

**City of Redlands**

**Personnel Rules & Regulations**

**July 5, 2006**

**CITY OF REDLANDS**

**PERSONNEL RULES AND REGULATIONS**

Adopted by Resolution of the City Council on: July 5, 2006

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## **I. INTRODUCTION**

### **A. ADOPTION OF PERSONNEL SYSTEM**

In order to establish a uniform procedure for dealing with personnel matters, the personnel system set forth in these Rules and Regulations (hereinafter "Rules") is hereby adopted. These Rules supersede any prior rules and regulations and may be changed only upon approval of the City Council.

Where an applicable memorandum of understanding between the City and a recognized employee organization contains provisions that are inconsistent with those contained in these Rules, the language contained in the Memorandum of Understanding will govern.

In the event of an emergency, any part or all of these Rules and Regulations may be suspended by order of the City Manager and such suspension shall remain in effect until the City Manager's order is withdrawn.

### **B. EQUAL EMPLOYMENT OPPORTUNITY**

This Equal Employment Opportunity policy applies to all applicants, officers, volunteers, and employees without exception.

The City will not discriminate against qualified employees or applicants for employment on the basis of actual or perceived race, color, religion, gender, national origin, ancestry, citizenship, age, marital status, physical disability, mental disability, medical condition, sexual orientation, or any other basis protected by law, or on the basis of a perception that an individual is associated with a person who has, or is perceived to have, any of these characteristics. The City will afford equal employment opportunity to all qualified applicants or employees with respect to compensation and all terms and conditions of employment, including hiring, training, promotion, transfer, discipline, and termination.

Employees who believe they have experienced denial of employment opportunity or discrimination are encouraged to report this experience immediately to their supervisor or

the Personnel Director. The City will promptly investigate the report under the Complaint Procedure for Discrimination, Harassment and Retaliation at Rule VI.F. of these Rules.

### **C. APPLICABILITY OF RULES**

1. The provisions of these Rules shall apply to all offices, positions and employees in the competitive service of the City, except as otherwise indicated within a specific provision of these Rules.

2. With the exception of the City's EEO policy at Rule I.B., Complaint Procedure at Rule VI.F., and Reasonable Accommodation Policy at Rule VI.G., these Rules do not apply to the following offices and positions outside the competitive service:

- a. Elected officers;
- b. Members of appointed boards, commissions and committees;
- c. Persons engaged under contract to supply expert, professional, or technical services for a definite period of time;
- d. Volunteer personnel;
- e. City Manager;
- f. City Attorney;
- g. Department Heads;
- h. All hourly employees; and
- i. Temporary and seasonal employees.

### **D. DEFINITION OF TERMS**

Words and terms used in these Rules and in any ordinance or resolution dealing with these Rules and any other personnel policies or procedures are defined in the Rule to which they apply or as follows:

1. "Acting appointment" means the appointment of an employee to a classification in the City service on an interim basis during which that person continues to occupy the position from which he/she was appointed. Acting appointments are not

considered temporary appointments.

2. "Actual hours worked" means all hours in which the employee actually performed work and does not include any paid or unpaid leave time, including but not limited to vacation and sick leave.

3. "Advancement" means a salary increase within the limits of the pay range established for classifications provided by resolution.

4. "Appointing Authority" means: the City Manager or the City Manager's designee.

5. "Appointment" means the employment of a person in a position.

6. "Base Salary" means the salary range and step established in the Compensation Plan, exclusive of any overtime, shift-differential, incentive or other excludable pay an employee may receive.

7. "Classification" means a group of positions sufficiently substantially similar in duties, authority, responsibilities, and minimum qualifications for employment to permit combining them under a single title and the application of common standards of selection and compensation.

8. "Classification plan" means the designation by resolution of the City Council of a title for each classification together with the specifications for each classification as prepared and maintained by the Personnel Director.

9. "Compensatory time off" means paid time off, from work in lieu of overtime pay.

10. "Competitive service" means employment in all positions in the City service except those specifically excluded by these Rules.

11. "Day" means calendar day unless otherwise noted.

12. "Demotion" means the voluntary or involuntary reduction of an employee from a position in one classification to a position in another classification having a lower maximum salary rate.

13. "Discharge" means the involuntary separation of an employee from the City service.

14. "Eligibility list" means a list of names of persons who have successfully completed the examination process for a position in the competitive service, pursuant to Rule II (Classification Plan and Selection Process).

15. "FLSA" stands for the Fair Labor Standards Act.

16. "FLSA-exempt" refers to all employees who meet one or more of the duties test exemptions from overtime under the FLSA (e.g. executive, administrative, professional) and who is paid on a salary basis, as defined below.

17. "Full-time position" means employment in which the employee normally works at least forty (40) hours per week. Employees working less than forty (40) hours per week in a job-share of a full-time position will receive pro-rated benefits.

18. "Hourly basis" means compensation paid according to the number of hours that employee actually works.

19. "Hourly position" means employment in which the employee normally works less than 40 hours per week or no more than one thousand (1,000) hours per fiscal year.

20. "Lay-off" means the termination of an employee from City service for reasons of economy, efficiency or other non-disciplinary reason, pursuant to Rule IV.D. (Lay-Offs) of these Rules.

21. "Merit salary increase" means the performance-based advancement of an employee's salary to a higher salary level within the established salary range for the employee's classification.

22. "Non-exempt" refers to employees who are entitled to FLSA overtime, regardless of whether paid on a salary or hourly basis. Non-exempt does not include employees performing exempt duties on a primary basis under a temporary or acting appointment to an exempt-designated position.

23. "Overtime" means all actual hours worked by a non-exempt employee in excess of forty (40) hours in the employee's designated workweek, except as otherwise designated by an applicable MOU, or as otherwise designated for employees on a flexible work schedule, or as designated under the FLSA.

24. "Position" means a combination of duties and responsibilities assigned to a single employee and performed on either a full-time or part-time basis.

25. "Probationary appointment" means employment for a working test period that is part of the selection process, during which a new or promoted employee is required to demonstrate satisfactory or better performance of the position's duties.

26. "Promotional appointment" means the advancement of an employee from a position in one classification to a position in another classification having a higher maximum salary range.

27. "Reclassification" means the reassignment of a position to another classification due to the material change of the job duties of a position, pursuant to Rule II.A. (Classification Plan) of these Rules.

28. "Regular appointment" means the employment of a person in an authorized full-time position following successful completion of a probationary period in a full-time authorized position.

29. "Rejection" means the discharge from the competitive service of an employee who has not successfully completed the initial probationary period.

30. "Reinstatement" means the reappointment of an employee to a position in the same or a comparable classification within twelve (12) months of his/her separation in "good standing" pursuant to Rule IV.F. (Reinstatement) of these Rules.

31. "Resignation" means the voluntary separation of an employee from the City service.

32. "Safety sensitive" means a position or duty of a position that the City has designated as "safety sensitive" for purposes of implementing its Drug and Alcohol policy at Rule VI.H. of these Rules.

33. "Salary basis" means compensation in a predetermined amount that is not reduced, regardless of the quality or quantity of work actually performed, except as required by the City's principles of public accountability for partial-day absences, or as otherwise set forth by FLSA.

34. "Salary evaluation date" means the date on which a probationary or regular

employee's performance is evaluated and the date upon which the employee is eligible, on the basis of job performance for a prescribed period, for a merit salary increase within the established salary range.

35. Seniority means the employee's number of continuous years in competitive service from the employee's service anniversary date. Seniority in classification means the number of continuous years of service in the present or higher classification.

36. "Separation" means the voluntary or involuntary termination of employment from City service.

37. "Service anniversary date" means the original date of hire as a full-time employee for purposes of accruing benefits and determining years of service with the City.

38. "Suspension" means the temporary separation without pay of an employee from the competitive service for disciplinary purposes

39. "Temporary appointment" means an appointment to a regular position for a period of no more than six (6) months, unless extended, in writing, by the City Manager.

40. "Transfer" means the reassignment of an employee from one position to another position in the same classification or another classification having the same maximum salary range, involving the performance of basically similar duties, and requiring substantially the same minimum qualifications.

41. "Workweek" means, for purposes of overtime determination, a consecutive, seven-day period that begins at 12:00 a.m. on Sunday and ends at 11:59 p.m. on Saturday, except as otherwise designated by an applicable MOU, or as otherwise designated for employees on a flexible work, or as designated under the FLSA for safety employees.

42. "Y-Rated" means the employee's existing salary is frozen until adjustments to the employee's salary causes it to fall within the new salary range.

## **E. PERSONNEL DIRECTOR**

The City Manager shall appoint the Personnel Director. The City Manager may

delegate to the Personnel Director any of the powers and duties conferred upon him/her under these or other City rules, regulations, resolutions or ordinances. The Personnel Director, or his/her designee, shall be responsible for administration of these Personnel Rules.

## **II. CLASSIFICATION PLAN AND SELECTION PROCESS**

### **A. CLASSIFICATION PLAN**

#### **1. IMPLEMENTATION OF THE CLASSIFICATION PLAN**

The Personnel Director, after consultation with heads of effected departments shall recommend a classification plan for all classifications in the competitive service that includes but is not limited to the following for each classification:

- a. the classification title;
- b. a description of typical duties and responsibilities;
- c. the functions of the classification;
- d. a statement of the desirable training, experience and other qualifications of applicants for the classification;
- e. whether the classification or any of its duties are safety-sensitive.

The Personnel Director shall ensure that all positions within the same classification are substantially similar with respect to duties, authority, character of work, and schedules of compensation.

#### **2. PERIODIC UPDATES**

From time to time, and not less than once every two years, the Personnel Director will review the classification plan to ensure that it is accurate and make amendments to reclassify or add positions or classifications or to make other changes as necessary or appropriate.

### 3. ADOPTION BY CITY COUNCIL

The classification plan, or any amendment thereto, will become effective only upon adoption by resolution of the City Council. Upon adoption the classification plan or any amendment will take immediate effect.

### 4. ASSIGNMENT OF CLASSIFICATIONS TO BARGAINING UNITS

Assignment of classifications to employee units of representation will be at the sole discretion of the City Manager and in accordance with the Employer-Employee Relations Resolution.

## **B. NEW POSITIONS AND VACANCIES**

New positions and permanent vacancies of regular positions in the competitive service, may be filled by reinstatement, transfer, demotion, or from an eligibility or promotional list, as deemed appropriate within the discretion of the Personnel Director.

## **C. JOB ANNOUNCEMENTS**

Positions to be filled in the competitive service will be publicized by distributing announcements to those City divisions and City or other publications as deemed advisable and appropriate within the discretion of the Personnel Director and in consultation with the Department Head. For example, when the City seeks only promotional candidates, distributions will be limited to internal sources. Additionally, when distribution of a job announcement would detrimentally delay the filling of a position the City, in its sole discretion, may instead opt to fill the position temporarily from immediately available sources. In the event a job announcement is distributed, it will specify the:

- a. title and pay range of the classification for which the examination is announced;
- b. nature of the work to be performed;
- c. desired skills and experience;
- d. dates, time, place and manner of making applications;

- e. closing date for receiving applications;
- f. minimum requirements for the position;
- g. manner and method by which vacancies will be filled, including passing scores for tests, if applicable; and
- h. other pertinent information in the discretion of the City.

#### **D. APPLICATION FORMS**

Applications shall be made on forms provided by the Personnel Director. All applications must be signed by the person applying.

#### **E. DISQUALIFICATION**

The Personnel Director may reject any application for a position in the competitive service for reasons including, but not limited to, the following:

- a. The applicant did not properly complete the application;
- b. The application indicates on its face that the applicant does not possess the minimum qualifications for the position;
- c. The applicant is unable to perform the essential functions of the position sought, with or without reasonable accommodations;
- d. The applicant is currently using illegal drugs;
- e. The applicant has been convicted of a crime that may have an adverse impact on the applicant's ability to perform the job for which the applicant is applying;
- f. The applicant is not legally permitted to work within the United States;
- g. The applicant has made false statement of any material fact or practiced or attempted to practice deception or fraud in making application for employment; or
- h. For any material cause which in the judgment of the Personnel Director would render the applicant unsuitable for the position, including a prior resignation from City service, termination from City service, or significant

disciplinary action.

The Personnel Director will mail a notice of any rejection by mailing the notice to the mailing address provided by the applicant on the application. Improperly-completed applications may be returned to the applicant with notice of the defect, provided the time limit for receiving applications has not expired.

#### **F. SUBJECT AND METHOD OF EXAMINATIONS**

The Personnel Director, in consultation with the Department Head, will determine the manner, methods, applicant pool, and by whom examinations shall be given. All examinations and background checks will be job-related and consistent with a business necessity.

Examinations shall be competitive and may consist of written tests, oral tests, performance tests, evaluations of prior training and performance, experience and education, interviews, style assessments, file review, or any combination thereof.

Some positions may also require a background check. In the case of employees handling money or other valuables in the course of their duties, a credit check may be done in accordance with the provisions of Government Code Section 3308.

#### **G. QUALIFYING GRADE AND RATING EXAMINATIONS**

In all examinations the minimum grade or standing for which eligibility may be earned shall be based upon all factors in the examination, including educational requirements, experience, and other qualifying elements as shown in the application of the candidate or other verified information. Failure in one part of the examination may be grounds for declaring the applicant as failing in the entire examination, or as disqualified for subsequent parts of an examination.

#### **H. ELIGIBILITY LISTS**

Eligibility lists will be established and certified by the Personnel Director or his/her designee following all applicable examinations. The eligibility list will consist of names of

applicants with composite scores of at least 70 percent. These qualifying scores will be categorized into three bands as follows:

90-100%	=	Band 1
80-89%	=	Band 2
70-79%	=	Band 3

The Department Head will make his/her first selection from any applicant in Band 1. The City Manager as the appointing authority, or his/her designee, will confirm the selection. When there are less than five (5) qualified applicants remaining in Band 1, the Department Head may select from Band 2. When there are less than five (5) qualified applicants remaining in Band 2, the Department Head may select from Band 3. Promotional candidates shall be listed by cumulative rank order.

Eligibility lists shall be valid and in effect for a period of one year. An eligibility list may be extended upon the recommendation of the department head and by action of the Personnel Director for additional six-month periods, but in no event shall a list remain in effect for more than two years.

If less than ten names of qualified applicants are available for a new appointment, the Personnel Director may declare the list invalid and announce a new recruitment and examination period. If there are less than three (3) applicants on a promotional eligibility list the Personnel Director, in consultation with the Department Head, may declare the list invalid and announce a new recruitment and examination period. In the alternative, the Personnel Director may make a temporary appointment until eligible candidates can be certified after appropriate examination.

#### **I. REMOVAL OF NAMES FROM ELIGIBILITY LIST**

Names may be removed from an eligibility list for any of the following reasons:

- a. If an eligible candidate requests orally or in writing that his/her name be removed;
- b. If an eligible candidate fails to accept an offer of employment within ten (10) calendar days following the forwarding of such offer;

- c. If an eligible candidate on a promotional list resigns from the service;
- d. If an eligible candidate is physically or mentally unable to perform the essential functions of the job, with or without reasonable accommodation;
- e. If a person on the eligibility list leaves no forwarding address;
- f. Other lawful reasons.

## **J. NOTIFICATION OF RESULTS**

Every applicant taking part in the examination process shall be given written notice of the results. Any claim of error in rating or grading, must be submitted to the Personnel Director no later than ten (10) days after the effective date of the eligibility list, to be considered for correction. Applicants shall be provided timely access to all information reasonably necessary to determine if an error in rating or grading has occurred.

## **K. RELATIVES WORKING FOR THE CITY**

The following definitions apply to this Rule:

1. "Relative" means spouse, domestic partner, child, step-child, parent, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece, nephew, parent-in-law, brother-in-law or sister-in-law.

2. "Supervisory relationship" means one in which one person exercises the right to control, direct, reward, or discipline another person by virtue of the duties and responsibilities assigned to his or her position.

The City reserves the right not to appoint or promote a person to a position in any department in which such person's relative already holds a position, when such employment would result in any of the following:

- a. A direct supervisory relationship;
- b. The employees having job duties which require performance of shared duties on the same or related work assignment;
- c. Both employees having the same immediate supervisor.

If an existing City employee marries another existing City employee, both

employees will be allowed to retain their respective positions, unless it would result in one of the following:

- a. A direct supervisory relationship between the couple;
- b. A significant and likely potential for creating an adverse impact on supervision, safety, security, morale or efficiency;

Under either of these circumstances, the Personnel Director will attempt to:

- a. Redefine the duties of the employees involved to avoid a supervisory relationship or eliminate the significant and likely potential for creating an adverse impact on supervision, safety, security, morale or efficiently.
- b. Transfer one spouse to a similar position.

However, if continuing employment of two spouses cannot be accommodated, then the City retains sole discretion to separate the less senior spouse from employment.

### **III. APPOINTMENTS**

#### **A. OFFERS OF APPOINTMENT**

The City Manager or his/her designee shall effect an appointment by extending a conditional offer of appointment to an applicant. If the applicant accepts the offer of appointment, the appointment shall be deemed completed, subject to a medical examination as set out in Rule III.C. If the applicant does not accept the offer of appointment within the time period designated by the Personnel Director, the offer will expire and the offer of appointment shall be deemed to have been declined by the applicant.

#### **B. PRE-EMPLOYMENT MEDICAL EXAMINATIONS**

All offers for appointment to a position in the competitive service will be contingent upon the appointee passing medical and/or psychological examination and testing to determine whether the appointee can perform the essential functions of the job, with or without reasonable accommodation. Such pre-employment medical

examination shall also include an illegal drug screening. If the examination reveals that the appointee cannot perform the essential functions of the job, with or without reasonable accommodation, or that the person uses illegal drugs, the person may be disqualified from consideration for employment.

### **C. PROBATIONARY APPOINTMENTS**

All original and promotional appointments shall be tentative and subject to successful completion of a probationary period of not less than six (6) months of actual and continuous service. The probationary period for safety employees (sworn police and fire personnel) shall not be less than one year of actual and continuous service after completion of safety academy training. Public Safety Dispatchers shall have a probationary period of one year. The probationary period will be automatically extended for all approved unpaid leaves of absence of thirty (30) days or more taken during the period for the time equivalent to the length of the leave of absence.

The probationary period shall be part of the testing process and shall be utilized for closely observing the employee's work. Probationary employees are at-will employees who do not have property or vested rights in their positions with the City.

During the probationary period, an employee may be rejected at any time by the appointing authority without cause and without right of appeal, or grievance or hearing. At least two weeks prior to the projected completion of any probationary period, the Personnel Director shall notify the Department Head or appointing authority and the probationer concerned of the impending completion date.

Only if the service of the probationary employee has been satisfactory to the Department Head, the appointing authority, prior to expiration of the probationary period, may file with the Personnel Director a written recommendation that the employee receive a regular appointment. Upon the recommendation of the Department Head, the Personnel Director, may also opt to extend an employee's probationary period by a maximum period of six (6) months past the end of the initial probationary period. The Department Head recommending an extension must file his/her

recommendation in writing with the Personnel Director prior to expiration of the probationary period. The Personnel Director will notify an employee of either recommendation prior to the expiration of his/her probationary period.

An employee shall be granted permanent status unless he/she is notified in writing of an extension of probation or rejection prior to the end of probation.

#### **D. REGULAR APPOINTMENTS**

Following successful completion of a probationary period in a full-time authorized position, an employee shall be classified as a regular appointee.

#### **E. TEMPORARY APPOINTMENTS**

When the service demands of the City are such that an open competitive recruitment process is not practical and/or in the absence of an eligibility list, the appointing authority may make a temporary appointment. All temporary appointments are subject to the following requirements:

1. Any person appointed to temporary status must meet the minimum qualifications for the position to which he/she is being appointed.
2. No temporary appointment may exceed a period of ninety (90) days with one ninety (90) day extension authorized in writing by the City Manager.
3. Temporary appointees will be compensated at the hourly equivalent of the salary range assigned to a regular employee in the same classification. Temporary employees who are regular City employees at the time of temporary appointment continue to accrue leave time and any additional benefits at the pay rate of their temporary appointment. However, temporary appointees who are new City employees at the time of temporary appointment will not accrue leave time or any additional benefits except those required by law, i.e. workers' compensation and Social Security, and are also not eligible for salary increases.
4. Prior to being appointed to regular status, a temporary appointee shall successfully complete the competitive recruitment process, if any.

## **F. ACTING APPOINTMENTS**

Whenever the needs of the City, due to vacancy, extended illness, or other extenuating circumstances require, the Personnel Director may appoint, on an acting basis, a regular employee from a lower classification to perform the duties of the vacant higher position. The affected Department Head shall indicate in writing to the Personnel Director the need for an acting appointment and any recommended employee(s) to serve in the appointment.

To be eligible for an acting appointment, the employee must be a regular employee and must possess the minimum qualifications of the higher classification in the judgment of the Personnel Director and as recommended by the affected Department Head.

The employee assigned to perform the duties of a higher classification, shall not serve for more than ninety (90) working days in a higher classification that is vacant without the position becoming subject to the announcement and selection process set forth in Rule II.

If the person is subsequently promoted from acting capacity into the same position in a regular capacity, the period of time of service in the acting capacity may be credited to the required period of probation for the regular appointment.

## **G. PROMOTIONAL APPOINTMENTS**

Promotional appointees are subject to the same application and probationary employment requirements as all other regular applicants. In the event that a promotional appointee does not pass probation, the City shall return the employee to his/her prior position, or appoint the employee to a position in the same or lower classification as the prior position. The employee shall not serve a new probationary period unless waived by the City.

The effective date of a promotional appointment shall determine the employee's new salary evaluation date. Promoted employees may be evaluated after six (6) months service and shall be evaluated annually thereafter.

## **H. EMERGENCY APPOINTMENTS**

To meet the immediate requirements of an emergency condition, such as major fire, flood, earthquake, or other public calamity that threatens public life or property, an appointing authority may employ such persons as may be needed for the duration of the emergency without regard to the personnel ordinance, these Rules, or other rules and regulations affecting appointments. As soon as possible, such appointments shall be reported to the City Manager. Such employees serve at the will of the City Manager and may be dismissed without cause and without any right of appeal, grievance or hearing.

## **IV. CHANGES TO POSITIONS**

### **A. TRANSFERS**

After notice to the Personnel Director and approval by the City Manager, an employee may be transferred by the affected department head(s) at any time and for any reason from one position to another position in the same or comparable classification and without loss of compensation. Employees who desire a transfer may also submit a request for transfer to their department head for consideration. The Department Head may deny the transfer request in his/her sole discretion.

If an employee voluntarily transfers to another position in the same or comparable classification and is not successful, the employee may return to his/her former position.

The employee's salary evaluation date shall remain the same as it was before the transfer.

### **B. RECLASSIFICATION**

Should the Personnel Director determine, pursuant to Rule II.A., that the job duties of a position in the competitive service have materially changed at the direction of the City, and not because the employee voluntarily assumed or declined duties, the Personnel Director, in his/her discretion, may reassign the position to another classification.

An employee may be reclassified without competitive exam if the Personnel Director

determines that the employee has met the minimum qualifications of the new classification and has performed the duties of the reclassified position for a minimum period of nine (9) months. Reclassification shall not be used for the..purpose of avoiding competitive selection processes.

The employee's salary evaluation date shall not change as a result of the reclassification.

### **C. DEMOTIONS**

An employee may be demoted for cause pursuant to the Disciplinary Action policy at Rule V.L., or for organizational reasons, pursuant to Layoffs at Rule III.M.

A demoted employee shall be required to serve a probationary period in the lower classification unless the lower classification is in the same job series or the employee completed probation in the lower classification. In the event the demoted employee does not pass probation, the employee will be terminated from employment.

The effective date of a demotion shall establish a new salary evaluation date.

### **D. LAY-OFFS**

Should the City Manager determine reductions in force to be necessary due to lack of work or for financial reasons, he/she may initiate lay-offs.

In determining the order of lay-offs, a combination of factors shall be considered, including but not limited to: qualifications, productivity, general performance, seniority with the City of Redlands and needs of the City. Variations from the order of lay-offs and recall from lay-off may occur when the City deems such variations appropriate under the circumstances.

The factors the City, in its discretion, may use to determine include but are not limited to the following:

- a. An employee's last four performance evaluations, if any;
- b. Any history of employee commendations, awards, etc.;
- c. Any history of employee disciplinary action;

- d. Attendance record, including tardiness and unexcused absences;
- e. Safety record, including personal injury and damage to city property;
- f. Probationary and temporary employees shall be laid off before a regular employee in the same classification;
- g. Between two regular appointees in the same classification with the same skills, abilities, qualifications, merit and/or record, the employee with lesser seniority may be laid off first;
- h. Between two regular appointees in the same classification the employee with lesser skills, abilities, qualifications, merit and/or record than may be laid off first, without regard to seniority;
- i. Memoranda of Understanding between the City and effected bargaining units.

## **E. BUMPING**

“Bumping” means the displacement of an employee from his/her position by an employee in a higher classification who formerly held the same position, or a position in the same job family.

A laid-off employee shall be entitled to bump an employee in the same position previously held by the laid off employee, or a position in the same job family, in accordance with the criteria specified in paragraph 2 of this Rule. The laid off employee must be able to perform the essential job functions of the former position and possess the minimum qualifications of the position as specified by the job classification specification.

The City will notify laid-off employees of any positions available for bumping. Following such notification, the employee must notify the Personnel Director in writing of his/her intent to exercise the bumping rights within seven (7) calendar days, and the position and classification in to which he/she intends to bump. Failure to provide such notification will be deemed a waiver of bumping rights by the employee.

Where there is more than one employee in a position available for bumping, the

factors in paragraph 1 of this Rule, or the conditions set forth in a Council-approved Memorandum of Understanding, will be used to determine which employee, if any, will be bumped.

Any displaced employee shall be considered as laid-off for the same reason as the person who displaced them and shall in the same manner be eligible to displace another employee based on the criteria specified in paragraph 2 of this Rule.

#### **F. REINSTATEMENT FROM LAY-OFF**

Employees who, following lay-off from a position or lay-off from City employment may be reinstated upon the recommendation of the Department Head and with the approval of the Personnel Director, to the position from which they were laid off based on their qualifications, availability, and the needs of the organization pursuant to the Reinstatement policy at Rule IV.F. of these Rules.

#### **G. SEPARATIONS**

All employees who separate from City service, that is, whose employment with the City terminates through separation for cause, layoff, resignation, or retirement must:

1. Return all City property to the Personnel Director or the immediate supervisor prior to receiving the final paycheck.
2. Clear any existing financial obligations with the City.

In addition, employees who resign or retire must also adhere to the following procedures before they will be deemed to have terminated in good standing:

1. Submit a written notification stating your intent to terminate, and the proposed effective date to your immediate supervisor.
2. Provide a minimum notice of two weeks. The City encourages employees who become aware of their pending termination from the City to let the Personnel Director know as far in advance as possible.

## **H. REINSTATEMENT**

At the recommendation of the Department Head, and with the approval of the Personnel Director, employees who (1) resigned, retired, or were laid off and (2) were in good standing at the time of termination their employment, may be reinstated within twelve (12) months, to their former position, if vacant, or to a vacant position in the same classification, without being subject to the application and conditional appointment requirements of Rule II.

A reinstated employee shall serve a probationary period as defined in these Rules and Regulations, unless otherwise approved by the City Manager. An individual requesting reinstatement shall be required to pass a medical and/or psychological examination and any other qualifying tests or procedures as in the case of a new employee. If reinstated, credit may be granted for prior service in terms of benefit accrual rates and seniority in the discretion of the Personnel Director in consultation with the Department Head; provided, however, that Employees reinstated after lay-offs shall receive credit for prior service with the City.

## **V. COMPENSATION**

### **A. COMPENSATION PLAN**

#### **1. COMPENSATION SYSTEM PRINCIPLES**

The City of Redlands is committed to maintaining fiscal integrity and high standards of accountability to the public in the expenditure of funds provided by taxpayers. Accordingly, the City establishes its compensation system in accordance with the principles of public accountability.

#### **2. COMPENSATION PLAN**

The Personnel Director shall prepare a Compensation Plan that includes the following:

- a. the salary ranges for all classifications in the competitive service, showing

- the minimum and maximum rates of pay;
- b. a designation of the position as full-time, hourly, or temporary;
- c. a designation of the position as paid on an hourly or salary basis.

### 3. REVIEW OF COMPENSATION PLAN

On a periodic basis, but not less than every two years, the Personnel Director shall survey benchmark classifications in accordance with City Council policy. Survey results shall be considered as one of the pieces of information used as a guideline in establishing or modifying for a particular position or classification.

The Personnel Director shall also determine whether any modifications are necessary due to changes to positions or classifications, including changes to exempt or non-exempt status, resulting from his/her periodic review of the Classification Plan.

The City Manager shall submit any modified Compensation Plan in proposed form to the City Council for adoption.

### **B. SALARY UPON APPOINTMENT**

Initial appointments shall be normally be made at the first step of the salary range for the particular classification in which the appointment is made. When, in the judgment of the Department Head, the education, training, and/or experience of a proposed employee are such that a salary in excess of the first step is justified, the City Manager may authorize an appointment to a position at a higher step in the salary range.

### **C. SALARY UPON HOURLY APPOINTMENT**

Hourly employees receive only legally mandated benefits or compensation other than the hourly rate of pay. An hourly employee shall be compensated on an hourly basis at the hourly rate to which his/her classification has been allocated or shall be paid an hourly rate equivalent to the pro-rata share of the monthly salary to which he/she would be entitled were he/she a full-time employee.

#### **D. SALARY UPON ACTING APPOINTMENT**

Commencing thirty (30) continuous calendar days from the date of the appointment the employee shall receive the salary rate of the higher classification in which the employee is performing the required duties. Said higher pay shall be received by the employee for the remaining duration of the appointment.

A person appointed in an acting capacity shall be eligible to receive merit increases in his/her regular position during the acting appointment but shall not be entitled to merit increases in the position which is held in an acting capacity.

#### **E. SALARY UPON PROMOTION**

An employee who is appointed to a position in a classification allocated to a higher salary range than the employee's present classification shall receive the next highest monthly salary which is at least five percent (5%) higher than the employee's previous base salary, but in no case more than the top step of the new salary range unless the City Council grants specific approval. Payment in such new salary range shall commence at the beginning of the pay period in which the appointment becomes effective

#### **F. SALARY UPON TRANSFER**

An employee who is transferred from one position to another in the same classification or to another position in a classification having the same salary range shall be compensated at the same step in the salary range as previously received.

#### **G. SALARY UPON RECLASSIFICATION**

##### **1. UPWARD RECLASSIFICATION**

An employee whose position is reclassified to a job classification with a higher salary range, and who meets the qualifications and requirements for the new classification, shall be compensated at the closest step within the new salary range that will provide a minimum increase of five percent (5%). A new probationary period is not required and the

performance review date shall not change.

## 2. DOWNWARD RECLASSIFICATION

An employee whose position is reclassified to a job classification with a lower salary range shall:

- a. retain his/her current salary if the current salary is the same as a step within the salary range of the new classification;
- b. be placed at the closest step within the salary range of the new classification that approximates the current salary if the current salary is between steps within the new salary range; or
- c. be assigned a Y-rate designation to hold the employee at the current salary rate, without increases, until such time as the salary range for the new classification is the same or exceeds the amount of the Y rating. A Y rating requires approval of the City Council.

## H. SALARY UPON DEMOTION

The salary of an employee who is demoted for cause to a position in a classification allocated to a lower salary range than the employee's current classification shall be reduced to a step in the salary range for the classification to which the employee has been demoted. The Department Head, with the approval of the City Manager shall determine the step within the range on which the demoted employee will be placed. An employee demoted pursuant to a lay-off shall be compensated at the nearest lower monthly salary rate in the salary range for the classification to which he/she has been demoted to the demoted employee's salary rate prior to layoff. The effective date of a demotion shall establish a new salary evaluation date.

## I. MERIT SALARY INCREASES

### 1. ELIGIBILITY FOR A MERIT INCREASE

Merit increases are based solely upon job performance; they are not automatic; and

there is no annual entitlement to them. Employees are eligible for a merit increase each year based upon the evaluation of their performance. Only regular appointees are eligible for merit increases, and no employees will receive an advancement that exceeds the maximum rate established for their classification. In order to receive a merit increase, employees must receive both at least a rating of "Meets Expectation" or above, or for Police Department employees, at least a "Competent" or above, on their job performance evaluation and a recommendation for a merit increase by the Department Head. Any such merit increase will be applied retroactively to the employee's most recent service anniversary date.

## 2. POSTPONEMENT OF A MERIT INCREASE

Rather than recommend a merit increase at the time of the performance evaluation, the Department Head, in his/her discretion, may opt to postpone the decision pending further review of the employee's job performance for a period not to exceed six (6) months. The Department Head shall include the reasons for the postponement in any such recommendation. If, during or at the conclusion of the period of postponement the Department Head recommends a merit increase, the increase will take effect in the pay period that immediately follows the pay period in which the recommendation is made, and that date shall become the new salary evaluation date.

## 3. MERIT INCREASES FOR EXCEPTIONAL CIRCUMSTANCES

Upon written recommendation of a Department Head, the City Manager, in his/her sole discretion, may authorize a merit increase outside of a regularly-scheduled performance evaluation if exceptional performance or other appropriate circumstance warrants advancement. An increase for exceptional performance shall not exceed the highest step in the employee's current salary range.

## **J. OVERTIME COMPENSATION**

### **1. OVERTIME COMPENSATION**

As a matter of general policy, the City does not permit employees to work overtime and will provide adequate staff to handle normal operations as needed. Non-exempt employees may be required, and are expected to perform, overtime work.

All overtime work must have the approval of the appropriate supervisor prior to actual performance of the work. Failure to obtain such approval in advance shall be justification for discipline.

All non-exempt employees shall be compensated at one and one-half times their regular hourly rate for overtime hours worked.

Only actual hours worked shall be considered as hours worked for purposes of calculating overtime pay, unless authorized in a Memorandum of Understanding adopted by City Council. No overtime shall be recorded or reported for less than 8 minutes of work.

### **2. COMPENSATORY TIME-OFF**

Employees may opt to accrue Compensatory Time-Off ("CTO") in lieu of cash payment for overtime worked if the requirements of this rule have been met.

CTO shall accrue at the rate of one and one-half (1-1/2) hours for each overtime hour worked in accordance with the Fair Labor Standards Act. No employee may accumulate CTO in excess of eighty (80) hours unless provided by a City Council approved Memorandum of Understanding. Overtime will be compensated in pay only after 80 hours of CTO have accumulated. Use of compensatory time-off earned shall be granted provided that: 1) its use does not unduly disrupt the operations of the City; and 2) the request is made to the employee's Department Head no later than five days prior to the time when the employee desires to use the leave. Employees working in more than one Department must submit the CTO request to the Head of each affected Department. If the employee does not provide five days of notice, or if the City can document that the use of CTO would unduly disrupt City operations, the City will cash out the CTO requested at the

end of the current pay period in the regular pay check.

## **K. DEDUCTIONS FROM PAY**

### **1. DEDUCTIONS FROM SALARIES FOR PERSONAL OR SICK LEAVE**

Consistent with the City's compensation system based on the principles of public accountability, all FLSA-exempt employees who are absent from work for personal reasons or because of illness for less than one workday must first exhaust any available paid accrued leave toward the absence or request. In the event the salaried employee has exhausted all available accrued leave, the City Manager may approve unpaid leave time, which will be deducted from the employee's pay.

### **2. PROHIBITED DEDUCTIONS FROM SALARIES**

Notwithstanding any other provision in these Rules, in no event will the City take deductions from paychecks of FLSA-exempt employees for any of the following:

- a. Any disciplinary penalty other than a major safety violation, except when the employee does not work any hours for an entire workweek, as defined by an applicable MOU, or in the event of no MOU, as defined in Rule V.A. of these Rules;
- b. Jury duty and temporary military leave; and
- c. Witness leave except when the employee has brought the legal action.

## **L. ERRORS IN COMPENSATION**

In the event of any underpayment of which the City becomes aware, the employee shall receive any amount due him/her on the next regular pay period.

Each employee shall review each of his or her paychecks to ensure the employee was paid correctly. If the employee believes an error or irregularity has occurred, the employee must immediately call it to the attention of his or her supervisor who shall in turn notify the Finance Director.

## **VI. GENERAL EMPLOYMENT MATTERS**

### **A. HOURS OF WORK**

Daily hours of work (or shifts) for employees within departments shall be assigned by the employees' applicable MOU or by Department Heads as required to meet operational requirements. The Department Head may change an employee's work period, week, or hours at any time to meet the requirements of the City. Changes shall be made in accordance with applicable Memoranda of Understanding.

Any foreseeable absence or deviation from regular working hours desired by an employee shall be cleared in advance through the employee's supervisor, and such absences shall be noted on the employee's time sheet.

With the approval of the Department Head and concurrence of the employee association, an employee may be assigned a flexible work schedule totaling forty (40) hours within a one-week period be maintained as long as the needs of the public and City are being met. The start and stop of the workweek for employees on a flexible work schedule will be designated at the time the flexible work schedule is assigned to the employee.

### **B. TIMEKEEPING**

All employees must sign and accurately record all hours worked and any leave taken on their timesheets. Employees must submit their timesheets on a bi-weekly basis to their supervisor. Employees must immediately report any errors on a timesheet that has already been submitted to their supervisor.

### **C. ATTENDANCE**

Employees are expected to report to work as scheduled, on time, and prepared to start work. Unauthorized tardiness and absences cause disruptions in coverage of work assignments and city operations. Employees are also expected to remain at work for

their entire work schedule, except when required to leave on authorized city business or some other authorized leave. All departments shall keep daily attendance records of employees, which shall be reported to the Finance Director on the employee's timesheet.

Employees who anticipate an absence from all or portion of their regular work schedule and wish to request a form of accrued leave time or unpaid leave time should follow the procedures provided in these Rules or Memoranda of Understanding for the particular type of leave that they are requesting.

Employees who are unexpectedly unable to report for work as scheduled on any particular day must call their immediate supervisor no later than their scheduled time to begin work for that day, or as otherwise required by the Department. If the employee's immediate supervisor is not available, then the employee must notify the Department Head or his/her designee. Employees must inform their supervisor of the expected duration of any late arrival or absence. Employees who call later than their scheduled time to begin work for their assigned shift will be deemed to have an unauthorized tardy or absence in violation of this attendance policy. Abuse or misrepresentation of any form of accrued or unpaid leave time will be grounds for discipline.

Failure on the part of an employee who is absent without notification or authorization to return to duty within twenty-four (24) hours after a notice to return to duty has been delivered to their last known telephone number and/or address will constitute an automatic resignation effective as of the last day an employee worked. If, within 10 days of said notice, the employee can show good cause for the failure to return to duty, the Personnel Director, in his/her discretion may, after consultation with the Department Head, reverse the resignation.

#### **D. EMPLOYEE PERFORMANCE EVALUATION**

A report of performance of each employee shall be made by respective Department Heads or their designees after completion of a probationary period and annually thereafter. Unless changed in accordance with these Rules and Regulations, these evaluation dates

shall constitute the employee's salary evaluation date for purposes of eligibility for a merit salary increase; provided, however, the employee shall continue to receive performance evaluations on said date even after the employee has reached the top of the applicable salary range. In addition, a performance evaluation may be prepared at any other time at the discretion of the employee's supervisor.

Each performance evaluation shall be discussed with the employee. The performance evaluation will address areas of successful performance and areas that need improvement. The employee will have the opportunity to comment regarding work performance, either in a written statement attached to the report or orally. The employee shall sign the performance report to acknowledge that the employee is aware of its contents and has discussed the report with the evaluator. The employee's signature does not necessarily indicate agreement with the contents of the report. In the event that an employee refuses to sign the evaluation following his/her review of the evaluation, such refusal will be so noted by the evaluator on the evaluation form.

The employee will receive a copy of the performance evaluation, and the original, along with any written comments submitted by the employee, will be in the employee's personnel file.

## **E. POLICY AGAINST HARASSMENT AND RETALIATION**

The City is strongly committed to prohibiting: 1) harassment as defined below; and 2) retaliation against those who report or oppose harassment. This policy applies to and protects applicants for City employment, elected City officials, City officers, City employees, and those who work or have worked on City contracts.

### **1. PROHIBITION AGAINST HARASSMENT**

It is the policy of the City to prohibit any form of harassment, as defined below. To that end, the City provides a Complaint Procedure in Rule VI.F. of these Rules that applicants, officials, officers, employees or contractors can use to report potential violations. Disciplinary action, up to and including termination, will be taken against an

employee or officer who is found to have engaged in harassment in violation of this policy. Any elected official or contractor who has been found to have engaged in harassment in violation of this policy will be subject to appropriate sanctions.

## 2. PROHIBITION AGAINST RETALIATION

In order to deter harassment and to support the integrity of the Complaint Procedure in Rule VI.F. of these Rules, the City also prohibits retaliation. Any employee found to have retaliated against an applicant, elected official, officer, employee, or contractor because of a complaint of harassment or because of participation in the Complaint Procedure, shall be subject to appropriate disciplinary action or sanction up to and including termination. Any elected official or contractor who has been found to have retaliated in violation of this policy will be subject to appropriate sanctions.

## 3. APPLICABILITY

a. Protected Classifications: This policy prohibits harassment because of an individual's protected classification. "Protected classification" includes sex, race, religious creed, color, national origin or ancestry, physical or mental disability, medical condition, marital status, age, or sexual orientation.

b. Policy Coverage: This policy prohibits City officials, officers, employees, or contractors from harassing applicants, officers, officials, employees, or contractors because: 1) of an individual's protected classification; 2) of the perception that an individual has a protected classification; or 3) the individual associates with a person who has or is perceived to have a protected classification.

## 4. DEFINITIONS

Harassment: Depending upon the circumstances, a single act of harassment, as defined below, can violate this policy:

1) Verbal Harassment – includes epithets, jokes, comments or slurs that identify a person on the basis of his or her protected classification, intimate or other nicknames, comments on appearance – including dress or physical features – or stories

that tend to disparage those with a protected classification.

2) Visual Forms of Harassment – includes gestures, posters, notices, bulletins, cartoons, photography, or drawings that tend to disparage those with a protected classification.

3) Physical Harassment – includes the following conduct taken because of an individual's protected classification: assault, impeding or blocking movement, physically interfering with normal work or movement, pinching, grabbing, patting, propositioning, leering, making express or implied job threats or promises in return for submission of physical acts, mimicking, stalking, or taunting.

4) Sexual Harassment – includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature that are an express or implied condition of continued employment or other term and condition of employment.

Guidelines for Identifying Harassment: To help clarify what constitutes harassment in violation of this policy, use the following guidelines:

1) Harassment includes any conduct which would be "unwelcome" to a reasonable person of the recipient's same protected classification and which is taken because of the recipient's protected classification.

2) It is no defense that the recipient appears to have voluntarily "consented" to the conduct at issue. A recipient may not protest for many legitimate reasons, including the need to avoid being insubordinate or to avoid being ostracized.

3) Simply because no one has complained about a joke, gesture, picture, physical contact, or comment does not mean that the conduct is welcome. Harassment can evolve over time. Small, isolated incidents might be tolerated up to a point. The fact that no one is complaining now does not preclude anyone from complaining if the conduct is repeated in the future.

4) Even visual, verbal, and/or physical conduct between two employees who appear to welcome it can constitute harassment of a third applicant, officer, official, employee or contractor who observes the conduct or learns about the conduct later.

Conduct can constitute harassment even if it is not explicitly or specifically directed at an individual.

5) Conduct can constitute harassment in violation of this policy even if the individual engaging in the conduct has no intention to harass. The City recognizes that it is legitimate for those in protected classifications to have heightened sensitivities to harassment as a result of their life experiences. Even well-intentioned conduct can violate this policy if the conduct is directed at, or implicates a protected classification, and if an individual of the recipient's same protected classification would find it offensive (e.g., gifts, over attention, endearing nicknames).

6) A single act can violate this policy and provide grounds for discipline or other appropriate sanctions. Therefore, if you are in doubt as to whether any particular conduct may violate this policy, do not engage in the conduct, and seek guidance from a supervisor.

7) Retaliation: Any adverse conduct taken because an applicant, employee or contractor has reported harassment, or has participated in the Complaint Procedure described below, is prohibited. "Adverse conduct" includes: taking sides because an individual has reported harassment, spreading rumors about a complaint, shunning and avoiding an individual who reports harassment, or real or implied threats of intimidation to prevent an individual from reporting harassment. The following individuals are protected from retaliation: those who make good faith reports that harassment occurred, those who are accused of harassment, and those who associate with an individual who is involved in reporting harassment or participating in a harassment complaint procedure.

## **F. COMPLAINT PROCEDURE FOR DISCRIMINATION, HARASSMENT, AND RETALIATION**

An applicant, employee, officer, official, or contractor who feels he or she has been discriminated against, harassed, or retaliated against in violation of these Rules should report the conduct immediately and according to the following procedure so that

the complaint can be resolved quickly and fairly.

## 1. COMPLAINT PROCEDURE

a. Reporting to the Offending Individual: The City strongly encourages any individual who feels that he or she has been subjected to conduct in violation of this policy to let the offending person know immediately and firmly that the conduct at issue is unwelcome, offensive, in poor taste, and/or inappropriate and must stop.

b. Reporting to Management: If an individual who has been subjected to conduct in violation of this policy prefers not to confront the offending person, he or she need not do so. Instead, the City strongly encourages that individual to immediately report the conduct to any supervisor, department head, the City Manager, or to the Personnel Director. The individual should provide all details of the incident or incidents, names of individuals involved, and the names of any witnesses. This report can be made orally or in writing.

c. Interim Relief: Any official, officer, supervisor or management employee who receives a complaint or learns of a potential violation of this policy must promptly report the information to the Personnel Director, or another in the chain of command, and if necessary, take action to diffuse volatile circumstances.

d. Investigation: The City Manager or his/her designee will immediately undertake an effective, discrete, thorough and objective investigation of the allegations at issue. All complaints will be investigated to the extent that the City deems appropriate. The investigation will normally include interviews with the reporting individual, the accused, and any other person who is believed to have relevant knowledge concerning the allegations. The investigator will remind all witnesses to maintain the confidentiality of the content of the interview, and that retaliation against those who report alleged conduct who participate in the complaint procedure is prohibited.

e. Investigation Into Unreported Potential Violations: The City takes a proactive approach to the problem of discriminatory, harassing, or retaliatory conduct

and will conduct an investigation if its officers, officials, supervisors or managers become aware that harassment may be occurring, regardless of whether the recipient or third party reports a potential violation.

f. Remedial and Disciplinary Action: If the investigation concludes that conduct in violation of this policy has occurred, the City will notify the offended and offending parties of the general conclusion(s) of the investigation and will take effective remedial action that is designed to end the violation(s). Any employee or officer determined to be responsible for violating this policy will be subject to appropriate disciplinary action, up to and including termination. Disciplinary action may also be taken against any official, supervisor or manager who condones or ignores potential violations of this policy or otherwise fails to take appropriate action to enforce this policy. Any official or contractor found to be responsible for violating this policy will be subject to appropriate sanctions.

g. Option to Report to Outside Administrative Agencies: Applicants, employees, officers, officials and contractors have the option to report discrimination, harassment or retaliation to the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH). These governmental agencies offer legal remedies and a complaint process. The nearest DFEH and EEOC offices are listed in the government section of the telephone book or employees can check the equal employment opportunity posters that are located on City bulletin boards for office locations and telephone numbers.

## 2. CONFIDENTIALITY

a. The City recognizes that confidentiality is important to all parties involved in an investigation under this rule. Complete confidentiality cannot occur, however, due to the need to fully investigate and the duty to take effective remedial action. As a result, confidentiality will be maintained to the extent possible.

b. An individual who is interviewed during the course of an investigation is prohibited from discussing the substance of the interview, except as otherwise directed

by a supervisor or the Personnel Director. Any individual who discusses the content of an investigatory interview will be subject to discipline.

c. The City will not disclose a completed investigation report except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or a court order.

## **G. REASONABLE ACCOMMODATION POLICY**

### **1. POLICY**

The City will comply with any legal obligation to reasonably accommodate any known protected disability of an employee or applicant.

### **2. PROCEDURE**

a. An employee or applicant who desires a reasonable accommodation should make such a request in writing to the Personnel Director. The request must identify 1) the job-related functions that need accommodation; and 2) the desired reasonable accommodation.

b. Following receipt of the request, the Personnel Director or his or her designee will respond to the individual and meet with the individual. Before doing so, the Personnel Director may first require the individual to undergo a fitness for duty examination to determine whether the individual can perform the essential functions of the job with or without accommodation. The Personnel Director may also require that a City-approved physician conduct the examination. Whether a reasonable accommodation can be made and what reasonable accommodation will be provided shall be determined by the Personnel Director after engaging in an interactive dialogue with the employee and in consultation with the appropriate Department Head, on a case-by-case basis.

c. An employee or applicant who believes he or she has been denied a reasonable accommodation may file a complaint with the City Manager or appropriate legal authority for consideration. The City Manager's determination will be final with

respect to the City.

## **H. FITNESS FOR DUTY EXAMINATIONS**

When an employee is having difficulty performing one or more of his/her essential job functions or for other good cause that is job related and consistent with business necessity, the Personnel Director or the Department Head, with the express approval of the City Manager may require an employee to undergo a fitness for duty examination to determine whether the employee can perform the essential functions of the job with or without accommodation. The Personnel Director may require that a City-approved physician conduct the examination. The City will pay for fitness for duty examinations that it initiates under this Rule.

The employee shall be provided with a written statement as to the reason for the fit for duty examination, including specific examples. Fit for duty examinations shall be conducted while the employee is on paid status.

## **I. POLICY AGAINST DRUG AND ALCOHOL ABUSE**

The City of Redlands, its employees and their representatives, and prospective employees have a vital interest in maintaining safe, healthful, and efficient working conditions. Being under the influence of a drug or alcohol on the job may pose serious safety and health risks not only to the user but to co-workers and the = public. The unauthorized possession or use of alcohol while on duty, or the possession, use, or sale, or other exchange of an illegal drug poses unacceptable risks for safe, healthful, and efficient operations, and is prohibited.

### **1. APPLICATION**

a. Employees. This policy applies to all employees or applicants for positions with City, unless otherwise expressly indicated in this policy or in writing by the City Manager. Where indicated, some of the policies apply only to safety-sensitive employees. As used in this policy, a safety-sensitive employee is an employee in any position or performing any duty that the City has designated as “safety-sensitive” either

in the job description for the position or on Attachment A to these Rules.

b. Alcohol. This policy applies to the use of alcoholic beverages or substances, including any medication or food containing alcohol such that it is present in the body at a level in excess of that stated in the guidelines by the Department of Transportation, as amended, and currently set at a breath-alcohol concentration of .02 or as otherwise noted in this Policy. Alcohol is defined as the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl or isopropyl alcohol.

c. Drugs or Controlled Substances. This policy applies to any substance which, in the opinion of competent medical professionals, causes or may cause significant impairment of job performance or which causes or may cause behavior that is a threat to the safety of the affected employee or others. All substances listed in any federal, state or local controlled substance acts or regulations, including, but not limited to, marijuana, amphetamines, opiates, phencyclidine (PCP) and cocaine, and those substances listed in Schedules I through V of Section 202 of the federal Controlled Substances Act, are covered by this policy.

## 2. PROHIBITIONS

All employees are prohibited from:

a. reporting to work or performing any job duties while their ability to perform job duties is impaired due to on or off-duty alcohol or drug use;

b. possessing, manufacturing, or using alcohol or impairing drugs, including illegal drugs and prescription drugs without a prescription, during working hours, on breaks, during meal periods or at anytime while on City property;

c. directly or through a third party selling, manufacturing, or providing drugs or alcohol to any person, including any employee, while either or both employees are on duty, or on City property;

d. failing to notify his/her supervisor, before beginning work, when taking any medications or drugs, prescription or non-prescription, which may interfere with the safe

and effective performance of duties or operation of City equipment;

e. failing to provide, within 24 hours of request, bona fide verification of a current valid prescription for any potentially impairing drug or medication identified when a drug screen/test is positive. The prescription must be in the employee's name;

f. refusing to immediately submit to any aspect of an alcohol, drug, or controlled substance test required by this Policy, or any tampering, obstruction of or interference with testing procedures:

h. consuming alcohol, drugs, or controlled substances during the eight hours immediately following an accident in which the employee was involved, or until the employee undergoes a post-accident alcohol or drug test, whichever comes first;

i. refusing to submit to a search of personal properties when directed by the City, upon reasonable suspicion and in accordance with Section 3309 of the Public Safety Officers Procedural Bill of Rights, where applicable;

j. refusing to notify the City of any criminal drug statute conviction, in accordance with the Drug-Free Workplace Act of 1988, of a violation that occurred in the workplace no later than five days after such conviction.

### 3. ALCOHOL AND DRUG TESTING

In carrying out and enforcing this policy, the City may require the following types of testing:

a. Pre-employment Testing. Following an offer of employment, the City will require all applicants to submit to a test for alcohol and illegal drug use as a condition of employment. Any applicant who refuses to provide consent for this test, or who receives a verified positive result may be disqualified from City employment.

Applicants to Safety-Sensitive positions or existing employees who are transferring for the first time to a Safety-Sensitive position will also be asked to provide, by written consent, alcohol and drug testing records from prior employers for the two-year period prior to the date of application. These records shall include any alcohol test results of .04 or higher alcohol concentration; refusals to be tested; verified positive drug tests; and

documentation of the successful completion of return-to-duty requirements.

The applicant/transferee must also provide information regarding whether he/she has tested positive or has refused to test on any pre-employment drug or alcohol test for any job that is related to the position applied for but not obtained during the prior two years.

b. Reasonable Suspicion Testing and Search. If a manager or supervisor reasonably suspects that an employee is under the influence of alcohol, drugs, or controlled substances while performing job duties or operating City equipment and, the manager or supervisor must immediately notify the Personnel Director, or if the Personnel Director is not available, a Department Head. Upon approval by the City Manager, the employee may be required to submit to an alcohol and/or drug test. An employee's refusal to submit to such a test is cause for discipline, up to and including termination.

Moreover, the City reserves the authority to search, without employee consent and subject to Section 3309 of the Public Safety Officers Procedural Bill of Rights where applicable, all areas of City property which the City maintains control or joint control with the employee.

"Reasonable suspicion" is a belief based on objective facts sufficient to lead a reasonably prudent supervisor to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform the functions of the job is impaired or so that the employee's ability to perform his/her job safely is reduced.

Examples of indicators which can form a reasonable suspicion that an employee is under the influence of alcohol, drugs, or controlled substances include, but are not limited to, direct observation of the following:

- 1) slurred speech;
- 2) glassy or bloodshot eyes;
- 3) odor of alcohol;
- 4) unsteady walking and movement;
- 5) an accident involving City property, employee or client;
- 6) a near accident or other safety violation;

- 7) physical or verbal altercation;
- 8) possession of alcohol, drugs, controlled substances, or drug paraphernalia;
- 9) sleeping on the job;
- 10) pattern of abnormal or erratic behavior;
- 11) information either provided by reliable and credible sources or independently corroborated;
- 12) conviction for a drug-related offense;
- 13) tampering with a previous drug test.

c. Post-Accident Testing. Unless the City determines that the employee's performance was not a contributing factor, any employee involved in a reportable accident may be subject to an alcohol test within two hours following the accident and to a drug test within 32 hours following the accident. Not only may the operator of any involved vehicle be tested, but so may any other employee whose performance may have contributed to the accident, such as the employee who maintains the vehicle or work-site where the accident occurred.

An accident is considered reportable if it occurs while in a City vehicle, on City property, or when performing any City-related business and involves any of the following: 1) a fatality; 2) a shooting or other serious incident; or 3) the issuance of a citation by law enforcement to the employee for a moving traffic violation arising from the accident and a) bodily injury demanding immediate medical treatment away from the scene of the accident or b) vehicular damage so that the vehicle must be towed away from the scene of the accident, even after simple repairs on the scene.

d. Random Testing. All City employees in Safety-Sensitive positions will be subject to random alcohol and drug testing. Depending on the random selection, some employees may be tested more than once in a year, while others are not tested at all. Testing will take place just prior to the employee performing a safety-sensitive function, while the employee is performing a safety-sensitive function, or just after the employee has stopped performing a safety-sensitive function.

- 1) Alcohol Test. The City will randomly test at least 25% of the total number of

employees per year for alcohol.

- 2) Drug Test. The City will randomly test at least 50% of the total number of safety-sensitive employees per year for drugs.

- e. Return-to-Duty Testing. An employee who has violated this Policy may be subject to a return-to-duty test, and up to twelve unannounced drug/alcohol tests during the first twelve months back to a safety-sensitive position. The results must indicate a blood alcohol concentration of less than .02, or in cases of a drug test, must indicate a verified negative result. This testing is separate from any random testing obligation.

#### 4. TESTING PROCEDURES

- a. Testing administrators. The drug or alcohol testing of applicants or employees shall be performed only by a laboratory and by a physician or health care professional qualified and authorized to administer and determine the meaning of any test results under Department of Transportation guidelines.

- b. Testing Procedures. The procedures regarding alcohol and drug testing, including analytical urine controlled substance testing and breath testing for alcohol, will be those set out under Department of Transportation guidelines, specifically 49 CFR Part 40.1, et. seq.

- c. Non Safety-Sensitive Employees. For non safety-sensitive employees, the City Manager, in his or her discretion, may authorize internal or other testing administrators and procedures, in lieu of or in addition to those provided under the Department of Transportation guidelines.

#### 5. CONSEQUENCES OF FAILING AN ALCOHOL AND/OR DRUG TEST

An employee whose alcohol test indicates an alcohol concentration level between .02 and .04 will be removed from his/her safety-sensitive duties or position for at least 24 hours. An employee whose alcohol test indicates an alcohol concentration level greater than .04 will be removed from his or her safety-sensitive duties or position for a period to be determined by the Personnel Director or the City Manager. Employees

with test results at these concentration levels may also be removed from their non-safety-sensitive duties or position for a period of time to be determined by the Personnel Director. Employees who are removed from their position under this policy will not be paid during removal times. The City, in its discretion, may discipline, up through and including termination, an employee who fails, one or more times, a drug or alcohol test at these concentration levels.

The employee will also be evaluated by a Substance Abuse Professional (SAP). A SAP is a licensed physical psychologist, social worker, employee assistance professional, or addiction counselor with knowledge of clinical experience in the diagnosis and treatment of alcohol and substance abuse related disorders.

The SAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited substances abuse or misuse. Assessment by an SAP does not shield an employee from disciplinary action up to and including termination or guarantee a discharged employee reinstatement with the City.

If an employee is allowed to return to duty following a positive test result, he/she must follow the rehabilitation program prescribed by the SAP, the employee must pass return-to-duty drug and alcohol tests, and be subject to unannounced follow-up tests for a period of one to five years. The cost of any treatment or rehabilitation services will be billed directly to the employee or the insurance provider. Employees will be allowed to take unpaid leave time while participating in the prescribed rehabilitation program.

Employees who re-enter the work force must agree to a re-entry contract. That contract may include (but is not limited to):

- a. A release to work statement from an approved Substance Abuse Professional;
- b. A negative test result from drugs and / or alcohol;
- c. An agreement to unannounced frequent follow-up testing, as recommended by the Substance Abuse Professional;
- d. A statement of expected work-related behaviors; and

- e. An agreement to follow specified after care requirements with the understanding that violation of the re-entry contract is grounds for termination.

After the City has complied with any legal obligation to reasonably accommodate an employee's protected disability, if any, the City may terminate an employee who is unable to perform the essential functions of the job.

## 6. CONFIDENTIALITY

a. The City is obligated to maintain records of the administration, including violations, of this Policy for a period of five years. However, Laboratory reports and test results shall not appear in an employee's general personnel folder. Information of this nature will be contained in a separate confidential medical folder that will be securely kept under the control of the Personnel Director.

b. The reports or test results may be disclosed to City management on a strictly need-to-know basis and to the tested employee upon request. Disclosures, without patient consent, may also occur when the information:

- 1) Is compelled by law or by judicial or administrative process;
- 2) Has been placed at issue in a formal dispute between the employer and employee;
- 3) Is to be used in administering an employee benefit plan;
- 4) Is needed by medical personnel for the diagnosis or treatment of the patient who is unable to authorize disclosure.

## 7. VIOLATIONS OF POLICY

a. Removal from Work Site. Employees reasonably believed to be under the influence of alcohol, drugs, or controlled substances shall be immediately prevented from engaging in further work and shall be detained for a reasonable time until they can be safely transported from the work site.

b. Discipline. All applicants and employees covered by this policy should be aware that violations of this policy may result in discipline, up to and including

termination, or for applicants, not being hired. Discipline may be imposed regardless of whether or not an employee is charged with and/or convicted of any crime related to any violation of this Policy.

Any violation of this Drug and Alcohol Policy that may constitute criminal conduct or violation of the Department of Transportation regulations may be reported to the appropriate law enforcement agencies and/or subject the employee to civil penalties.

## **J. SMOKING**

The City prohibits smoking and the use of smokeless tobacco products:

- a. In areas where fire and/or safety hazards exist;
- b. As prohibited by law;
- c. Inside any enclosed facilities that are owned and/or operated by the City of Redlands.
- d. In City-owned, leased and/or rented vehicles.

This policy will be strictly enforced in order to ensure the health and safety of all employees and the public. In an effort to better the health of employees, the City offers smoking cessation clinics at no expense to the employees. Any employee who is interested in participating in such a clinic should notify the Personnel Department.

## **K. SAFETY AND HEALTH**

### **1. GENERAL POLICY**

It is the objective of the City to ensure a safe and healthful workplace for its employees. In keeping with this goal, the City has established an Injury and Illness Prevention (IIP) program to explain its safety policies and procedures, a copy of which is available in the Personnel Department and each Department.

### **2. EMPLOYEE DUTIES IN EVENT OF EMERGENCY**

In the event of a local, regional, state, or national emergency, all employees shall be required to report for work in accordance with their department's emergency preparedness

plans. Assigned duties may vary from normal duties. In such an emergency, provisions of these Rules may be expressly waived by action of the City Manager.

## **L. OFF-DUTY CONDUCT**

### **1. GENERAL CONSIDERATIONS**

Full-time employees are expected to devote full time to assigned duties as a City employee. An employee shall not engage in any employment, activity or enterprise which is inconsistent, incompatible or in conflict with City job duties, functions or responsibilities, nor shall an employee engage in any outside activity which will directly or indirectly contribute to the lessening of effectiveness as a City employee. No employee shall engage in any type of activity relating to an employee organization during such time an employee is on duty, except as expressly provided in these Rules, Memoranda of Understanding, or by law.

### **2. OUTSIDE EMPLOYMENT**

Employees who hold or wish to hold jobs outside their normal city employment must complete a Request to Engage in Outside Employment Authorization Form with all required signatures and submit the form to their Department Head. Any outside employment will not be permitted if it conflicts in any manner with the employee's duties and responsibilities with the City or is prohibited by law.

### **3. PROHIBITED OFF-DUTY CONDUCT**

Employees may not engage in any employment or activities that create a conflict of interest, is unethical, or otherwise interferes with their city employment. In making a determination as to whether an activity creates a conflict or ethical question, the appointing authority shall consider, among other pertinent factors, whether the activity involves:

- a. Receipt or acceptance by the employee of any money or other consideration from anyone other than the City for the performance of an act that the employee would be required or expected to render in the regular course of city employment;

b. The performance of an act or work which may later be directly or indirectly subject to the control, inspection, review, audit or enforcement by such employee or other City employees;

c. Conditions or factors which might, directly or indirectly, lessen the efficiency of the employee in regular city employment or conditions in which there is a substantial danger of injury or illness to the employee;

d. The use for private gain or advantage of City time, facilities, equipment and supplies, prestige, influence, or information obtained through one's city office or employment. No city-owned facilities, equipment or supplies, including autos, trucks, instruments, tools, supplies, machines, badges, identification cards, or other items which are the property of the City shall be used by an employee for personal or non-City business reasons except upon approval of the City Manager;

e. The solicitation of future employment with a firm or individual doing business with the City over which the employee has some control or influence in the course of performing official duties.

#### **M. PUBLIC SAFETY OFFICERS' HEALTH BENEFITS**

For purposes of this policy only, the following definitions apply:

1. "City" means City of Redlands which is also a "public agency" as defined by section 1204 of Title I of the Omnibus Control and Safe Streets Act of 1968, as amended.

2. "Public Safety Officer" means a "public safety officer," "law enforcement officer," and "firefighter" as defined by section 1204 of Title I of the Omnibus Control and Safe Streets Act of 1968, as amended.

When a City public safety officer retires or is separated from service, as a direct or proximate result of a personal injury sustained in the line of duty while responding to a hot pursuit or emergency situation, the City will provide the same or better level of health insurance benefits to the officer as the officer was receiving while on active duty.

Any officer who is injured in the line of duty should follow Article X of these Rules.

## **VII. DISCIPLINARY ACTION**

### **A. POLICY ON DISCIPLINE**

No employee who holds a regular appointment shall be disciplined without cause. Probationary employees are subject to termination without cause. For purposes of this Article, disciplinary action shall be defined to include one or more of the following: oral warnings, written reprimands, suspensions, demotions, reductions in pay and discharge. Oral and written reprimands may be initiated at the supervisor/division manager level. Disciplinary action more serious than a written reprimand must be initiated at the department head level.

### **B. NOTICE OF PROPOSED DISCIPLINE**

Except in emergencies, or as authorized by law, suspensions, demotions, reductions in pay, or discharge, shall not be put in effect until the employee has received written notice advising the employee of the proposed action, the reason(s) therefore, the facts giving rise thereto, the proposed effective date, access to written material that formed a basis for the proposed action, and the opportunity to respond to the Department Head orally or in writing within five (5) working days, or other response deadline as specified in a Council approved Memorandum of Understanding, of receipt of such notice. If deemed necessary by the Department Head or the Personnel Director, an employee may be placed on administrative leave with pay pending investigation of allegations that may lead to discipline.

### **C. APPEAL OF DISCIPLINARY ACTION**

If a disciplinary action of suspension of forty hours or more, reduction in pay (equal to a forty-eight-hour or more suspension), demotion, or discharge is imposed, the employee may then appeal, prior to implementing such action, in accordance with the Third

Level of the Grievance Procedure. Any such appeal must be filed within 10 working days of the notice of the disciplinary action, or in accordance with a Council approved Memorandum of Understanding.

#### **D. CAUSES FOR DISCIPLINE**

Examples of causes for disciplinary action include, but not are limited to:

- a. Dishonesty;
- b. Incompetence;
- c. Inefficiency;
- d. Neglect of duty;
- e. Negligence which affects the safety of the employee or of others;
- f. Violation of any City policy, rule or requirement;
- g. Unauthorized absences (including tardiness) or abuse of sick leave or any other leaves;
- h. Violation of these Rules, or other rules, regulations or orders established by a supervisor, department or City Council;
- i. Conviction of a crime that interferes with employment;
- j. Discourtesy to the public or fellow employees;
- k. Misuse or abuse of City property or equipment;
- l. Substandard job performance;
- m. Insubordination;
- n. Any activities, including outside employment that create a conflict of interest with City employment and are not specifically authorized by the Department Head;
- o. Falsification of any City report or record (including job application);
- p. Other acts which are incompatible with service to the public including, but not limited to, any conduct or behavior, either on or off duty, which causes discredit or would reasonably tend to cause discredit to fall upon the City, its officers, agents or departments;

- q. Documented verbal and/or physical abuse/harassment of co-workers and/or the general public;
- r. Working overtime without authorization.

## **LVIII. GRIEVANCE PROCEDURE**

This grievance procedure is intended to ensure that every reasonable effort will be made to resolve problems as near as possible to the point of origin.

### **A. DEFINITION OF “GRIEVANCE”**

Subject to the exclusions listed in this rule, a grievance is defined as any dispute involving the interpretation, application, or alleged violation of: 1) the specific express terms of a current Memorandum of Understanding (MOU), between the City and a recognized employee organization representing employees in the competitive service, to which the grieving employee is subject to 2) a specific express term of these Rules; 3) an appeal of a disciplinary action as defined in VII.A; or 4) a violation of any rule, policy, or regulation.

### **B. ELIGIBILITY TO FILE A GRIEVANCE**

A grievant is a full-time employee in a regular appointment, as defined in Rules II.A. and III.E. of these Rules who is adversely affected by an act or omission of the City. No other individuals are eligible to file a grievance under this rule. A grievant may also be a recognized employee organization representing employees.

### **C. EXCLUSIONS FROM THE GRIEVANCE PROCEDURE**

The following matters are excluded from the definition of a “grievance”:

- a. Requests for changes in wages, hours, or working conditions;
- b. The content of employee evaluations or performance reviews, except those that result in a loss of benefits to the employee;
- c. Challenges to reclassification, layoff, transfer, denial of reinstatement;
- d. Challenges to examinations or appointment to positions;

- e. Challenges to this grievance procedure.

#### **D. GRIEVANCE PROCEDURE**

The grievance procedure shall consist of the following steps:

- a. Informal Grievance Procedure:

Within 10 working days of the act(s) or omission(s) giving rise to the grievance, the grievant must discuss the grievance with his or her immediate supervisor, who will investigate and attempt to resolve the matter. The supervisor shall give the grievant an oral or written reply within 10 working days after the discussion. If the grievant is not satisfied with the reply, he or she may proceed to the Formal Grievance Procedure.

- b. Formal Grievance Procedure:

- 1) First Level of Review

Any grievance not resolved by the Informal Grievance Procedure, may be submitted in writing by the grievant to his/her immediate supervisor or Department Head along with a copy to the Personnel Director, no later than ten (10) working days after the date of the oral or written reply. A grievance may be submitted directly to the Personnel Director or, if the grievance started at a level above the supervisor or department, the grievance may be submitted at the higher level. The written grievance must contain the following information:

- a. Name of grievant and job title;
- b. Department/Section in which grievant works;
- c. The specific act or omission which gave rise to the alleged violation, misinterpretation, or misapplication and the date or dates of the alleged act or omission;
- d. The specific provision(s) of the Memorandum of Understanding, City Policy or Personnel Rules alleged to have been violated, misinterpreted, or misapplied;
- e. A list of the documents, witnesses or other evidence that support the grievance;
- f. Desired solution or remedy;

- g. Name of the grievant's representative, if any;
- h. Signature of the grievant or representative and date signed.

Within 10 working days thereafter, the responder shall schedule a meeting with the grievant to work at resolving the grievance. The supervisor shall give the grievant a written reply within 10 working days after the meeting and shall file a copy with the Personnel Director. If the grievant is not satisfied with the response, he/she may proceed to Level 2.

2) Second Level – Department Head Review

Any grievance not resolved at Level 1 may be submitted to the Department Head no later than 10 working days after the date of the supervisor's written reply. The grievant shall provide the Department Head with a copy of the Level 1 response. Within 10 working days thereafter, the Department Head shall schedule a meeting with the grievant to work at resolving the grievance. The Department Head shall give the grievant a written reply within 10 working days after the meeting and shall file a copy with the Personnel Director. If the grievant is not satisfied with the response, he/she may proceed to Level 3.

3) Third Level - City Manager

Any grievance not resolved at Level 2 may be submitted to the City Manager no later than 10 working days after the date of the supervisor's written reply. The grievant shall provide the City Manager with a copy of the Level 2 response. Within 10 working days thereafter, the City Manager shall schedule a meeting with the grievant for the parties to the grievance to work at resolving the grievance. The City Manager shall give the grievant a written reply within 10 working days after the meeting and shall file a copy with the Personnel Director. If the grievant is not satisfied with the response, he/she may proceed to Level 4.

4) Fourth Level - City Council

Any grievance not resolved at Level 3 may be submitted to the City Council no later than 10 working days after the date of the City Manger's written reply. The grievant shall provide the City Council with a copy of the Level 3 response. Within 10 working days thereafter, the City Council or its Designee shall schedule a hearing before the City Council or Designee in which the parties to the grievance may present evidence. The City Council

shall give the grievant a written decision within 30 days after the hearing and shall file a copy with the Personnel Director. The decision shall be based upon the oral and written evidence submitted at the hearing. The decision of the City Council shall be final and binding.

#### **E. REPRESENTATION**

The grievant is entitled to representation of his/her choice at any point in the grievance procedure. If the representative is a fellow employee, that employee will receive time off from his/her work assignment for the time of the grievance meeting or hearing plus reasonable travel time. The grievant must inform the Personnel Director whether he/she will be represented at the grievance meeting, along with the identity of the representative, at least forty-eight (48) hours prior to the grievance meeting.

#### **F. SETTLEMENT OF GRIEVANCE**

Failure by the grievant to appeal his or her grievance to the next step within the specified time limits of this rule shall constitute a settlement of the grievance, unless the Parties have granted an extension of time to a definite date. Failure by the City to meet any of the specified time lines shall entitle the grievant to appeal to the next level of review.

Additionally, failure on the part of an employee or his representative to appear for any scheduled meeting without notification may in the City's discretion be deemed a settlement of the grievance.

#### **G. NO RETALIATION**

Employees will not be penalized or retaliated against in any way for using the grievance procedures, testifying as a witness or assisting with a grievance.

### **IX. LEAVES OF ABSENCE**

**A. ELIGIBILITY FOR PAID LEAVES OF ABSENCE**

In order to be eligible for City payment of the paid leaves of absence outlined herein or subsequently granted by the City, an employee must be a full-time employee and either a regular appointee or a probationary appointee.

**B. VACATION**

1. RATE OF ACCRUAL

Every full-time probationary and regular employee shall earn vacation as follows unless otherwise specified by an applicable M.O.U.:

<b><u>Years</u></b>	<b><u>Hours</u></b>
0 - 5	80
6 - 7	120
8 - 9	128
10 - 11	136
12 - 13	144
14 - 15	152
16 - 20	160
21	168
22	176
23	184
24	192
25	200

Vacation accrues daily on a pro rata basis.

2. SCHEDULING VACATIONS

After completion of six months of continuous service, an employee may take vacation leave at any time, subject to approval by the employee's Department Head or

his/her designee. Approvals will be based upon work load, staffing coverage, seniority, timing of the request, and any other work-related factors appropriate for consideration by the Department Head. Vacation must be taken in increments of one (1) hour or more, unless otherwise approved.

### 3. CAP ON ACCRUAL

Department Heads shall encourage the taking of accrued vacation leave. By November 30 of each year, any vacation that has accrued in excess of three times an employee's current annual vacation entitlement will be paid to the employee in form of cash, or as allowed by a Council approved Memorandum of Understanding.

### 4. EFFECTS OF HOLIDAYS ON VACATION LEAVE

In the event that an authorized City holiday falls during an authorized vacation leave, the holiday shall, at the request of the employee, not be charged as vacation leave, and the vacation may be extended accordingly upon request and approval of the Department Head.

### 5. EFFECTS OF SICK LEAVE ON VACATION LEAVE

In the event an employee becomes ill during a vacation period, such time shall not be charged as vacation leave if either of the following conditions are met:

- a. The employee complies with the same notice requirements in Rule IX.D. (Sick Leave) as required when the employee is not on leave, including notice to the employee's supervisor no later than the start of the employee's regular work shift. If the employee becomes ill after the start of the work shift, then the employee must promptly provide notice on the same day the illness begins. Sick leave will only be granted for those days on which notice is given pursuant to this Rule; or
- b. The employee, upon return to work, submits a doctor's certificate for each day the employee was absent from work.

## 6. COMPENSATION FOR CITY WORK DURING VACATION PROHIBITED

No person shall be permitted to work for compensation for the City in any capacity, except compensation for mandated court appearance or special duty assignments during paid vacation time.

## 7. VACATION PAY UPON TERMINATION

Any employee terminating from the City service will be paid at his/her regular rate of pay on a pro rata basis for all earned vacation, if any, accrued up through termination.

### **C. HOLIDAYS**

#### 1. AUTHORIZED HOLIDAYS

Every full-time probationary and regular employee shall be entitled to the following paid holidays each calendar year and such other days as may be designated by action of the City Council:

- a. January 1 (New Year's Day)
- b. The third Monday in January (Martin Luther King Day)
- c. The third Monday in February (Presidents' Day)
- d. The last Monday in May (Memorial Day)
- e. July 4 (Independence Day)
- f. The first Monday in September (Labor Day)
- g. The second Monday in October (Columbus Day)
- h. November 11 (Veteran's Day)
- i. Thanksgiving Day
- j. The Friday after Thanksgiving Day
- k. December 25 (Christmas Day)

If a holiday falls on Saturday, Friday shall be designated as the holiday, and if the holiday falls on Sunday, Monday shall be designated as the holiday.

December 24, Christmas Eve Day, shall be observed as a holiday when Christmas Day falls on Tuesday, Wednesday, Thursday, or Friday.

Employees who are absent from work on a holiday due to unpaid leave of any form, will not receive reimbursement for the missed holiday. See Rule IX.B. for treatment of holidays that fall during vacation leave. Employees who are required to work on a holiday will receive compensation for hours worked in addition to holiday pay.

## 2. FLOATING HOLIDAYS

Full-time probationary and regular employees shall receive floating holidays each calendar year as granted in a Council approved Memorandum of Understanding and prorated to the date of hire. Floating holiday hours that are not used will not carry over to the following year. No employee may accrue any more than four floating holidays at any one time. The floating holidays may be used at any time subject to two days advance approval unless waived by the Department Head. In the event of termination, employees will receive payment for all unused floating holiday hours.

## **D. SICK LEAVE**

### 1. ACCRUAL OF SICK LEAVE

Full-time probationary and regular employees only are eligible to accrue eight (8) hours of sick leave with pay for each calendar month of actual continuous service dating from the employee's most recent date of hire.

An employee shall not receive payment for unused accumulated sick leave upon termination of employment or retirement (either disability or service retirement) unless specifically provided for in applicable Memoranda of Understanding. An employee may not use sick leave to extend a retirement (either disability or service retirement) or termination date, unless specifically provided for in applicable Memoranda of Understanding, State or Federal law.

## 2. PROOF OF ILLNESS

The Department Head may request, in his/her discretion, that the employee produce a certificate issued by a licensed physician or other satisfactory proof of illness before sick leave is granted. The Department Head may also choose a licensed physician to conduct a physical examination at City expense.

## 3. USE OF SICK LEAVE FOR FAMILY

In cases of illness of a family member, up to one-half of the employee's sick leave entitlement for the year can be used to attend to the illness of a spouse, domestic partner, parent, or child. Additional family sick leave usage for special circumstances may be granted on a case-by-case basis in the discretion of the Department Head with the concurrence of the City Manager.

## **E. FAMILY AND MEDICAL LEAVE**

In accordance with federal and state law and regulations, the City will provide family and medical leave, which is unpaid leave, to eligible employees. Unless otherwise provided by these Rules, "leave" under this Rule refers to leave pursuant to the Family and Medical Leave Act of 1993 ("FMLA") and the California Family Rights Act ("CFRA"). Employees with any questions or requests for information about family and medical leave should consult the Personnel Department.

### 1. DEFINITIONS

- a. "12-Month Period" means a rolling 12-month period measured backward from the date leave is taken. Each time an employee takes eligible leave, the remaining leave entitlement is based on the amount of family and medical leave taken during the immediate preceding 12 months.
- b. "12 workweeks" means twelve weeks of leave based on the employee's regular schedule. For example, if an employee works 20 hours per workweek, he or she would be eligible to take 12 weeks times 20 hours, for a

total of 240 hours of family medical leave.

- c. “Child” means a child 1) under the age of 18 years or 18 years or older who is incapable of self-care because of a mental or physical disability; 2) for whom the employee has actual day-to-day responsibility for care; and 3) for whom the employee is a parent.
- d. “Parent” means a biological, adopted, foster, or step or an individual who is a legal guardian or stands or stood in loco parentis. This term does not include parents-in-law.
- e. “Spouse” means a husband or wife as defined or recognized under California State law for purposes of marriage.

## 2. ELIGIBILITY

An employee is eligible for leave if the employee:

- a. Has been employed for at least 12 months; and
- b. Has worked for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave. The Fair Labor Standards Act (FLSA) “hours worked” principles apply in determining whether an employee meets the “at least 1,250 hours” requirement.

## 3. REASONS FOR LEAVE

Leave is only permitted for the following reasons:

- a. The birth of a child or to care for a newborn of an employee;
- b. The placement of a child with an employee in connection with the adoption or foster care of a child;
- c. Leave to care for a child, parent or a spouse who has a serious health condition; or
- d. Leave because of a serious health condition that makes the employee unable to perform the functions of his/her position. “Serious health condition” means an illness, injury impairment, or physical or mental condition that

involves:

- 1) Pregnancy or prenatal care.
- 2) Hospital Care – an inpatient stay at a hospital, hospice, or residential medical care facility; or
- 3) Incapacity of three or more days and medical treatment – incapacity that lasts more than three consecutive days;
- 4) Incapacity plus two or more treatments - treatment of two or more times by a health care provider;
- 5) Incapacity plus continuing treatment - at least one treatment by a health care provider than results in a regimen of continuing treatment;
- 6) Incapacity from a chronic condition – incapacity from a chronic serious health condition such as asthma, diabetes, or epilepsy;
- 7) Incapacity from a long-term condition – incapacity from a long term or permanent condition for which treatment may not be effective, such as Alzheimer’s disease; or
- 8) Absences for treatment -- to receive or recover from multiple treatments by a health care provider, such as chemotherapy, physical therapy, or kidney dialysis.

#### 4. AMOUNT OF LEAVE

- a. Total leave entitlement. Eligible employees are entitled to a total of 12 workweeks of leave during any rolling 12-month period. When parents are both employees of the city, the maximum collective amount of leave they may take for child-bonding is 12 weeks. An employee’s entitlement to leave for the birth or placement of a child for adoption or foster care expires 12 months after birth or placement.
- b. Minimum Duration of Leave
  - 1) Serious health condition. Subject to compliance with the medical certification requirements of this Rule, there is no minimum duration for

leave associated with a serious health condition of the employee or the employee's child, parent, or spouse.

- 2) Child-bonding. If leave is requested for the birth, adoption or foster care placement of a child of the employee, the minimum duration of such leave is two weeks, with the exception of up to two occasions when an employee make take less.

## 5. BENEFITS WHILE ON LEAVE

- a. Compensation. Leave under this policy is unpaid.
- b. Accrued leaves. While on leave, employees do not accrue vacation, sick, or other paid leave time, and their performance evaluation dates may be adjusted, to the same extent as any other unpaid leaves, as provided in Leaves of Absence Without Pay, Rule IX.J.
- c. Health benefits. While on leave, employees will continue to be covered by the City's group health insurance to the same extent that coverage is provided while the employee is on the job.
- d. Other benefits. Employees will not be covered by any other benefits while on leave, including but not limited to [life insurance, short-term or long-term disability insurance, retirement plans, and supplemental benefit plans], to the same extent as any other unpaid leaves.

Employees may continue coverage on their own by payroll deductions or direct payments made to these plans. The City will inform employees whether the premiums should be paid to the carrier or to the City. Coverage by a plan may be dropped if employees are more than 30 days late in making a premium payment. The City will provide notice at least 15 days before coverage is to cease. Employee contribution rates are subject to any change in rates that occurs while the employee is on leave.

If an employee fails to return to work after his or her leave entitlement is exhausted or expires, the City will have the right to recover premiums through deduction from any sums due the City (e.g. unpaid wages, vacation pay, etc.).

## 6. SUBSTITUTION OF PAID ACCRUED LEAVES

Employees may exhaust all paid accrued leaves, including vacation leave and sick leave, concurrently with FMLA/CFRA leave with two exceptions:

- 1) Employees are not required to use accrued compensatory time earned in lieu of overtime earned pursuant to the Fair Labor Standards Act; and
- 2) When the leave request is for the serious health condition of a child, spouse, domestic partner, or parent, employees will only be required to exhaust up to 1/2 of their annual sick leave entitlement.

## 7. EMPLOYEE NOTICE OF LEAVE

Employees must submit requests for leave in writing to the Personnel Director. Although the City recognizes that emergencies arise which may require employees to request immediate leave, employees are required to give as much notice as possible of their need for leave. If leave is foreseeable, at least 30 days' notice is required. In addition, if an employee knows that leave will be needed in the future, but does not know the exact date(s) (e.g. for the birth of a child or to take care of a newborn), the employee shall inform the Personnel Director as soon as possible that such leave will be needed. Whenever the Personnel Director is notified of a request for leave under this policy, the Personnel Director will notify the requesting employee's Department Head or designee. The Personnel Director will also notify the Department Head of any determination to grant or deny the request.

If the Personnel Director determines that an employee's notice is inadequate or the employee knew about the requested leave in advance of the request, the Personnel Director may delay the granting of the leave until, in his or her discretion, adequate coverage is found for the position.

## 8. MEDICAL CERTIFICATION

Employees who request leave for themselves or to care for a child, parent or a spouse must provide written certification of the eligible individual with a serious health

condition. If the leave requested is for the employee's own serious health condition, the certification must include a statement that the employee is unable to work at all or is unable to perform the essential functions of his/her position.

- a. **Timing of Certification.** Medical certification should be provided with the employee's request for leave, in accordance with the same time requirements for notice under this Rule at paragraph 7. When this is not possible, the employee must provide the requested certification to the Personnel Director within the time frame requested by the Personnel Director, unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.
- b. **Recertification.** If the Personnel Director has reason to doubt the validity of a certification, the City may require a medical opinion of a second health care provider chosen and paid for by the City. If the second opinion is different from the first, the City may require the opinion of a third provider jointly approved by the City and the employee, but paid for by the City. The opinion of the third provider will be binding.
- c. **Certification for Intermittent Leave or Reduced Schedule.** If an employee requests leave intermittently (a few days or hours at a time) or on a reduced leave schedule to care for an immediate family member with a serious health condition, the employee must provide medical certification that such leave is medically necessary. "Medically necessary" means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule.

## 9. REINSTATEMENT UPON RETURN FROM LEAVE

- a. **Right To Reinstatement.** Upon expiration of leave, an employee is entitled to be reinstated to the position of employment held when the leave commenced, or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. Employees

have no greater rights to reinstatement, benefits and other conditions of employment than if the employee had been continuously employed during the FMLA/CFRA period.

- b. Fitness for Duty Certification. As a condition of reinstatement of an employee whose leave was due to the employee's own serious health condition, which made the employee unable to perform his/her job, the employee must obtain and present a fitness-for-duty certification from the health care provider that the employee is able to resume work. Failure to provide such certification will result in denial of reinstatement.

## 10. REQUIRED FORMS

Employees must fill out the following applicable forms in connection with leave under this policy. All four forms are available from the Personnel Department:

- a. "Request For Family or Medical Leave Form" prepared by the City to be eligible for leave;
- b. Medical certification form either for the employee's own serious health condition or for the serious health condition of a child, parent or spouse;
- c. Authorization for payroll deductions for benefit plan coverage continuation; and
- d. Fitness for duty to return from leave form.

## F. PREGNANCY DISABILITY LEAVE

### 1. ELIGIBILITY

Any employee who is disabled because of pregnancy, childbirth, or a related medical condition may be entitled to pregnancy disability leave (PDL).

For employees who are also eligible for FLML/CFRA leave, PDL is not counted as time used for CFRA leave, but does run concurrently with available FMLA leave.

## 2. REASONS FOR LEAVE

PDL is for any period(s) of actual disability caused by your pregnancy, childbirth or related medical conditions up to four months per pregnancy. PDL does not need to be taken in one continuous period of time but can be taken on an as-needed basis. Time off needed for prenatal care, severe morning sickness, doctor-ordered bed rest, childbirth, and recovery from childbirth are all covered by your PDL.

## 3. AMOUNT OF LEAVE

Employees may take up to four months (or 88 workdays for a full-time employee) of PDL.

Employees affected by pregnancy or a related medical condition, may also be eligible to transfer to a less strenuous or hazardous position or to less strenuous or hazardous duties, if this transfer is medically advisable.

## 4. BENEFITS WHILE ON LEAVE

- a. Benefits. PDL is unpaid. However, employees may use accrued leave as if on FMLA and will receive benefits pursuant to Rule IX.E. (Family and Medical Leave) up through exhaustion of the employees' available FMLA leave.

Employees who are not eligible for FMLA leave or employees who continue taking PDL after they have exhausted their available FMLA leave, will receive benefits only to the same extent as other similarly-situated employees on leave for a disability.

- b. Accrued leaves. While on leave, employees do not accrue vacation, sick, or other paid leave time, and their performance evaluation dates may be adjusted, to the same extent as any other unpaid leaves, as provided in Leaves of Absence Without Pay, Rule IX.J.

## 5. SUBSTITUTION OF PAID ACCRUED LEAVES

Employees taking PDL may concurrently use any available sick leave.

Employees may also use any accrued vacation or other accrued time off as a part of their PDL before taking the remainder of their leave as an unpaid leave.

#### 6. EMPLOYEE NOTICE OF LEAVE

To the extent possible, employees requesting PDL should follow the authorization procedures for leaves of absence without pay, as provided in Leaves of Absence Without Pay, Rule IX.J.

#### 7. MEDICAL CERTIFICATION

The City may require employee requesting PDL or a related transfer to obtain a certification from your health care provider of your pregnancy disability or the medical advisability for a transfer. The certification should include:

- a. The date on which you became disabled due to the pregnancy or the date of the medical advisability for the transfer;
- b. The probable duration of the period(s) of disability or the period(s) for the advisability of the transfer; and
- c. A statement that, due to the disability, you are unable to work at all or to perform any one or more of the essential functions of your position without undue risk to yourself, the successful completion of your pregnancy or to the other persons or a statement that, due to your pregnancy, the transfer is medically advisable.

#### 8. REINSTATEMENT UPON RETURN FROM LEAVE

- a. Reinstatement to position. Upon expiration of leave, an employee is entitled to be reinstated to the position of employment held when the leave commenced, or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. Employees have no greater rights to reinstatement, benefits and other conditions of employment than if the employee had been continuously employed during

the PDL period.

- b. Fitness for Duty Certification. As a condition of reinstatement or a re-transfer, the employee must obtain and present a fitness-for-duty certification from the health care provider that the employee is able to resume work in the position sought. Failure to provide such certification will result in denial of reinstatement.

### **G. JURY DUTY AND WITNESS LEAVE**

All employees in the competitive service who are required to serve on a jury shall be entitled to regular compensation. Employees released early from jury duty shall immediately report back to their normal work assignment.

An employee who is subpoenaed to appear in court in a matter regarding an event or transaction which he or she perceived or investigated in the course of his or her employment with the City shall be allowed to do so without loss of compensation, unless it is the employee's own lawsuit.

An employee subpoenaed to appear in court in a matter unrelated to his or her official capacity, or who is appearing in court in a matter initiated by the employee, shall be permitted time off without pay, or if the employee chooses, to use accrued vacation for this purpose.

### **H. MILITARY LEAVE**

Military leave with pay shall be granted in accordance with the provisions of the Military and Veteran's Code of the State and applicable Federal law. An employee entitled to military leave shall give his/her Department Head an opportunity within the limits of military regulations to determine when such leave shall be taken. Prior to taking such leave, an employee shall present a copy of his/her military orders to the Department Head. The Department Head shall advise the Personnel Director of such military orders promptly. The employee's work schedule may be temporarily changed by the Department Head to accommodate the leave and department workloads. Benefits shall continue to accrue to

the employee to the extent required by law.

## **I. LEAVE OF ABSENCE WITHOUT PAY**

At the sole discretion of the City, an employee may be granted a leave of absence without pay upon recommendation of the department head and approval of the City Manager. The City may fill the position with a temporary or provisional employee during the term of the leave of absence or undertake any other appropriate measures to address workload needs.

### **1. AUTHORIZATION PROCEDURE**

Employees requesting a leave of absence without pay must submit the request in writing to their department head, and the request should state the reason for the request and the anticipated beginning and ending dates of the leave. The department head will submit the request along with his or her recommendation to the City Manager will make a decision in writing and transmit the decision to the employee. The decision of the City Manager shall be final and is not subject to grievance or appeal. The City Manager's determination will include consideration of the following factors:

- a) any history of excessive unauthorized absences or leave abuse;
- b) any detrimental effect on the operation of the department/division; and
- c) the reason for the leave of absence. Examples of reasons that may be considered are:
  - 1) Illness or disability, or
  - 2) To take a course of study that will increase the employee's usefulness or effectiveness to the City;
  - 3) Other approved personal reasons.

Use of the leave of absence for a purpose other than that requested may be cause for forfeiture of reinstatement rights or disciplinary action, up to and including dismissal.

### **2. LENGTH OF LEAVE AND EXTENSION**

Leaves of absence must not exceed one year, provided that the City Manager may

extend a leave of absence for an additional period not to exceed one year. Employees requesting a leave extension must submit a request in accordance with the procedures of paragraph 1 of this Rule no later than fourteen (14) calendar days prior to the approved expiration of the original leave of absence.

### 3. RETURN FROM LEAVE

When an employee intends to return from an authorized leave of absence without pay, either before or upon the expiration of such leave, the employee shall contact the Department Head at least fourteen (14) days prior to the planned day of return. The Department Head shall promptly notify the Personnel Director of the employee's intention. Failure of an employee to abide by this notification procedure or to report for work promptly at the date of leave expiration shall be grounds for discipline up to and including termination.

Employees returning from leave because of illness or disability must first submit to the Personnel Director a release to work from a physician that satisfactorily certifies the employee can perform the essential functions of the position to which he or she desires to return, with or without accommodation. Further, the employee may be subject to an examination by a City-approved physician.

### 4. ADJUSTMENTS TO ACCRUAL OF BENEFITS

Sick leave, holidays, and vacation leave will not accrue during any unpaid leave time, unless otherwise expressly provided for in an applicable MOU.

### 5. ADJUSTMENTS TO DATE OF PERFORMANCE EVALUATION

Any unpaid leave of absence by an employee that exceeds fifteen (15) consecutive calendar days (or the prorated equivalent for three-quarter, sixty percent or half-time employees) will result in a proportionate adjustment to the employee's performance evaluation date for all purposes, including consideration of a merit salary increase

## **X. WORKERS' COMPENSATION**

## **A. REPORTING PROCEDURE**

1. Any employee who is injured while on duty must immediately report the injury to his or her supervisor, who shall in turn promptly report the same to the Personnel Director. In the event the employee is physically incapacitated in such a manner as to prevent submission of a report, the Supervisor shall promptly complete and forward the required reports to the Personnel Director within twenty-four (24) hours following the injury.

2. The Supervisor or Personnel Director may authorize medical treatment for the employee at the City's industrial medical clinic, the employee's personal physician (if one has been previously designated and is on file in the Personnel Office in accordance with Labor Code 4600) or; if necessary, a local emergency medical facility.

## **B. CIVILIAN EMPLOYEES**

1. Use of paid accrued leaves. Whenever any employee is compelled by direction of the City's physician or the employee's physician where the City has not appointed one, to be absent from duty on account of injury arising out of and in the course of City employment, the employee will be required to use accrued leave time for compensation for the first three (3) days of time off from work.

If the employee is determined to have a temporary disability and is ordered to be off work for a period of more than fourteen (14) days, the temporary disability payment as required by the Workers' Compensation Act will go back to the date of injury.

An employee may elect to apply pro-rated accrued sick leave, vacation leave, or comp-time to such absence and to receive compensation equal to the difference between the compensation to which the employee is entitled under the Workers' Compensation Act and his/her regular City salary, not to exceed the amount of earned leave time. If the employee does so elect and has applied accrued leave to such absence, then he/she shall be entitled to receive compensation for absences following and related to the occurrence of a specific injury until sick leave is exhausted. Such compensation shall be in an amount equal to the difference between compensation to which the employee is entitled under the Workers' Compensation Act and his/her regular City salary.

2. Benefits. Any employee shall continue to accrue vacation, holidays and sick leave and to earn eligibility for consideration for merit salary increases during an absence resulting from an on-the-job injury so long as the employee receives compensation payments under the provisions of the Workers' Compensation Act. A probationary employee shall be entitled to the same benefits as a regular employee, except such employee shall not continue to earn eligibility for consideration for merit salary increases or regular status.

Medical care and payments for permanent disabilities incurred in the course of employment shall be as prescribed by the Workers' Compensation Act.

### **C. SWORN EMPLOYEES**

Whenever a sworn peace officer or other employee eligible under Labor Code Section 4850 sustains a work related or industrial injury while actively engaged in law enforcement, he/she shall receive compensation as provided under the Workers' Compensation Act and/or Labor Code provided under State law. Such officer shall be placed upon leave of absence at full salary and shall be paid by the City for so long as is required by Section 4850 and related Sections of the Labor Code. During the time the City is required to pay and actually pays, the employee shall not be entitled to receive any temporary disability payments under the Workers' Compensation Act, and the City shall be entitled to receive all payments which would otherwise be payable to such employee for such temporary disability or upon retirement.

### **D. LONG-TERM ILLNESS AND LABOR CODE SECTION 4850 APPOINTMENTS**

The Personnel Director may declare a position temporarily vacant due to the absence of an employee on leave pursuant to Labor Code Section 4850 or on a long-term illness leave and the position may be filled by a temporary or acting appointment. A person appointed to the position shall sign a statement acknowledging that: 1) the appointment is temporary only, with no attainment of regular status; and 2) if already employed by the City, the appointee will revert to his/her original position and salary range upon notice from the

Personnel Director.

#### **E. MODIFIED DUTY**

When a City employee is being treated for a work or non-work related injury or illness and is determined fit by the City approved treating physician to return to work on a temporary basis with modified duties or tasks, the City will make every attempt to return the employee to work in a modified duty status. All such modified duty work assignments are to be within the limitations as described by the City approved physician who is qualified to render an opinion on the worker's physical abilities.

#### **F. CHECK-IN PROCEDURES**

During the period of time that an employee is off work due to an industrial injury, the department may require the employee to check in with his/her department on a regular basis.