and Procedures

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

15.15 Initiation of Impasse Procedures

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

- A. To identify and specify in writing the issue or issues that remain in dispute; and
- B. To review the position of the parties in a final effort to resolve such disputed issue or issues; and
- C. If the dispute is not resolved, to discuss arrangements for the utilization of the impasse procedures provided herein.

15.16 Impasse Procedures

Impasse procedures are as follows:

- A. If the parties agree to submit the dispute to mediation, and agreed on the selection of a mediator, the dispute shall be submitted to mediation. All mediation proceedings shall be private. The mediator shall make no public recommendation, nor take any public position at any time concerning the issues.
- B. If the parties failed to agree to submit the dispute to mediation or failed to agree on the selection of a mediator, or failed to resolve the dispute through mediation within fifteen (15) days after the mediator commenced meeting with the parties, the parties may agree to submit the impasse to fact-finding.
- C. If the parties agree on fact-finding, they may agree on the appointment of one or more fact-finders. If they fail to so agree on one or more fact-finders, a fact-finding panel of three (3) shall be appointed in the following manner: One member of the panel shall be appointed by the Employee Relations Officer, one member shall be appointed by the Recognized Employee Organization, and those two shall name a third, who shall be the chairperson. If they are unable to agree upon a third, they shall select by agreement the third member from one or more lists of names to be provided by the American Arbitration Association.

The following constitutes the jurisdictional and procedural requirement for fact-finding:

- A. The fact-finders shall consider and be guided by applicable Federal and State laws.
- B. Subject to the stipulations of the parties, the fact-finders shall determine and apply the following measures and criteria in arriving at their findings and recommendations:
 - 1. As relevant to the issues in dispute, the fact-finders shall compare the total compensation, hours and conditions of employment of the employees involved in the fact-finding proceeding with the total compensation, hours, and conditions of employment of other employees performing similar services in public and private employment in the same and comparable communities. "Total compensation" shall mean all wage compensation, including but not limited to premium, incentive, minimum, standby, out-of-class and deferred pay; all paid leave time; all allowances, including but not limited to educational and uniform benefits; medical and hospitalization benefits; and insurance, pension and welfare benefits.
 - 2. The fact-finders shall then adjust the results of the above comparisons based on the following:
 - a. Equitable employment benefit relationships between job classifications and positions within the City.
 - b. The pattern of change that has occurred in the total compensation of the employees in the unit at impasse as compared to the pattern of change in the average consumer price index for goods and services, commonly known as the cost of living index.
 - c. The benefits of job stability and continuity of employment.
 - d. The difficulty, or lack thereof, of recruiting and retaining qualified personnel.
 - 3. The fact-finders shall then determine recommendations based on the comparisons as adjusted above subject to the financial resources of the City to implement them, taking into account:
 - a. Other, legislative determined and projected demands on agency resources; and
 - b. Assurance of sufficient and sound budgetary reserves; and
 - c. Statutory limitations of tax and other revenues and expenditures.
- C. The fact-finders shall make written findings of fact and recommendations for the resolution of the issues in dispute, which shall be presented in terms of the criteria, adjustments, and limitations specified above. Any member of a fact-finding panel shall be accorded the right

to file dissenting written findings of fact and recommendations. The fact-finder or chairperson of the fact-finding panel shall serve such findings and recommendations on the Employee Relations Officer and the designated representative of the Recognized Employee Organization. If these parties have not resolved the impasse within ten (10) days after service of the findings and recommendations upon them, the fact-finder or the chairperson of the fact-finding panel shall submit them to the City Clerk for consideration by the City Council in connection with the Council's legislative consideration of the issues at impasse.

1. If the parties agreed to submit the impasse directly to the City Council, or if the parties did not agree on mediation or the selection of a mediator and did not agree on fact-finding or having so agreed, the impasse has not been resolved through such mediation and/or fact-finding, the City Council shall take such action regarding the impasse as it in its discretion deems appropriate as in the public interest. Any action by the City Council on the impasse shall be final and binding.

15.17 Costs of Impasse Procedures

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

15.18 Memorandum of Understanding

When the meet-and-confer process is concluded between the City and a formally recognized organization representing a majority of the employees in an appropriate unit, all agreed upon matters shall be incorporated in a written memorandum of understanding signed by the City Manager and by the representatives of the recognized employee organization. Said document will not be binding until submitted to and approved by the Gonzales City Council.

15.19 Construction

This Chapter shall be administered and construed as follows:

- A. Nothing in the Chapter shall be construed to deny to any person, employee, organization, the City, or any authorized officer, body or other representative of the City, the rights, powers, and authority granted by Federal or State law or City Ordinance provisions.
- B. This Chapter shall be interpreted so as to carry out its purposes as set forth in Section 15.01.
- C. Nothing in this Chapter shall be construed as making provisions of California Labor Code Section 923 applicable to City employees or Employee Organizations, or of giving employees or Employee Organizations the right to participate in, support, cooperate or

encourage, directly or indirectly, any strike, sickout, or other total or partial stoppage of slowdown of work. In the event employees engage in such actions, they shall subject themselves to discipline up to and including termination and may be deemed to have abandoned their employment; and Employee Organization may there by forfeit all rights accorded to them under this Chapter and other City law for a period up to one (1) year from commencement of such activity.

15.20 Severability

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

CHAPTER 16

PERSONNEL RECORDS

16.01 Personnel Records

The City Manager shall be the custodian of the official personnel records and files for all City employees. The personnel files for all employees shall be kept in the City Manager's office in a locked cabinet. Only the City Manager or his/her designee shall have direct access to the personnel files. Information contained in the file shall be made available to appropriate supervisory employees on a "need to know basis," as determined by the City Manager.

The employee has a right to inspect his/her own personnel file; obtain a copy of any document contained in his/her file; and file written response or rebuttal to documents contained in the file.

16.02 Access to Personnel Files by Employees

The following procedure shall be followed when an employee requests to inspect his/her personnel file:

- A. Inspections shall be allowed only during normal business hours, 8:00 AM to 5:00 PM, Monday through Friday.
- B. Inspections shall be allowed only on the employee's own time (breaks, lunch, before or after work).
- C. Employee shall request in writing an appointment with the City Manager to inspect his/her personnel file. This request must be made a minimum of twenty-four (24) hours in advance.
- D. The following items shall be removed from the file before the file is given to the employee for inspection:
 - 1. All Letters of Reference
 - 2. Test Scores
 - 3. Documents relating to a criminal investigation
 - 4. Any other item that was supplied to the City by a confidential source
- E. The City Manager or his/her designee shall be present during the inspection.
- F. The City Manager or his/her designee shall log the date, time and location of the inspection and shall note which documents were inspected and/or copied.

16.03 Access to Personnel Files by Third Parties

No information contained within an employees' personnel file shall be released to a third party unless a waiver has been signed by the employee. Only those documents which have been specifically released by the employee as shown in the waiver shall be shown to the third party.

16.04 Access to Personnel Files Requested by Subpoenas

No information shall be released to any outside agency or person without proof that a notice of a subpoena was given to the employee and the employee had an opportunity to respond.

If a subpoena is received, the following procedure shall be followed:

- A. The City Manager or his/her designee shall accept the subpoena, but shall not release information at that time.
- B. The subpoena must be accompanied by the signed notice documenting that the employee has received a copy of the subpoena and has had an opportunity to respond. The time limit shown in the notice must have elapsed.
- C. The City Attorney must be provided a copy of the subpoena and the employee's notice. No information is to be released without prior authorization by the City Attorney.
- D. If authorization is received from the City Attorney, the information requested in the subpoena should be removed from the employee's personnel file and provided to the requesting agency for review.
- E. The City Manager or his/her designee shall log the date, time and location of the inspection and shall note which documents were inspected and/or copied.

16.05 Contents of Personnel Files

The following items shall be kept in each employee's personnel file:

- A. Employment applications.
- B. Results of any tests (non-medical) administered to employee to determine qualifications for employment.
- C. Form I-9 (Immigration and Naturalization Service).
- D. All performance evaluations.
- E. Documents recording any disciplinary action or proposed discipline.

F. Personal data including marital status, family members, education and employment history, reference letters, or similar information.

G. Documents recording changes in employment status, reclassifications, promotions, salary information notices of commendations.

16.06 Payroll Records

Payroll records shall be kept separate from the personnel files. The Finance Officer shall be charged with the responsibility of maintaining the following payroll records in such a way that their confidentiality is ensured:

- A. Documentation of pay rate, including changes in pay.
- B. Applicable tax documents.
- C. Fringe benefits information.
- D. Authorization for deductions or withholding of pay.
- E. Leave records, including vacation and sick leave monthly reports.
- F. Other payroll documents.

16.07 Other Personnel Records

Due to their highly confidential nature, the following documents shall not be included in an employee's personnel file: record of medical or psychological tests, medical and/or life insurance forms, workmens' compensation and/or disability claims. The City Manager or his/her designee shall be the custodian of such records which shall be maintained in a locked cabinet. Medical and psychological tests for Police Department employees shall be maintained by the Chief of Police.

All of the following items shall be kept confidential and maintained in a separate file: security checks, credit references, background checks, internal investigations and official Complaints Against an Employee. The City Manager shall be the custodian of such documents which shall be kept in a locked cabinet. Such records pertaining to Police Department employees shall be maintained by the Chief of Police.

In the event an investigation or complaint leads to disciplinary action, the documentation of such disciplinary action shall be filed in the employee's personnel file.

16.08 Procedure for Placing Items in an Employee's Personnel File

To ensure that the information is kept confidential, any document which is to be placed in an employee's personnel file shall be given directly to the City Manager or his/her designee. Such items shall not be placed in an "in-basket" or any other open location that might jeopardize the

confidentiality of the document, but shall remain in the possession of the supervisor until such time it is given directly to the City Manager or his/her designee. Documents shall be given to the City Manager or his/her designee for filing in an employee's personnel file in a timely manner.

It is the responsibility of the supervisor to ensure that the employee has seen any item which is being placed in his/her personnel file. The employee must have been given the opportunity to obtain a copy of the document and a chance to attach a written response or rebuttal.

16.09 Retention of Personnel Files

The City shall retain the personnel files of all previous employees for a period of five (5) years. At the end of the five (5) year period, information contained in the file shall be destroyed.

16.10 Reference Checks Requested on a Current or Previous Employee

In the absence of a signed consent/waiver from the employee, the information provided about a current or past employee shall be limited to the following:

- A. Verification of dates of employment.
- B. Job title and brief description of responsibilities (without reference to employee's ability to perform job).
- C. Confirmation of salary information (specific salary information shall not be given - information must be limited to confirmation or denial of salary amount quoted by the person requesting the reference check).

If a signed consent/waiver is presented, the specific information noted in the waiver may be provided. The following guidelines should be followed in releasing information on an employee either currently or previously employed:

- A. Make only statements that are based on relevant, observed and documented evidence.
- B. Make no statement, whether true or false, with an intent to harm the employee.
- C. Provide only factual information, not opinions.
- D. Discuss only the employee's job performance and competence, not his/her personality.
- E. Avoid making negative statements about employees. Site only specific incidents without making judgements about the employee's performance.

16.11 Supervisor Files

A Department Head may maintain a file on employees within their department which shall not be considered the employee's personnel file. The City Manager shall be made aware of such files and the type of information contained in the supervisor's file.

It is the responsibility of each supervisor to ensure that no documents are kept in his/her file on employees without the employee's knowledge. The employee has the right to see, obtain copies and respond or rebut any information contained within a supervisor's file.

CHAPTER 17

MEMBERSHIP IN THE GONZALES VOLUNTEER FIRE DEPARTMENT

17.01 Statement of Purpose

It is the intent of this policy to encourage employees of the City of Gonzales to serve as volunteers of the Gonzales Volunteer Fire Department and to establish the procedures and regulations to be followed by City employee's responding to fire calls during normal working hours.

17.02 Administration

The City Manager shall establish and monitor overall compliance with the policy. Individual Department Heads shall be responsible for monitoring the activities of the members of their Department who are serving as volunteer fire fighters for compliance with the policy.

17.03 Membership in Fire Department

- A. Employees of the City of Gonzales are encouraged to serve as volunteer fire fighters for the Gonzales Volunteer Fire Department.
- B. A City employee wishing to join the Gonzales Volunteer Fire Department must provide prior notice, in writing, to his/her Department Head of the employee's intention to join the Gonzales Volunteer Fire Department. The employee must also provide written verification of his/her membership in the Fire Department prior to responding to any fire calls.
- C. City employees serving as volunteer fire fighters shall be allowed to respond to fire calls within the City limits and the Gonzales Rural Fire District during normal working hours, pursuant to the procedures established by each Department Head.
- D. City employees are not authorized to respond to calls for emergency medical or highway assistance calls during normal working hours unless a second call for volunteers has been made.
- E. Employees responding to fire calls during normal working hours shall be paid at their regular rate of pay for the time spent during normal working hours serving as a volunteer fire fighter. An employee who responds to a fire call during normal working hours is responsible for ensuring that any equipment needed for the job task s/he was doing when s/he responded to the fire call has been returned for storage and that the job site has been left in a safe condition before going home for the day. If the employee must return to the job site after the normal quitting time to put equipment away or prepare to leave work, s/he shall not be paid any overtime for that time spent after the normal working hours.
- F. City employees responding to a fire call must return to their work site immediately upon the completion of the call.

G. Each Department Head may establish written procedures which outline the terms under which an employee may respond to fire calls during normal working hours. These procedures should outline the following:

1. The maximum number of employees from any individual Department who can respond to the same fire call and how it shall be determined which employees shall respond (if there are several volunteers working in the same Department).
2. The procedure for notifying a supervisor that the employee shall be leaving his/her work assignment to respond to a fire call and for notifying the supervisor of the employee's return to work.
3. The circumstances when an employee is not authorized to respond to a fire call, such as an employee who has been assigned a work task that must be completed by a certain time due to emergency response needs.

Each Department Head who has employees serving as Fire Department volunteers must submit his/her Departmental procedures to the City Manager for review and approval prior to implementing the procedures.

CHAPTER 18

ICMA RETIREMENT LOAN POLICY

18.01 Statement of Purpose

It is the intention of this policy to establish a procedure whereby a full-time employee of the City of Gonzales (excluding Police Officers) may apply for a loan from his/her ICMA Retirement Plan.

18.02 Guidelines

An employee of the City of Gonzales may request a loan to be made from his/her ICMA Money Purchase Retirement Plan if the following criteria have been met:

- A. The employee must have contributed to the Plan for a minimum of twenty-four (24) months.
- B. The employee can apply for a loan of up to seventy-five percent (75%) of the employee's contributions to the fund. No funds contributed by the City shall be available for loan.
- C. The loan request must be for funds for one of the following reasons:
 - 1. Down payment for a first-time home buyer.
 - 2. Unforeseeable major medical expenses for the employee and/or his/her immediate family (spouse and children), or loss of a spouse.
 - 3. Loss of the employee's primary residence due to major catastrophe (fire, flood, earthquake, etc.).

The employee must submit adequate documentation to substantiate the reason for the loan to the satisfaction of the City.

Proof that the loan funds were expended for the purpose for which they were loaned must be submitted to the City within a specified time period, as established in the loan agreement.

- D. The employee must repay the loan through monthly payments of principal and interest within a payment period determined by the City Manager. This repayment period shall not exceed a maximum of five (5) years, and shall be set to facilitate the replacement of the funds into the employee's Plan account as quickly as possible.
- E. Loan payments of interest and principal shall be made through payroll deductions.
- F. The employee shall pay an interest on the principal loan amount equal to the average rate of interest paid in the previous twelve (12) months being on funds held in the ICMA Guaranteed Plan.

G. In the event the employee terminates his/her employment prior to the date the loan has been repaid in full, the outstanding principal balance must be paid back to the Plan prior to the employee's last day of work with the City. In the event that the employee requests that the amount of retirement funds vested in his/her account be withdrawn, the outstanding principal balance shall be deducted from the amount released to the employee.

18.03 Administration

The City Manager has previously been established by Resolution as the coordinator of the ICMA Retirement Plan. S/he shall be responsible for the review and approval of all loans. If the City Manager determines that a loan request has met all of the criteria outlined above, s/he can then approve the loan. A loan agreement outlining the specifics of the loan amount, interest, and repayment obligations must be signed by the City Manager, the Director of Finance and the employee prior to the release of funds from the employee's Plan account.

The Director of Finance is charged with the responsibility of determining the applicable interest rate and monitoring the repayment of the loan through payroll deductions.

CHAPTER 19

DRUG FREE WORKPLACE POLICY

19.01 Statement of Policy

To comply with Public Law 100-690, Subtitle D - Drug Free Workplace Act of 1988. The Act, enacted by the Federal Government, requires all federal government grant recipients to take specific steps to ensure a drug free workplace. The policy is applicable to all City employees, regardless of their employment status (i.e temporary, permanent, etc.).

19.02 Objectives

- A. To eliminate the use of drugs and other controlled substances which could impair an employee's ability to safely and effectively perform the functions of his/her job. The use of such controlled substances also threatens the safety of coworkers.
- B. To encourage employees who have a substance-abuse problem to seek assistance.
- C. To emphasize that employees who demonstrate job performance problems as a result of use of drugs or other controlled substances shall be subject to appropriate disciplinary action.

19.03 Procedures

Employees are expected and required to report to work in appropriate mental and physical condition. It is the City's intent and obligation to provide a drug free, healthful and safe work environment.

The unlawful manufacture, distribution, dispensation, possession or use of drugs or other controlled substances on City premises or while conducting City business off premises is absolutely prohibited.

The City recognizes chemical dependency as an illness and a major health problem. The City also recognizes substance abuse as a potential health, safety and security problem. Employees needing help in dealing with such problems are encouraged to seek counseling.

Employees must, as a condition of employment, abide by the terms of this policy and report any conviction under a criminal drug statute for violations occurring on or off City premises while conducting City business. A report of conviction must be made within five (5) days after the conviction.

19.04 Controlled Substance and Alcohol Testing Policy

A. Purpose of Testing

The City of Gonzales has a paramount interest, legal responsibility and management obligation to ensure the safety of the public it serves and to provide a safe working environment for

its employees. It is imperative that employees remain free of controlled substances and alcohol in order to perform their job functions safely. This policy shall be administered when the City Manager, or her/his designee, has individual reasonable suspicion that the job-related capability of an employee is impaired by use of a controlled substance or alcohol.

In order to fulfill the purposes set forth above, the City will apply fair and appropriate progressive discipline with respect to work related substance abuse. Such discipline shall include suspension, demotion and where warranted, termination without progression through other steps of the progressive discipline policy.

B. Substances to be Tested For

When controlled substance and alcohol screening is required under the provisions of this policy, either blood or urine testing will be given to detect the presence of the controlled substances listed, in the quantities specified, in Attachment "A".

C. Employee and Management Responsibilities

1. Employee Responsibilities.

- a. Report to work able to perform his/her duties for the entire work period;
- b. Notify his/her supervisor when taking any kind of establishing or potentially disabling medication;
- c. Abide by State laws regarding controlled substance use.

2. Supervisor and Management Responsibilities.

- a. It shall be management's responsibility to provide training to , managers and supervisors to provide them with appropriate skills to recognize an employee's use of a controlled substance;
- b. Recommend that an employee submit to testing when there is reasonable suspicion that the employee is under the influence of a controlled substance. "Reasonable suspicion" shall be defined for the purposes of this policy as a belief, based on objective, observed facts, sufficient to lend a reasonably prudent supervisor or the City Manager to suspect that an employee is under the influence of any controlled substance or alcohol. The City Manager or his/her designee shall be responsible for taking all final action on recommendations for testing.
- c. Applying fair and appropriate progressive discipline as situations warrant.

- d. Referring employee for counseling or other assistance when available and where appropriate.

D. General Rules

1. City employees shall not use any controlled substance on the job or in such a way that affects job performance, unless prescribed by a person licensed to prescribe medicine. This prohibition shall also apply to the use of alcohol or controlled substances while off-duty or away from the work-site while operating City machinery or a City vehicle while attending a seminar, conference, training or meeting as a representative of the City. An employee who is required to take prescription medicine which may affect or impair his/her ability to safely perform his/her job shall notify his/her immediate supervisors of such condition.
2. Supervisors and/or other employees who have reasonable suspicion to believe that an employee is under the influence of a controlled substance or alcohol shall immediately report the facts and circumstances to their supervisor or City Manager or his/her designee. Such facts and circumstances shall be reduced to writing as soon thereafter as possible.
3. An employee will be placed on administrative leave with pay pending the return of controlled substance or alcohol testing results of a submitted specimen.
4. Controlled substance or alcohol testing results may be used for purposes of determining whether discipline shall be imposed and shall otherwise remain confidential.
5. Failure to comply with this policy will be used as grounds for disciplinary action, up to and including termination.

E. Job Applicant Testing: General Standard

All job applicants, except for those persons currently employed by the City seeking promotion or transfer to a new or different position, will be required to undergo controlled substance and alcohol testing upon an offer of employment and prior to final appointment.

F. Current Employee Testing: General Standard

The City Manager or his/her designee may require any current City employee to undergo controlled substance and/or alcohol testing if there is some reasonable suspicion that the employee is under the influence of a controlled substance or alcohol during working hours. Circumstances which constitute a basis for determining "reasonable suspicion" may include, but are not limited to:

1. a pattern of abnormal or erratic behavior;
2. information provided by a reliable and credible source;

3. a work-related accident;
4. observable phenomena, such as direct observation of controlled substance or alcohol use or possession and/or physical symptoms of controlled substance and/or alcohol use (i.e., glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes.)
5. arrest or conviction from a controlled substance or alcohol related offense, or the identification of an employee as the focus of a criminal investigation into controlled substance possession, use or trafficking; or
6. newly discovered evidence that an employee has tampered with a previous controlled substance or alcohol test.

The City Manager or his/her designee and/or Supervisors are required to detail in writing the specific facts, symptoms, or observations which formed the basis for their determination that reasonable suspicion existed to warrant the testing of an employee.

G. Notice of Testing Policy

The City shall provide all employees and job applicants with notice of the City's "Controlled Substance and Alcohol Testing Policy," and make copies of the same available for review to all employees and applicants.

H. Consent

Before a controlled substance or alcohol test is administered, employees and job applicants will be asked to sign a consent form authorizing the test and permitting release of test results to appropriate supervisors and the City Manager. The consent form shall provide space for employees and applicants to acknowledge that they have been notified of the City's drug testing policy and to indicate current or recent use of prescription or over the counter medication.

The consent form shall also set forth the following information:

1. the procedure for confirming an initial positive test result;
2. the consequences of a confirmed positive test result;
3. the right to explain a confirmed positive test result; and
4. the consequences of refusing to undergo a controlled substance and alcohol test.

I. Refusal to Consent: Applicants

A job applicant who refuses to consent to a controlled substance and alcohol test will be denied employment with the City.

J. Refusal to Consent: Employees

An employee who refuses to consent to a controlled substance and alcohol test when reasonable suspicion of drug or alcohol use has been identified is subject to disciplinary action up to and including termination. The City may consider the reason for refusing to submit to testing in determining the appropriate disciplinary action.

K. Testing Procedure

1. Authorization

In the event that the City Manager, or his/her designee, and an employee's Supervisor believes there is a reasonable suspicion that an employee's ability to perform his/her duties and responsibilities is impaired by a controlled substance and/or alcohol, the City Manager, or his/her designee will order the employee to submit to a blood analysis or urinalysis, or other recognized screening method to determine the presence of such substances.

Prior to being tested, the employee will be given a copy of a "Chain of Custody Protocol" document. A document is attached hereto as Attachment "B", and made a part hereof, as an example of the appropriate protocol. The City Manager, or his/her designee, shall be responsible for notifying the designated vendor that there is a blood draw or urine specimen that needs to be collected immediately.

This policy allows testing for any of the controlled substances or alcohol set forth on Attachment A which could impair an employee's ability to effectively and safely perform the functions of his/her job.

2. Policy Conditions

The testing will be conducted under the following conditions:

- a. Management may choose blood or urine to be the primary choice for testing depending upon the substance to be tested for. Two separate specimens will be collected in all cases. Other testing procedures or mediums, mutually agreeable to employer and employee, may be utilized.
- b. In the event City chooses to use an intoxilyzer as the means of determining the blood alcohol level of an employee, City shall allow at least fifteen (15) minutes between the time a decision is made to test the employee and the time the intoxilyzer is utilized.

- c. All costs of the blood draw, initial blood analysis, urinalysis or other testing procedure shall be paid by the City.
- d. The blood draw, blood analysis and/or urinalysis shall be performed by a reputable laboratory.
- e. Strict chain of custody protocol will be followed.
- f. If the first test screening result is "positive," a second test will be performed with the same specimen to confirm the positive result. Upon confirmation of a positive test result, the employee or applicant shall be notified of the results in writing by the City Manager. The letter of notification shall identify the particular substance found and its concentration level.
- g. An employee or applicant whose second test confirms the original positive result may, at the employee or applicant's own expense, request that testing be conducted on the second specimen at a laboratory agreed upon by both the City and the employee. For convenience, a list of acceptable laboratories may be prepared by the City and interested employees employee groups.

In the event of significant disparity in the test results of the two laboratories, no disciplinary action shall be taken against the employee.

- h. Positive confirmed results shall be used for purposes of determining whether discipline shall be imposed and shall otherwise remain confidential.

4. Chain of Custody Protocol

Strict chain of custody protocol will be followed. After the "Chain of Custody/Requisition" document is completed, two blood or urine specimen will be collected.

The basic protocol is as follows:

- a. Specimen collection: The blood specimen will be drawn by a licensed vendor. Urine samples will be collected in the presence of an appropriate management or supervisor/employee, or laboratory personnel, trained in the proper collection procedures and protocols. All specimens shall be collected in a location that shall, where at all possible, ensure the privacy of the employee being tested. To ensure the integrity of the specimens, they will immediately be sealed and labeled in the employee's presence.
- b. Courier: The specimen shall be sent by courier to the designated laboratory on the day the specimen is collected or the next normal business day.

- c. Laboratory: One specimen will be tested for controlled substances and/or alcohol. The other specimen will remain in the custody of the laboratory until further notice and direction from the City.

5. Laboratory Requirements.

The laboratory to be used shall be licensed by the State of California's Department of Health Services, in accordance with Title 17 of the California Administrative Code, to perform forensic testing procedures and shall maintain a strict chain of custody. City retains the right to contract with the vendors and/or laboratory of its choice.

- a. One specimen shall be divided into at least two parts, so that confirmation testing may be carried out in the event of a positive result. All testing will be based upon the cut-off concentrations set forth in Attachment A.
- b. All specimens screened and re-screened "Positive" according to the prescribed U.S. Department of Health and Human Services guidelines to implement Executive Order 12564, must be retained, for identification purposes, at the laboratory for a period of one year.

6. Laboratory Reports and/or Screening Results

Laboratory reports and screening results will be confidentially sent within seven (7) working days of receiving the blood and urine specimens to the City Manager for review. The City Manager may inform the City Attorney and Supervisor/Department Head, or their designees, of negative and positive results, on a strictly need-to-know basis, and shall provide the same to the tested employee.

Laboratory reports and/or screening results shall not appear in an employee's personnel file. Information of this nature will be contained in a separate confidential employee medical file that will be kept securely under the control of the City Manager.

Disclosures, without employee consent, may occur when:

- a. The information is compelled by law or by judicial or administrative process;
- b. The information has been placed at issue in a formal dispute between the City and employee;
- c. The information is needed by medical personnel for the diagnosis or treatment of the employee who is unable to authorize disclosure.

L. Consequences of a Confirmed Positive Test Result

1. Applicants

Job applicants will be denied employment with the City if a positive test result has been confirmed. Applicants shall be informed in writing if they are rejected on the basis of a confirmed positive drug test result.

2. Employees

If an employee's positive test result has been confirmed, the employee is subject to disciplinary action in accordance with the City's disciplinary procedures, up to and including termination. Factors to be considered in determining the appropriate disciplinary response include the employee's work performance, history, length of employment, current job performing, nature of work responsibilities, City policies on alcohol in the work-place, and the existence of past disciplinary actions. No disciplinary action may be taken against employees who voluntarily identify themselves as having controlled substance and/or alcohol abuse problems, obtain appropriate counseling and rehabilitation assistance, and thereafter refrain from violating the City's policy on controlled substances and/or alcohol abuse.

Attachment A

INSTITUTE OF FORENSIC SCIENCES TOXICOLOGY LABORATORY CONTROLLED SUBSTANCE TESTING PROCEDURES

How are controlled substances detected? All urine and blood specimens will be screened by radioimmunoassay (RIA) and thin layer chromatography (TLC).

How are positive controlled substance screen tests confirmed? All positive RIA controlled substance screen tests will be confirmed by gas chromatography/mass spectrometry (GC/MS). All positive TLC controlled substance screen tests will be confirmed by either gas chromatography (GC) or high performances liquid chromatography (HPLC).

Controlled Substance Classes and Drug Screen Cut-Off Concentrations

Controlled Substance Class

1. Cannabinoids: This class includes 11-nor-delta-9-THC-carboxylic acid, the primary metabolite of tetrahydrocannabinol (THC).

Cut-Off Concentration: Blood N/A; Urine: 50 ng/mL

Confirmed Cut-Off Concentration: Blood N/A; Urine : 15 ng/mL

2. Cocaine: This class includes benzoylecgonine, the major metabolite of cocaine.

Cut-Off Concentration: Blood: 25 ng/mL; Urine 150 ng/mL

Confirmed Cut-Off Concentration: Blood 25 ng/mL; Urine 150 ng/mL

3. Methamphetamine/Amphetamine: This class includes methamphetamines and amphetamines.

Cut-Off Concentration: Blood 25 ng/mL; Urine 500 ng/mL

Confirmed Cut-Off Concentration: Blood 20 ng/mL; Urine 300 ng/mL

4. Opiates: This class includes morphine and codeine.

Cut-Off Concentration: Blood 50 ng/mL; Urine 300 ng/mL

Confirmed Cut-Off Concentration: Blood 10 ng/mL; Urine 300 ng/mL

5. Phencyclidine: This class includes phencyclidine.

Cut-Off Concentration: Blood 5 ng/mL; Urine 25 ng/mL

Confirmed Cut-Off Concentration: Blood 5 ng/mL; Urine 25 ng/mL.

6. Alcohol:

Public safety officers and employees whose duties require the operation of heavy machinery - 0.00 percent, or more by weight, of alcohol in any individual's blood.

All other employees: 0.08 percent, or more by weight, of alcohol in an individual's blood.

CHAPTER 20

HARASSMENT POLICY AND COMPLAINT PROCEDURE

20.01 Statement of Purpose

The purpose of this policy is to establish a strong commitment to prohibit harassment in employment; to define harassment; to inform all employees, officers and officials of the City of Gonzales that harassment is illegal; to ensure that unprofessional behavior that creates a hostile work environment shall not be tolerated; and to set forth a procedure for investigating and resolving internal complaints of harassment.

20.02 Statement of Policy

It is the City's policy to provide a workplace free of unlawful and improper harassment. Harassment of an applicant or employee on any basis including, but not limited to, harassment on the basis of race, religion, color, national origin, ancestry, physical handicap, medical condition, marital status, sex or age shall not be tolerated.

Any retaliation against a person for filing a harassment charge or making a harassment complaint is prohibited.

20.03 Definition

A. "Harassment" includes, but is not limited to:

1. Verbal Harassment - For example, epithets, derogatory comments or slurs on the basis of race, religion, color, national origin, ancestry, physical handicap, medical condition, marital status, sex or age. This might include inappropriate sex oriented comments on appearance, including dress or physical features or race oriented stories.
2. Physical Harassment - For example, assault, impeding or blocking movement, or any physical interference with normal work or movement when directed at the individual on the basis of race, religion, color, national origin, ancestry, physical handicap, medical condition, marital status, sex or age.

This could be conduct in the form of pinching, grabbing, patting; propositioning, leering or making explicit or implied job threats or promises in return for submission to physical acts.

3. Visual Forms of Harassment - For example, derogatory posters, notices, bulletins, cartoons, or drawings of race, religion, color, national origin, ancestry handicap, medical condition, marital status, sex or or age.
4. Sexual Favors - Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature which is conditioned upon an employment benefit, unreasonably interferes with an individual's work performance or creates an offensive work environment.

Harassment on the basis of race, religion, color, national origin, ancestry, physical handicap, medical condition, martial status, sex or age is a violation of Title VII of the Civil Rights Act of 1964, the California Government Code and Regulatory Guidelines of the Equal Employment Opportunity Commission and the California Fair Employment and Housing Commission.

B. "Sexual Harassment" is defined by the Federal Equal Employee Opportunity Commission Guidelines as:

"Unwelcome sexual advances, requests for sexual favors and other verbal and/or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment."

Sexual harassment includes continual or repeated abuse of a sexual nature including, but not limited to:

1. Graphic commentaries on the victim's body;
2. Sexually suggestive objects or pictures in the workplace;
3. Sexually degrading words used to describe the victim;
4. Propositions of a sexual nature.

Sexual harassment also includes the threat or insinuation that lack of sexual submission shall adversely affect an employee's employment, wages, advancement, assigned duties or shifts, or other conditions that affect an employee's livelihood.

20.04 Responsibilities

Each employee is responsible to ensure that his/her conduct or actions do not violate the law or this policy, and that s/he does not actively or passively condone any form of harassment.

20.05 Complaint Procedure

A. **Filing:** An employee or job applicant who believes s/he has been harassed may make a complaint orally or in writing with any of the following:

1. Immediate supervisor, or
2. Department Head, or
3. City Manager.

Any supervisor or Department Head who received a harassment complaint should notify the City Manager immediately.

B. Upon notification of a harassment complaint, the City Manager shall:

1. Authorize the confidential investigation of the complainant and supervise and/or investigate the complaint investigation, including interviews with:
 - a. The complainant,
 - b. The accused harasser,
 - c. Any other persons the City Manager has reason to believe have relevant knowledge concerning the complaint.
2. Review factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment; giving consideration to all factual information, the totality of the circumstances, including the nature of the verbal, physical, visual or sexual conduct and the context in which the alleged incident occurred.
3. Report the results of the investigation and the determination as to whether harassment occurred to appropriate persons including the complainant, the alleged harasser, the supervisor and the Department Head.
4. If harassment occurred, take prompt and effective remedial action against the harasser. The action shall be commensurate with the severity of the offense.
5. Take reasonable steps to protect the victim and other potential victims from further harassment.

6. Take reasonable steps to protect the victim from any retaliation as a result of communicating the complaint.

CHAPTER 21

POLICE RESERVE OFFICERS' REIMBURSEMENT

21.01 Statement of Policy

It is the intent of this policy to establish the minimum qualifications for a Gonzales Police Reserve Officer and to establish the levels of reimbursement to be made to the City's Reserve Police Officers for court time and uniform costs.

21.02 Administration of Policy

The City Manager shall establish and monitor overall compliance with the policy. The Chief of Police shall enforce the policy with the Police Reserve Officers assigned to the Gonzales Police Department.

21.03 Eligibility

- A. Eligibility to Serve as a Gonzales Police Reserve Officer. The following factors shall be used in determining whether an applicant is qualified for reserve status:
1. An applicant for service as a Reserve Officer shall submit to the Chief of Police a completed City application. The Chief shall complete the appropriate background checks on the applicant to determine if the applicant is qualified to serve as a Reserve Officer.
 2. The minimum requirements for service as a Reserve Officer shall be:
 - a. A citizen United States citizen,
 - b. Hold a high school diploma or equivalent,
 - c. At least 21 years of age at time of appointment,
 - d. No felony convictions,
 - e. Successful completion of Reserve Level II classes (or higher),
 - f. Capable of passing a pre-appointment physical exam,
 - g. Capable of passing a pre-appointment psychological evaluation,
 - h. Capable of passing a pre-appointment drug screening,

- i. Capable of receiving a record clearance from D.O.J. - F.B.I.
3. An applicant for Reserve Officer shall participate in, and be deemed to be qualified through, an Assessment Center for Police Officer I. However, an applicant may begin service as a Reserve Officer prior to the completion of an Assessment Center if approved by the Chief of Police, in which case, the Officer shall participate in the next scheduled Assessment Center.

a. If a Reserve Officer wishes to be considered for appointment to any regular position with the City of Gonzales, s/he must apply and compete against other candidates.

21.04 Reimbursement for Service

- A. A Reserve Officer shall be required to provide all uniforms and equipment necessary to serve as a Reserve, including, but not limited to, uniform shirt, uniform pants, black shoes or boots, webb gear and holster, handcuffs, and semi-automatic weapon. All equipment must meet the standards of the Police Department. The City of Gonzales shall provide a safety vest for the Officer's use while serving as a Reserve.
- B. A Reserve Officer shall be considered a volunteer and shall not be eligible for pay or any of the other rights provided to the city's employees by the personnel rules and regulations herein, unless otherwise specified. The exception shall be that the Reserve Officer shall be paid for his/her time spent testifying in court on behalf of the Gonzales Police Department. The court time shall be approved by the Chief of Police in advance. The hourly rate of pay shall be equal to the hourly rate of the first step of the salary scale for a Police Officer.
- C. A Reserve Officer shall be eligible to receive a one-time initial reimbursement for uniform costs in the amount of \$300, if all of the following conditions have been met:
 1. The Officer has continuously served as a Gonzales Police Reserve for a period of six (6) months; and
 2. The Officer has served as a Gonzales Police Reserve a minimum of thirty-two (32) hours per month during each of the six (6) previous months.
- D. A Police Reserve Officer shall be eligible for an annual reimbursement for uniform costs in the amount of \$100, if all of the following conditions have all been met:
 1. The Officer has continuously served as a Gonzales Police Reserve for the previous twelve (12) months, and
 2. The Officer has served as a Gonzales Police Reserve a minimum of thirty-two (32) hours per month during each of the twelve (12) months.

The reimbursement of \$100 shall be made at the end of the twelve-month (12) period of service as a Gonzales Police Reserve, following the initial six (6) months period (referred to in "3" above) and at the end of each twelve-month (12) period thereafter.

At the recommendation of the Chief of Police and upon the approval of the City Manager, uniform reimbursement may be granted to a Reserve Officer who has not worked a full thirty-two (32) hours in each of the previous twelve (12) months, if there was good cause for the reduction in hours served. The City Manager may require that a total of twelve (12) months of service with a minimum of thirty-two (32) hours per month be worked prior to the granting of the \$100 uniform reimbursement.

CHAPTER 21-A

CITY OF GONZALES VOLUNTEER FIRE DEPARTMENT-MEMBERSHIP AND REIMBURSEMENT

21-A.01 Statement of Policy

It is the intent of this policy to establish the minimum qualifications for a Gonzales Volunteer Fire Department member, the means of selection, and the method by which monetary and other benefits may be provided to volunteers.

21-A.02 Administration of Policy

The City Manager shall establish and monitor overall compliance with and enforcement of the policies contained herein, with the assistance of the Fire Chief.

21-A.03 Eligibility for Volunteer Service

- A. Applications for membership in the Gonzales Volunteer fire Department shall initially be submitted to the Gonzales Volunteer Fire Department Executive committee. Said Committee shall verify that an applicant meets the basic criterion for membership established herein, and subsequently forward a written report, containing a recommendation concerning a given applicant, to the City Manager for consideration. The decision of the City Manager thereon shall be final.
- B. Applicants to the Gonzales Volunteer Fire Department must:
- a) Be U.S. Citizens of good moral character who have expressed the desire to serve the community as a volunteer firefighter.
 - b) Be not less than 21 years of age.
 - c) Have no felony convictions.
 - d) Be capable of passing a pre-appointment physical exam.
 - e) Be capable of passing a pre-appointment psychological examination.
 - f) Be capable of passing a pre-appointment drug screening.
 - g) Be a resident of Monterey County. This rule may be subject to exception, at the discretion of the Executive Committee.
 - h) Be engaged in an occupation that will not prevent the member from attending fires, drills or meetings.
- C. In addition to the foregoing requirements, consideration of a candidate for membership in the Volunteer Department shall be contingent upon his/her daytime employment or availability within the City limits unless at the time of a vacancy there are twenty-five percent (25%) of the members so employed or available. Daytime availability means being available to respond to calls the majority of the time from 8a.m. to 6p.m. Monday through Friday.

- D. Before appointment to the Volunteer Department, all applicants must first complete a physical examination. The city will provide a reference of available doctors for said purpose. The City will pay for the required examination.
- E. All persons selected for membership in the Volunteer Department shall be placed on the waiting list until a vacancy occurs in the Department, at which time they will become active members in accordance with their position on the waiting list. Available daytime fire fighters may be moved up at the discretion of the City Manager and Chief.

21-A.04 Procedures For Reimbursements, Benefits and Nominal Fees

- 1. Fire Department Management Staff Disbursements.
 - A. Fire Department Management Staff will receive Monthly Disbursements in accordance with the City's approved Budget and Disbursements Schedule, as per the following:
 - 1. Warrants will be issued to each individual with an Assigned Vendor Number.
 - 2. Form 1099's will be issued at the end of the Calendar Year to all individuals who exceed the allowable amount as established by the Internal Revenue Service.
 - 3. Each warrant shall indicate that it is a reimbursement or nominal fee being paid to a City Volunteer Fire Fighter.
 - B. Disbursements will be made on a monthly basis in accordance with the Finance Department's schedule for generating Accounts Payables (normally the Accounts Payable for the first Council Agenda of each month)
 - C. Backup documentation will also be provided with each disbursement request detailing all services for which the disbursement or nominal fee is being rendered. This will include, but not limited to , copies of monthly meetings, copies of Training and Drill Records, as well as copies of all Fire Dispatches.
- 2. General Fire Fighter Disbursements
 - A. In order to ensure compliance with all City, State and Federal Fire Fighter Rules and Regulations pertaining to Volunteer Personnel, the Fire Chief will submit a request to activate the payment of any new Volunteer Staff to the City Manager and Finance Director. Staff will verify that all compliance issues regarding the appointment of Volunteers by the Fire Department have been met before disbursements are initiated.
 - B. Warrants will be issued per Fire Fighter via an assigned Vendor Number for services rendered, in accordance with the disbursement request provided by the Fire Department's Secretary/Treasurer.

- C. Backup Documentation will also be provided with each disbursement request detailing all services for which disbursement or nominal fee is being rendered. This will include, but not be limited to, copies of monthly meetings, copies of Training and Drill Records, as well as copies of all Fire Dispatches.
- D. Form 1099's will be issued at the end of the calendar year to all individuals who exceed the allowable amount.
- E. Disbursements for services rendered will be made on an annual basis, normally no later than the first Accounts Payable Run during the month of December. All warrants shall indicate that payment is being made for reimbursement or nominal fee to a City Volunteer.

3. Audit Requirements

Any audit requirement for the City's Volunteer Fire Department Organization is solely the responsibility of the fire Department Organization and not of the City of Gonzales.

4. Bonding

The Volunteer Fire Department is responsible for determining the need of any bonding of any designated personnel who handle cash on a regular basis.

21-A.05 Workers Compensation Benefits

All active members of the Gonzales Volunteer Fire Department are covered by the City of Gonzales' Worker's Compensation Program. The intention of the City's Program is to ensure prompt payment and full provision of benefits to which injured volunteers are entitled. Such benefits include medical treatment and hospitalization necessary to cure and relieve the effects of industrial injuries, temporary disability compensation. Wherever there continues to be any permanent physical residual impacts following medical treatment, the available benefits will be prescribed by State Law.

Any volunteer injured while in the service of the Department must immediately notify the Chief, Assistant Chief or other available officer who will arrange for whatever treatment is necessary. All such injured volunteers will also be required to file a report concerning the injury with the Chief as possible after the injury occurs.

CHAPTER 22

USE OF CITY PHONES AND VEHICLES

22.01 Long Distance Phone Calls

In an effort to reduce costs, long distance phone calls should be made only when necessary. Calls should be made only for the purpose of conducting City business. In the event of an emergency which requires an employee to make a long distance phone call for personal business, that call should be charged to the employee's personal phone credit card. If that is not possible and the call must be charged to the City's bill, the employee should request authorization from his/her supervisor prior to making the call. When the phone bill has been received, the Finance Director shall notify the employee of the amount of the charge for the call and the employee shall be expected to immediately reimburse the City. Long distance phone bills shall be monitored by Department Heads and the Finance Director.

22.02 Cellular Calls

In an effort to reduce costs, cellular phone calls should be made only when necessary. If a person authorized to use a City cellular phone finds it necessary to make a personal call (any call not directly related to City business, including calls to his/her residence), the cost of that call shall be reimbursed to the City. When the monthly cellular phone invoice is reviewed and approved, the personal calls must be identified, the total due to the City noted on the invoice and the amount due paid to the City (either in cash or by check).

22.03 Local Calls

Employees who are not stationed at a work site where a phone is available should make every effort to make local calls of a personal nature only during established break times.

Office employees may use the phone to make local calls of a personal nature when necessary, but the calls should be limited in number, be brief in duration and made at times when the normal operation of their office is not affected by their use of the phone.

It is the responsibility of each Department Head to ensure that employees are not abusing the right to use City phones for personal business.

22.04 Department Procedures on Phone Calls

Individual Department Heads can establish policies concerning use of the phones within their own departments. (For example, requiring a written log of all long distance phone calls or establishing the times personal calls can be made or a maximum number of personal calls to be made by employees). These policies must be submitted and approved by the City Manager prior to implementation.

22.05 Personal Use of City Vehicle

City vehicles are to be used for official City business only. Only employees who have the authorization of their supervisor may take a City vehicle home.

No City vehicle may be used for personal business, either during or after work hours.

22.06 Family Members in City Vehicle

Members of employees' families should not be in a City vehicle unless permission was requested and received from the City Manager. The exception to this policy would be in the event the family member is accompanying the employee to an official function and the employee has received approval from his/her supervisor for the family member to attend.

CHAPTER 23

MISCELLANEOUS

23.01 Acceptance of Compensation, Gifts, Entertainment or Services

No officer or employee of the City, or members of their immediate families, shall solicit or accept any compensation, gifts, entertainment or services from any individual or company doing business with the City, seeking business with the City or having pending action before any of the City's legislative bodies. Notwithstanding this general proscription, gifts or services may be accepted when authorized by the City Manager, after consideration of the following factors:

1. The gift or service provided is customary and gives no appearance of impropriety.
2. The gift or service is of nominal value. (Under \$20.00)
3. The gift or service cannot be viewed as extravagant, excessive, or too frequent considering all circumstances.
4. The gift or service does not impose any sense of obligation on either the giver or receiver.
5. The gift or service is given or provided without any effort to conceal the full facts by either the giver or receiver.
6. The gift or service is not considered a favor or gratuity for services required on the job.
7. Whether the gift or service is provided and available to all members of the City staff.

Any employee or family member offered or provided compensation, gifts or services must request authorization from the City Manager prior to acceptance. Failure to obtain such authorization shall be grounds for discipline.

23.02 Employees' Financial Affairs

Employees shall so arrange their personal financial affairs so as not to affect their employment or bring discredit upon the City. Failure on the part of employees to meet their just obligations shall be grounds for adequate and appropriate disciplinary action.

23.03 Conflicts of Interest

No employee shall engage in any business transaction or shall have a financial interest, direct or indirect, which is incompatible with the proper discharge of his/her official duties in the public interest or would tend to impair his/her independence of judgment or reaction in the performance of his/her official duties.

23.04 Use of Personal Property While at Work

Any employee wishing to bring any personal item of property to work, either for purposes of utilizing the same in job-related functions or for personal use while in City employ, shall first obtain authorization from the City Manager. Any such request shall be accompanied by a complete description of the item to be used, the manner in which it will be utilized, and the approximate value of the item. Thereafter, the City Manager shall make a determination concerning whether the item may be brought to the workplace, or used during officials duties, and whether the item shall be covered by relevant City insurance policies. In some instances, the City Manager may allow an item to be used only upon an employee's provision of a waiver of City liability and indemnification for any damage or harm resulting from the use of said item.

23.05 Flu Shots

Every employee may obtain one annual flu shot from the Gonzales Medical Group at the expense of the City. It is recommended that employees receive these shots to maintain their health and correspondingly reduce sick leave.

23.06 Smoking Prohibited

Smoking is prohibited in all City buildings. If an employee wishes to smoke while at work, s/he must smoke during regular breaks and outside of any building and/or enclosed space (i.e. vehicles). Failure to comply is subject to disciplinary action.

23.07 Press Releases/Comments to the Press

Unless they have received prior authorization from a Department Head, no employee should make statements concerning matters related to City business to the press. All inquiries from the media should be referred to the appropriate Department Head. Department Heads should notify the City Manager of any information or statements given to the media.

23.08 Confidentiality

All employees shall have the duty to refrain from disclosing to fellow employees and members of the public, either orally or in writing, information concerning City business or employment which would be afforded some degree of confidentiality pursuant to law. Such information includes documents placed in or being considered for placement in an employee's personnel file, which are protected from disclosure pursuant to Government Code Section 6254C (including but not limited to performance evaluations and all documents and information related to discipline), all documents and information related to the personnel files of public safety officers, pursuant to Penal Code Section 832.7, and all documents and information related to alleged improper conduct of fellow employees. This policy shall be applicable where the information in question is provided directly to a given employee or inadvertently disclosed through exposure to documents or conversations concerning such matters.

CHAPTER 24

DEFINITIONS

Administrative Personnel - Those positions as identified in the Classification Plan, adopted annually by the City Council, including the following positions: City Manager; Assistant City Manager; Chief of Police; Director of Public Works; Building Official; Administrative Assistant; Administrative Services and Finance Officer; Assistant Planning Director; and Deputy City Clerk.

Allocation - The assignment of a position to its appropriate class in relation to duties performed.

Anniversary Date - The date on which an employee is hired.

Appeal - An application or review of an alleged grievance submitted or instituted by an employee to higher authority.

Applicant - An individual who has completed and submitted an application for employment with the City.

Appointing Authority - The City Manager shall be the appointing authority.

Appointment - The offer to, and acceptance by, a person or a position either on a regular or temporary basis.

Assessment Center - A series of tasks, examinations and/or evaluations for which applicants are required to appear at a specific place for the purposes of participating in the Assessment Center.

Certification - An endorsement certifying that an applicant or employee meets the required minimum standards for a position.

Class - A group of positions which are sufficiently alike in general duties and responsibilities to warrant the use of the same title, class specification, and pay range.

Class Series - A number of classes of positions which are substantially similar as to the types of work involved, and differ only in rank, as determined by the importance of the duties, and the desirable quality in order to constitute a series.

Class Specification - A written description of a class consisting of a class title, a general statement of the level of work, and of the distinguishing features of work, examples of duties, and the desirable qualifications for the class.

Classification - The act of grouping positions in classes with regard to: (1) duties and responsibilities; (2) requirements as to education, knowledge, experience and ability; (3) tests of fitness; and (4) ranges of pay.

Classification Plan - The official or approved system of grouping positions into appropriate classes consisting of: (1) an index to the class specification; (2) the class specifications; and (3) rules for administering the Classification Plan.

Classified Service - All offices and positions in the service of the City which fall within the Classification Plan.

Compensation - The standard rates of pay which have been established for the respective classes of work, as set forth in the Classification Plan.

Compensation Plan - The official schedule of pay as approved by the City Council, assigning one or more rates to each class title.

Compensatory Leave - Time off from work in lieu of monetary payment for overtime worked.

Confidential Employee - An employee, who, in the course of his or her duties, is required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to information contributing significantly to the development of management positions relating to the City's administration of employer-employee relations.

Demotion - Assignment of an employee from one class to another which has a lower maximum rate of pay.

Department - The primary organizational unit which is under the immediate charge of the Department Head who reports directly to the City Manager.

Discharge - Separation from City employment for cause.

Eligibility List - The ranking of eligible persons for a vacancy in order of overall qualifications.

Eligible Person - Any person who has successfully met required qualifications for a particular class.

Employee - An individual who is legally employed by the City, and is compensated through the City payroll for his/her services. Individuals or groups compensated on a fee basis are not included. Synonymous with "incumbent."

Examination - The process of testing, evaluating, or investigating the fitness and qualifications of applicants and employees.

Exempt Service - Those positions not covered by these rules as stated in the original code.

Family - Includes wife, husband, son, daughter, mother, father, brother, or sister of employee, and close relatives through marriage whose relationship may be determined by the City Manager.

Layoff - The involuntary non-disciplinary separation of an employee from a position.

Leave - An approved type of absence from work as provided for by these rules.

Merit Pay Increase - An increase in compensation established in the Classification Plan which may be granted to an employee for meritorious service and completion of minimum prescribed periods of employment in the class.

Overtime - Authorized time worked by an employee in excess of his/her total normal working hours per week.

Pay Range - A specific dollar amount, expressed as either an annual rate, a monthly rate, or an hourly rate as shown in the Classification Plan of the City.

Pay Rate - A specific dollar amount, expressed as either an annual rate, a monthly rate, a semimonthly rate, a bi-weekly rate, or an hourly rate as shown in the Classification Plan of the City.

Position - Any office or employment whether occupied or vacant, full-time or part-time, consisting of duties and responsibilities as assigned to one individual by a competent authority.

Probationary Period - The working test or trial period of employment beginning with the date of an employee's first appointment to the classified service.

Promotion - Assignment of an employee from one class to another which has a higher maximum rate of pay.

Public Safety Employees - Those employees defined as public safety employees by the Public Employees Retirement System.

Regular Appointee - An individual receiving a Regular Appointment in either the classified or exempt service.

Regular Assignment - An appointment without time limitation, or special restrictions as to continued employment to a permanent position authorized to be filled, and made as a result of a certification as prescribed by these rules.

Removal - Separation of an employee on probation for failure to meet legal requirements of employment.

Suspension - An enforced leave of absence for disciplinary purposes or pending investigation of charges made against an employee.

Temporary Appointee - An individual receiving a Temporary Appointment in the classified service.

Transfer - Assignment of an employee from one position to another position. Transfers can take place within a department, between departments, between positions of the same pay range, between positions of the same class, or between positions of different classes.

Work Day - Scheduled number of hours that an employee is required to work per day.