



CITY OF BRENTWOOD

PERSONNEL RULES AND REGULATIONS

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RULE 1. PERSONNEL SYSTEM

1.1 Personnel System – Established

These Personnel Rules and Regulations ("Rules") implement the personnel system established in Title 2, Chapter 2.24 of the City of Brentwood Municipal Code.

1.2 Acceptance of Employment

In accepting employment with the City of Brentwood ("City"), each employee agrees to be governed by and to comply with all City ordinances, these Rules, the Council/Administrative Policy Manual, the rules, regulations and directives of the City department in which the employee is employed, the Employer-Employee Relations Resolution, any applicable memorandum of understanding, and such other official rules, policies and procedures of the City applicable to the employee.

1.3 Equal Opportunity Employer

The City is committed to the goal of equal employment opportunities. It is the policy of the City to ensure that the application of these Rules and the recruitment, employment, training, advancement, layoff, salary level, termination, and all other personnel actions for all positions, classes and individual employees are made on the basis of qualifications and performance without regard to race, color, religion, creed, national origin, sex, political affiliation, sexual orientation, physical or mental disability, or any other basis prohibited by federal or state law.

1.4 Application of Personnel Rules

Unless specifically provided for in these Rules or other City policies or procedures, these Rules shall apply to all employees and positions in the City service except for the following:

1.4.1 Elected officials;

1.4.2 Members of appointed boards, commissions and committees;

- 1.4.3 The City Manager, Assistant City Manager, all Department Directors, as well as Police Captains and designated Assistant and Deputy Directors;
- 1.4.4 The City Attorney, Assistant City Attorney and Deputy City Attorney;
- 1.4.5 Persons engaged under contract to render professional, scientific, technical or expert services for a specified period of time;
- 1.4.6 Volunteer personnel who receive no regular compensation from the City, including volunteer (reserve) police officers;
- 1.4.7 Limited Service employees;
- 1.4.8 Where a particular Rule expressly states it does not apply to certain employees and/or positions, or applies only to certain employees and/or positions.

1.5 Powers of the Personnel Officer

The City Manager is the Chief Administrative Officer and the head of the administrative branch of the City Government. The City Manager may delegate any of the powers and duties conferred upon him/her as the Personnel Officer to any other officer or employee of the City. Whenever the term "City Manager" or "Personnel Officer" is used in these Rules, it shall include the City Manager or any person designated by him/her to carry out any function required by these Rules. When any officer or employee other than the City Manager is assigned a duty or responsibility under these Rules, such assignment is subject to the direction and control of the City Manager, and the City Manager shall have the right to perform such duty or responsibility or to assign it to any other officer or employee.

Subject to Sections 2.24.040 and 2.36.080 of the Brentwood Municipal Code, the City Manager's power and authority includes, but is not limited to, the right to:

- 1.5.1 Establish, when not in conflict with these Rules, such other policies, procedures, rules and regulations necessary for the efficient administration of all the affairs of the City which are under his/her control;
- 1.5.2 Appoint, remove, promote, demote, discipline and transfer any and all officers and employees of the City, except the City Attorney and members of City Council appointed boards and commissions;

- 1.5.3 Act in any manner consistent with his/her powers and duties set forth in Title 2, Sections 2.24.040 and 2.36.080 of the Brentwood Municipal Code, and/or as from time to time may be delegated to him/her by ordinance, resolution or other official action by the City Council.

The City Manager shall interpret, apply, administer and enforce the provisions of these Rules, any ordinances or resolutions relating to personnel matters, the Employer-Employee Relations Resolution, memoranda of understanding, and any other pertinent regulations, directives and policies which relate to the City's personnel system.

1.6 Department Rules and Regulations

Department Directors may develop, implement and revise as necessary any departmental policies, procedures, rules and regulations pertaining to unique operational requirements and their effect upon departmental personnel as are needed for the full performance of duties and responsibilities and which are not contrary to these Rules, the City's Council/Administrative Policies, other official rules, policies and procedures of the City, provisions of applicable memoranda of understanding, state and or federal law, or direction of the City Manager. Departmental policies, procedures, rules and regulations are subject to review by the City Manager or designee.

As defined by Brentwood Municipal Code, Title 2, Chapter 2.37 City Attorney, Section 2.37.060, Sub-section J, K, and L the City Attorney is responsible for all activities and services of the City Attorney's office. Departmental policies, procedures, rules and regulations pertaining to the operational requirements of the City Attorney's office may be developed, implemented and revised by the City Attorney.

1.7 Adoption, Amendment and Revision of Personnel Rules and Regulations

Personnel Rules and Regulations shall be established by resolution adopted by the City Council. Proposed amendments to/or revisions of the Personnel Rules shall be submitted to the City Council in writing by the Human Resources Manager after approval of the City Manager.

1.8 Council/Administrative Policies

Council/Administrative Policies may be adopted pursuant to Council/Administrative Policy No. 00-1 to interpret, apply, administer,

amplify and enforce these Rules, or establish new personnel policies and procedures applicable to City employees.

1.9 City Manager Administrative Policies

Pursuant to Chapter 2.36 of the Brentwood Municipal Code, as the administrative head of the City government, the City Manager is responsible for the efficient administration of the affairs of the City which are under his/her control. To ensure consistent standards and practices, the City Manager may exercise his/her discretion and establish various City Manager Administrative Policies.

1.10 Conflict of Personnel Rules

In the event that one or more provisions of these Rules contradicts provisions included in any memorandum of understanding ratified by the City Council and currently in effect between the City and a formally recognized employee organization, the terms of the memorandum of understanding shall prevail. If there is a conflict between these Rules and a Council/Administrative Policy, these Rules prevail. If there is a conflict between these Rules and the Municipal Code, the Municipal Code shall prevail. If there is a conflict between these Rules, a memorandum of understanding or Council/Administrative Policy and a state or federal law, then that state or federal law prevails.

1.11 Rights of Management

The adoption of these Rules shall not be deemed a waiver or surrender of any management prerogative.

1.12 Violation of Personnel Rules

Each employee is responsible for knowledge of and complying with these Rules and any amendments hereto. Violation of the provisions of these Rules shall be grounds for disciplinary action, up to and including, termination.

RULE 2. DEFINITIONS

The following terms, whenever used in these Rules unless otherwise specified, shall be defined as follows:

2.1 Advancement

A pay increase within the limits of the salary range established for a classification.

2.2 Applicant

A person who has filed an application for an employment position.

2.3 Appointment

The offer to and acceptance by a person of a position in the City service in accordance with the provisions of these Rules.

2.4 Appointing Authority or Appointing Power

The City Manager is designated as having the power to make appointments to any position to be filled in any City Department. The City Manager may designate a City Department Director to make an appointment to any position within the Department Director's department.

As provided by Municipal Code, Title 2, Chapter 2.37, Section 2.37.060 (K), the City Attorney is designated as having the power to appoint and remove those employees of the City Attorney's office allocated by the City Council through the annual city budget as necessary and appropriate to assist the City Attorney in performance of duties and responsibilities of the office.

2.5 Candidate

Any person who has been accepted for participation in an examination.

2.6 Certification

The submittal to an appointing authority of a list consisting of candidates that have received and passed an initial interview for an appropriate recruitment effort.

2.7 City

The City of Brentwood, California.

2.8 Classification Plan

A list of titles of the classes of all regular positions in the City service, including a written specification of each class title and general description of the work to be performed by each class, a summary statement of duties and responsibilities for each class, and desirable qualifications for appointment as adopted by resolution of the City Council.

2.9 Classified Service

All positions in the City service, except Elective Officers, the City Manager, Assistant City Manager, City Attorney, Assistant City Attorney, Deputy City Attorney, all Department Directors, designated Assistant and Deputy Directors, Police Captains, and all Limited Service positions.

2.10 Compensation or Salary Range

A series of base salary steps to which a classification may be assigned.

2.11 Continuous Service

Service without an unauthorized break during the period for which the employee has been employed by the City. An unauthorized break in continuous service shall be construed as a deliberate severance of employment initiated by either the City or the employee for a period of more than five (5) working days, unless otherwise provided by law, these Rules, official City policy or applicable memorandum of understanding.

2.12 Council

The City Council of the City of Brentwood, California.

2.13 Days

The workdays the City's administrative offices are open, unless otherwise designated.

2.14 Demotion

The change in status of an employee from a position in one class to a position in a different class having a lower maximum rate of pay, for disciplinary or other reasons.

2.15 Department Director

The head of a City Department, or other manager who reports directly to the City Manager. Department Directors or other managers who report directly to the City Manager serve "at-will".

The City Attorney is considered a Department Director as related to responsibility for directing the activities of the City Attorney's Office. He/she reports directly to the City Council.

2.16 Dismissal or Discharge

The disciplinary termination of an employee's employment with the City.

2.17 Domestic Partners

Two adults who have satisfied all requirements of domestic partnership under the California Family Code.

2.18 Elected Official

A person who won a City office in a free election, or a person that was appointed to fill a vacancy in a City elected office.

2.19 Eligible

A person who has earned a place on an active eligibility employment list established by a competitive examination.

2.20 Employee

A person who performs services for the City in the Classified, Limited, or Unclassified Service.

2.21 Exempt Employee

An employee who meets the qualifications for exemption from overtime compensation established by federal law.

2.22 Job Family

A group of two or more classifications similar with respect to the duties performed but different in terms of the nature and level of responsibilities assumed.

2.23 Limited Service

A type of position that is not an on-going assignment, which may have a specific term or seasonal purpose. Limited service positions do not typically provide full-time, continuous employment throughout a fiscal year and employees are paid for time worked on an hourly basis. Positions assigned to the Limited Service include, but are not limited to, hourly, temporary, limited part-time, intermittent, student, project, intern, some contract positions, emergency, and seasonal positions. Appointment to such positions may be made on either a competitive or noncompetitive basis and incumbents do not acquire regular status in the classification to which they are assigned by virtue of such employment. Limited Service employees serve “at-will” and have no property interest, express or implied, in the position.

2.24 Personnel Officer

The City Manager or someone appointed by him/her to act in that position.

2.25 Promotion

The movement of an employee from one classification to another classification having a higher maximum rate of pay.

2.26 Regular Full-time Employee

A person appointed to a regular position with the City who is scheduled to work 5 days and 40, or more, hours per week or other comparable full-time work schedule and who has successfully completed the probationary period. A regular full-time employee occupies an authorized budgeted position.

2.27 Regular Part-time Employee

A person appointed to a regular position who is scheduled to work at least 20 but less than 40 hours per week, or at least 1,000 hours but less than 2,080 hours per year in a job-share or continued part-time work schedule and who has successfully completed the probationary period. A regular part-time employee occupies an authorized budgeted position.

2.28 Reinstatement

The probationary appointment, without examination, of either a former regular employee who resigned in good standing not more than one (1) year previously, or the return from a non-disciplinary demotion of an

employee to a classification in which status was held not more than one (1) year previously.

2.29 Suspension

An involuntary absence from duty without pay imposed for disciplinary purposes.

2.30 Unclassified Service

Positions that are not part of the Classified Service and in which there is no property interest. The Unclassified Service includes the City Manager, City Attorney, Assistant City Attorney, Deputy City Attorney, Assistant City Manager, all Department Directors, designated Assistant and Deputy Directors, Police Captains and Limited Service positions. Employees serving in the Unclassified Service do so in an "at-will" status and employment may end at the lawful request of either the employee or the City.

RULE 3. RECRUITMENT, APPLICATION AND APPLICANTS

3.1 Recruitment

The Human Resources Division shall prepare an official Notice of Employment ("Notice") announcing a proposed recruitment. Notice will be posted at the City Hall and other City facilities. The Notice shall contain a statement that the City is an equal opportunity employer and shall also contain information relevant to the position including whether the examination is open to the general public, a promotional recruitment only, and whether the recruitment will close on a date certain or is continuously open. Continuously open recruitments may be closed at the discretion of the Human Resources Division in concurrence with the affected department(s).

3.2 Internal Recruitments

A City department may request an internal recruitment when it believes that an adequate number of current City staff are interested in competing for a vacant position. The recruitment will be open for a period of time established by the Human Resources Division, with a minimum of five (5) working days.

3.3 Applications

All parties interested in employment with the City of Brentwood shall file an application with the Human Resources Division on an official application form.

3.4 Legal Work Status Requirement

Employment is open to qualified individuals who may legally work in the United States.

3.5 Disqualification of Applicants

The Personnel Officer or his/her designee may disqualify any applicant from consideration whose appointment would be contrary to the best interests of the City. Reasons for disqualification may include, but shall not be limited to, the following as consistent with law:

- 3.5.1 Lack of any of the minimum qualifications established for the examination or positions for which the applicant applies;
- 3.5.2 Physical or mental inability to perform the essential functions of the job, with or without reasonable accommodation;
- 3.5.3 Conviction by any state or the federal government for a crime, the punishment for which could have been imprisonment in a federal penitentiary or a state prison; or conviction of any crime involving moral turpitude; provided, however, that the Personnel Officer may consider any mitigating circumstances that may exist, including, but not limited to:
 - 3.5.3.1 Evidence of rehabilitation;
 - 3.5.3.2 The nature and seriousness of the crime;
 - 3.5.3.3 The age of the applicant at the time of the conviction;
 - 3.5.3.4 The time elapsed since the conviction;
 - 3.5.3.5 Whether the conviction is related to the duties required of the particular employment sought;
- 3.5.4 Making any false statement, omitting any significant fact, or practicing or attempting to practice any deception or fraud in his/her application, examination, or appointment;

- 3.5.5 Current or recent use of narcotics or drugs illegally;
- 3.5.6 Dismissal from any position for cause, or resignation from any position to avoid dismissal for cause;
- 3.5.7 Failure to comply with any application requirements or deadlines;
- 3.5.8 Failure to reply within a reasonable time, as specified by the Personnel Officer or his/her designee, to communication concerning availability for employment;
- 3.5.9 Request by the applicant that his/her name be withdrawn from consideration;
- 3.5.10 When a relative is employed by the City and the relationship violates Council/Administrative Policy No. 20-27, Nepotism and Fraternization Policy; and/or
- 3.5.11 Any material cause which, in the judgment of the Personnel Officer and consistent with the law, renders the applicant unfit for the particular position for which the application is filed.

3.6 Notice of Rejection

Whenever an applicant is disqualified, notice of such disqualification shall be mailed to the last known address of the applicant by the Human Resources Division.

3.7 Incomplete or Late Applications

Incomplete or late applications may be rejected.

RULE 4. SELECTION FOR EMPLOYMENT OR PROMOTION

4.1 Examinations

Written, oral, manual, and/or other job related examinations may be required for eligibility for any position with the City, including promotions, as determined by the Personnel Officer. Examinations shall be authorized and/or scheduled by the Personnel Officer, as necessary.

4.2 Method of Examination

The examination process shall be impartial and shall relate to those subjects that, within the opinion of the Personnel Officer, fairly measure the relative capabilities of the persons examined to execute the duties and responsibilities of the position to which they seek appointment, consistent with state and federal law. Examinations may include investigation of training and experience; written, demonstrative or other tests of aptitude, particular abilities, general and technical knowledge, manual skill, physical and mental fitness; and such other examinations as are required to discover the capabilities of applicants relative to the duties of the position. Outside personnel planning, analysis and recruiting assistance may be called upon to conduct portions of examinations as determined by the Personnel Officer. Veterans may be given preference during the testing process pursuant to Council/Administrative Policy 20-13.

4.3 Qualifying Grades and Rating Examinations

In all examinations the minimum grade, or standing by which eligibility is to be determined shall be based upon all factors of the examination. However, failure in one part of any examination may be considered grounds for declaring that the applicant has failed the entire examination or has been disqualified from subsequent parts of an examination. The Personnel Officer may also designate any part of an examination as “qualifying only”, and no numerical weight need be assigned to passing scores in said part.

4.4 Eligible List

4.4.1 Type of Eligible List

The following types of eligibility lists shall be established by examination as determined by the Personnel Officer:

- 4.4.1.1 Promotional
- 4.4.1.2 Open Eligibility

4.4.2 Eligibility for Promotional Examination

All candidates for promotion from level I to level II, Assistant to Associate level, or other job family classifications must currently work for the City, have successfully completed a minimum of six (6) months of the probationary period for the position they currently occupy, and possess the minimum qualifications for the position to which the promotion is sought. Candidates for promotion to classifications that are open recruitments to fill a vacant position are not required to satisfy the six (6) month requirement noted above. Refer to Brentwood Police Department policy regarding Promotional Process for additional requirements for Police Department personnel.

4.4.3 Establishment of Eligible List

After each examination has been scored and rated, the names of successful candidates shall be recorded in the order of their standings on the examination. Those candidates who qualify for appointment, but are not selected, shall remain on an eligible list for six (6) months from the date of qualification. An eligible list may be extended by the Personnel Officer in six (6) month intervals not to exceed three extensions. A selection may be made from an extended list at any time during this period. The same will apply to promotional examinations. If less than five (5) candidates remain on the eligible list willing to participate in another interview for the same or related employment opportunity, the Department Director may request an appointment from any such eligible list by the Personnel Officer, or the Personnel Officer may request a new recruitment.

4.4.4 Availability of Eligibles

Eligibles are solely responsible for notifying the Human Resources Division of any change of address or other change affecting availability for appointment.

4.4.5 Removal of Names

The name of any person on the eligible list may be removed by the Personnel Officer if:

- 4.4.5.1 The eligible person requests in writing that his or her name be removed;

- 4.4.5.2 He or she fails to respond to a written offer of employment within five (5) business days succeeding the mailing of notice. However, the Personnel Officer may restore the name of an eligible to the appropriate lists if good cause is shown by the eligible for failing to respond within the specified time period;
- 4.4.5.3 A subsequent report of a character investigation is unsatisfactory;
- 4.4.5.4 Removal from a promotional list is automatic upon resigning from City service or upon dismissal for cause. If an open list exists and the person resigning from City service is on the list, he/she may, subject to request and the approval of the Personnel Officer, remain on the open list.

4.5 Notification of Examination Results

Each candidate shall be given written notice of the examination results with regard to their continued participation in the process. Notification will be sent to the candidate's last known address. Candidates that appear on the eligibility list may be contacted for additional interviews when another employment opportunity arises for the same classification for which they were initially interviewed. Candidates on the eligibility list for one classification may be contacted to interview for a lower-level classification in the same classification series.

4.6 Flexible Staffing

The City reserves the right to conduct an open or internal recruitment to fill a vacancy, or to fill the vacancy by promotion or transfer of an employee, as determined by the Department Director with the approval of the Personnel Officer.

RULE 5. CLASSIFICATIONS AND APPOINTMENTS

5.1 Classification Plan

All regular positions of the Classified Service shall be classified within a position classification plan, which shall be maintained and operated by the City Manager consistent with Council/Administrative Policy No. 20-14. The classification plan may be amended from time to time, as required, by resolution of the City Council.

5.2 Types of Appointment

5.2.1 Classified Service

The Classified Service is comprised of both probationary and regular employees who have been appointed to a position in the Classified Service on a non-provisional basis.

5.2.1.1 Probationary Employees

Probationary employees are those persons who, through the examination or promotional process, have been appointed to an authorized position in the Classified Service but who have not completed their probationary period.

5.2.1.2 Regular Employees

Regular employees are those persons who have been appointed to an authorized position in the Classified Service and who have successfully completed their probationary period. An employee appointed to a regular position in the Classified Service shall earn regular status in a classification only if the employee successfully completes the applicable probationary period. Regular employees may be appointed full-time or part-time.

5.2.2 Limited Service

Limited Service employees are those persons who have been appointed to a Limited Service position as defined in these Rules. Limited Service positions include, but are not limited to, hourly, temporary, limited service part-time, intermittent, student, intern, emergency, seasonal, and some contract provisions. Limited Service positions are not part of the Classified Service. Persons in Limited Service positions serve "at-will" and have no property

interest in their employment with the City. Any person on an eligible list who accepts employment in the Limited Service shall nevertheless retain his/her place on such eligible list.

5.2.3 Provisional

Provisional appointments are made to a position in the Classified Service for which no eligibility list exists. If the provisionally appointed person meets the minimum qualifications for the position, he or she may participate in any examination process and attempt to qualify for the eligibility list or promotional list, or otherwise be selected for the position consistent with these Rules. If the provisionally appointed employee is ultimately selected for appointment to the position, his/her status will be the same as any other appointed or promoted person, as applicable, as provided in these Rules. If the provisionally appointed person is not ultimately appointed to the regular position and was already a City employee at the time of provisional appointment, his/her former employment status will remain unchanged by such action as approved by the City Manager.

5.3 **Promotion**

The appointment of any employee to a position, other than special assignment, in a classification which has a higher maximum rate of pay than the employee's present position constitutes a promotion. Advancement from level I to level II of a classification is also deemed to be a promotion. Timing for this type of promotion is at the same time the employee performance evaluation is due. In all cases, such promotion will be at the recommendation of the Department Director and upon approval of the City Manager, with confirmation that the expenditure created by such promotion is covered by the department budget. If not, the request for a budget adjustment will be presented to the City Council for consideration.

The promoted employee's new anniversary date for purposes of salary step advances within the pay range of the higher classification shall be the effective date of the promotion. Unless extended or otherwise stated, an employee who has been promoted to a position in the Classified Service must successfully complete a six month probationary period in the new position in order to attain regular employment status in such position as provided in Rule 6, unless otherwise stated in an applicable memorandum of understanding or provided by law.

5.4 Transfer

A transfer is the appointment of a person from one classification to another which is equivalent to that of the classification held prior to the transfer, and/or from one department or division to another, upon approval of the City Manager and the affected Department Directors. A transfer of a regular employee from a position in one classification in the Classified Service to a position in another classification having related duties and responsibilities as determined by the City Manager and the same maximum salary range, shall assume regular status in the classification to which assigned and shall not be required to serve a probationary period. All other employees transferred to a position in the Classified Service shall serve a probationary period as set forth in Rule 6, unless otherwise provided in an applicable memorandum of understanding or determined by the City Manager.

5.5 Demotion

A demotion is the appointment of a person to a classification having a lower maximum rate of pay. An employee may be demoted at his/her request, or as a result of a reduction in force, or for disciplinary reasons, or for other reasons. Before a non-disciplinary demotion is considered effective, such action requires approval of the Department Director and City Manager. Disciplinary demotions shall be imposed pursuant to these Rules and/or applicable memorandum of understanding. For a disciplinary demotion, a new anniversary date shall be established as of the effective date of demotion. For a non-disciplinary demotion, the employee's previous anniversary date shall be retained. If the demotion involves an employee with regular status in his/her position in the Classified Service at the time of demotion, then the demoted employee shall assume regular status in the classification to which he or she is demoted.

RULE 6. PROBATIONARY PERIOD

6.1 Probationary Period

6.1.1 Initial Appointments

Unless otherwise provided in an applicable memorandum of understanding, or law, any person appointed to an authorized position in the Classified Service shall complete a probationary period at the time of appointment of twelve (12) months of continuous service, with the exception of the probationary period for the position of Police Officer which shall be eighteen (18) months of continuous service. Any initial probationary period may be extended one or more times with the approval of the City Manager, for a total probationary period extension not to exceed an additional six (6) months, where the Department Director finds justification for such extension, unless otherwise provided in an applicable memorandum of understanding or law. However, any initial probationary period for the position of Police Officer may be extended one or more times with the approval of the City Manager, for a total probationary period extension not to exceed an additional twelve (12) months, where the Department Director finds justification for such extension, unless otherwise provided in an applicable memorandum of understanding or law.

6.1.2 Promotions

The probationary period for all promoted non-sworn employees in the Classified Service shall be six (6) continuous months of service in the employee's new position, unless otherwise provided in an applicable memorandum of understanding or by law. The probationary period for all promoted sworn employees in the Classified Service shall be twelve (12) continuous months of service in the employee's new position, unless otherwise provided in an applicable memorandum of understanding or by law. Unless otherwise provided in an applicable memorandum of understanding or by law, any initial probationary period for promoted employees may be extended one or more times with the approval of the City Manager, for a probationary period not to exceed an additional six (6) months, where the Department Director finds justification for such extension. Any employee who does not successfully complete the promotional probationary period may, at the Department Director's discretion and with the approval of the City Manager, return to a position in the same classification held prior to promotion providing there is a vacancy and available funding. If no

vacancy exists, or if the Department Director and the City Manager decide against returning the employee to his/her former classification, an attempt will be made to place the employee in an available vacant classification for which the employee is qualified. If none, the employee will be released from employment with the City.

6.1.3 Transfers

Regular employees who are transferred from one position to another position which is equivalent to that of the classification held prior to the transfer, will not serve a probationary period in the new position, unless approved by the City Manager. Probationary employees who are transferred to a new classification continue to serve the remainder of their probationary period in the new classification. A probationary period may be extended one or more times with the approval of the City Manager, for a probationary period not to exceed an additional six (6) months, where the Department Director finds justification for such extension, unless otherwise provided in an applicable memorandum of understanding or law.

6.1.4 Calculation

A probationary period shall date from the time of appointment to the authorized position in the Classified Service. Leaves of absence, or assignment out of class, that when combined total more than thirty (30) calendar days during the probationary period, for any reason, shall not be counted toward completion of the probationary period and shall shift the evaluation schedule accordingly. Employees will receive written notice addressing the shift in the evaluation completion date.

6.2 Rejection of Probationer

During either an original or promotional probationary period, an employee may be released from employment, or disciplined, by the Department Director or City Manager for no reason, and at any time, without any right of appeal or right to submit a grievance.

RULE 7. HOURS OF WORK, ATTENDANCE AND OVERTIME

7.1 Hours of Business

All City offices shall be open from 8:30 a.m. to 5:00 p.m. Monday through Friday, unless otherwise established and authorized by the City Manager in writing.

7.2 Official Workweek For Computing Overtime and Compensatory Time

The workweek for sworn and non-sworn non-exempt City employees shall be as follows unless otherwise designated in writing by the Department Director with approval of the City Manager, or otherwise specified in an applicable memorandum of understanding: the workweek for non-sworn non-exempt City employees shall be from 12:01 a.m. Monday through 12:00 midnight the following Sunday; the workweek for sworn non-exempt City employees shall be from 12:01 a.m. Sunday through 12:00 midnight the following Saturday.

7.3 Standard Work Periods for Non-Exempt Full-Time Employees

Non-exempt full-time employees are normally scheduled to work a total of forty (40) hours during each workweek. Unless otherwise provided in an applicable memorandum of understanding or official City policy, the customary workday or work period for non-exempt City personnel shall be as follows:

7.3.1 Non-exempt office and inspection personnel: 8:00 a.m. to 5:00 p.m. with a one (1) hour unpaid lunch period.

7.3.2 Non-exempt Public Works field personnel: 7:00 a.m. to 3:30 p.m. with a one-half (1/2) hour unpaid lunch period.

7.3.3 Non-exempt Police personnel: Shift work, including nights and weekends, as assigned by the Chief of Police.

7.4 Designation Of Alternative Standard Work Periods

The City Manager is authorized to designate other work periods and working hours for employees when, in his/her opinion, the best interest of the City may be served by such adjustment of the standard work periods and hours. The procedure for making adjustments in the standard work period and hours shall be consistent with any applicable legal obligations.

7.5 Attendance

Employees shall be in attendance at their work or assigned duties at the time and place prescribed by the department to which they are assigned.

7.6 Lunch or Meal Periods – Non-Exempt Employees

A regular schedule for lunch or meal periods may be authorized by the supervisor or Department Director for non-exempt non-Police Officers' Association employees, as consistent with law and any applicable memorandum of understanding. The supervisor or Department Director may establish a thirty (30) minute non-paid lunch period in lieu of the regular one (1) hour lunch period, consistent with any legal obligations.

7.7 Break Periods – Non-Exempt Employees

Non-exempt employees shall be allowed one fifteen-minute break for each four (4) hour period worked. Breaks are generally scheduled in the middle of each four (4) hour work period. However, the supervisor or Department Director shall have the authority to arrange break times which best meet the needs of the department and the City as consistent with law and any applicable memorandum of understanding.

7.8 Standby Designation

City employees may be assigned to departmental standby rotations based on the needs of the City as consistent with law and any applicable memorandum of understanding.

7.9 Time Sheet Procedure

Time sheets must be submitted to Payroll Coordinators twice a month for the payment of wages and the tracking of accrued and used time off, benefits and other compensation. The Payroll Division determines time sheet due dates and methods of reporting time worked.

7.10 Responsibility for Completion of Time Sheets

Non-exempt employees are responsible for the accurate and timely submission of time sheets, and other supporting documentation, to their supervisor for approval.

7.11 Overtime Reporting

The City pays overtime compensation and provides compensatory time off in lieu of monetary overtime to non-exempt employees in accordance with applicable law, and consistent with any applicable memorandum of understanding and/or official City policy. It is the policy of the City that overtime work is to be kept to the minimum consistent with protection of life, property, and the efficient operation of the departments and activities of the City. However, the City may require overtime work of non-exempt employees as determined by the City to meet its needs. Compensatory time off in lieu of monetary overtime will be accrued whenever permitted, consistent with the law or memorandum of understanding. All work requiring any non-exempt employee to work overtime must be approved in advance of the work being performed by the Department Director or his/her designee, with the exception of emergency situations. With the exception of BPOA members, the decision whether the employee receives cash or compensatory time off for overtime worked shall be at the request of the employee with the approval of the Department Director. However, in the event of a dispute, the Department Director's decision shall be final. Non-exempt employees may not "volunteer" work time to perform duties that fall under City classifications specifications, including but not limited to duties that they typically perform as part of their normal job.

7.11.1 Accounting for Portions of an Hour Worked

Partial hours of overtime worked are to be accounted for in quarters of an hour as indicated below:

Time Worked	Indicate on Time Sheet
1 – 15 min.	.25 ($\frac{1}{4}$ hour)
16 – 30 min.	.50 ($\frac{1}{2}$ hour)
31 – 45 min.	.75 ($\frac{3}{4}$ hour)
46 – 60 min.	1.0 (1 hour)

RULE 8. COMPENSATION

8.1 Employee Compensation Plan

An Employee Compensation Plan for all employees in the Classified Service shall be established by resolution adopted by the City Council as part of the City Budget or at any other time by approved resolution, to provide salary schedules, salary rates, salary ranges and steps, and time intervals for salary review.

8.2 Monthly Salaries

All compensation rates prescribed in the Employee Compensation Plan shall be based on a full-time position, unless otherwise designated, and shall be deemed to include pay in every form, except for necessary expenses authorized and incurred incident to employment, or except as provided by special differential or other pay policies. The compensation rate does not include paid benefits.

8.3 Hourly Rate

Conversion of a monthly salary rate to an hourly rate equivalent shall be made by dividing such monthly rate by 173.34 hours, which is considered to be the average number of work hours per month.

8.4 Administration and Review of Compensation Plan

The Personnel Officer shall administer the Employee Compensation Plan. The Personnel Officer shall from time to time prepare and submit to the City Council a proposed salary plan containing an appropriate salary range for each class. In case the salary range for a class is changed by the City Council, all employees whose positions are allocated to a class shall be adjusted to the corresponding step in the new salary range.

8.5 Application of Salary Ranges and Rates

The authorized pay ranges for the respective classifications of positions with such amendments as may be adopted by the City Council from time to time by resolution shall be applied as follows:

8.5.1 Appointments

New employees shall be appointed at the designated pay rate or the first salary step of the pay range to which their classification is assigned. When a pay range exists for a classification and it

appears that the education and previous training or experience of a proposed employee are substantially superior to those required of the classification and justify a beginning salary in excess of such minimum compensation, upon recommendation of the Appointing Authority, the City Manager may authorize an appointment to a position at a higher salary step in the pay range.

8.5.2 Promotions

When employees are promoted, they shall normally receive the first step in the salary range for their new position. However, if such step results in a salary increase of less than 5 percent, they shall receive the next step in the range so that the increase is equal to at least 5 percent, provided that the new salary is not above the highest step of the classification to which the employee is promoted. The City Manager may authorize a promotional appointment to a position at any higher salary step in the pay range upon the recommendation by the Department Director.

In the event that a pay range change becomes effective on the date an employee is promoted to a higher classification, the employee shall first receive any corresponding step adjustment to which entitled in the lower classification, and then the next higher step promotional adjustment.

In some cases employees receive pay at a rate other than their normal pay due to provisional appointment as defined in rule 5.3.2 or out-of-classification pay as defined in rule 8.10. In the event of a promotion, the employee shall be placed on the salary range at the step nearest to their normal base pay rate.

8.5.3 Transfers

Employees transferring from one position to another in the same classification, or to another classification to which the same pay range is applicable, shall remain at the same salary step.

8.5.4 Demotions

Employees demoted from one classification to another classification having a lower maximum rate of pay shall be assigned to a salary step in the lower paying classification. For a disciplinary demotion, the new salary step placement in the lower paying classification shall be at least one (1) step less than the dollar amount received in the pay range for the classification from which demoted. For a non-disciplinary demotion, the new salary

step placement in the lower paying classification shall be the same step placement as in the classification from which demoted.

8.5.5 Reemployment

Upon the rehire of a former employee into the same classification as the employee occupied prior to separation, such a person shall receive the same salary step in the pay range for the classification as was received prior to separation. If rehired into a related lower classification, credit shall be given for prior service in determining the salary step for employment in the lower classification. If rehired into a higher classification than previously occupied, the rules regarding pay upon promotion shall apply.

8.6 Advancement Within Salary Range

At the completion of six months of satisfactory employment, employees appointed at Step A are eligible for consideration to receive a merit increase. Police Officers appointed at Step A whose probationary period is eighteen (18) months are also eligible for a merit increase after (six) 6 months. If employed at other than Step "A" in a five (5) step pay range for the classification, then consideration for advancement to the next salary step will take place one year following the date of hire. Additional merit increases will be considered as part of the performance evaluation system on an annual basis thereafter until the attainment of Step E.

All merit increases shall be based on performance that "meets standards" or is deemed "acceptable" as shown from written performance evaluations completed by the employee's Supervisor and approved by the Department Director. Increases of more than one step for outstanding performance may be provided upon recommendation by the Department Director and approval of the Personnel Officer, based on a written performance evaluation.

8.7 Special Salary Adjustments

The City Manager may at his/her discretion, upon recommendation of the Department Director and upon receipt of verification that funds are available in the affected department's budget, adjust the salary step of an incumbent in a particular position to any step within the pay range for the classification.

8.8 Effective Date of Salary Adjustments

All salary adjustments shall become effective on the first day of the payroll period following the effective date of the action, unless otherwise specified

in these Rules, official City policy or an applicable memorandum of understanding.

8.9 Applicable Salary Rates Following Pay Range Increases and Decreases

8.9.1 Same Relative Step

Where a pay range for a given class is revised upward due to City Council authorized increase, the incumbents of positions in classes affected shall have their existing salary adjusted to the same relative step in the new pay range (i.e. Step B to Step B, Step C to Step C.) and their anniversary date shall not be changed.

8.9.2 Retention of Salary and “Y” Rates

When a pay range is adjusted downward, incumbents may, on approval of the City Manager, retain their same dollar amount of salary within the lower pay range, or if their present rate exceeds the maximum of the lower range, may continue to receive the same dollar amount and said amount shall be designated a “Y” rate. A “Y” rate ends, and the employee is eligible for available pay increases, when the new salary range exceeds the “Y” rated pay through adjustment of the compensation plan due to increases approved by the City Council. Any such “Y” rate shall be indicated by a capital “Y” following the salary each time it appears on personnel records or transactions. Said “Y” rate shall be canceled on vacancy of the position.

8.9.3 Pay Range Change on Anniversary Date

In the event that a pay range change becomes effective on an employee’s anniversary date, the employee shall first receive any within-range adjustment to which he/she is entitled and then receive the corresponding step adjustment.

8.10 Out of Classification Pay

A temporary adjustment to pay may be granted to an employee, based upon justification by the Department Director, confirmation of available funds and approval of the City Manager. This type of pay adjustment may be granted when an employee is performing duties and fulfilling a high level of responsibility that is clearly outside of the employee’s classification description. Such pay adjustments shall continue at the discretion of the City Manager.

RULE 9. EVALUATION OF PERFORMANCE

9.1 Probationary Employee Performance Evaluation

Performance evaluations for probationary employees are conducted at a minimum after five and eleven months of service. Additionally, probationary police officers are evaluated again after seventeen months of service.

9.2 Regular Employee Performance Evaluation

A performance evaluation for each regular employee shall be made each year by the Department Director on the official City evaluation form according to the directions thereon, and forwarded to Human Resources Division upon completion. Additional employee performance evaluations may be completed at any time deemed necessary by the Department Director or Personnel Officer.

RULE 10. HOLIDAYS, VACATION, AND LEAVES OF ABSENCE

10.1 Holidays

10.1.1 Holidays Observed

The City observes the following holidays, and all regular and probationary employees shall have the specified days off with pay in accordance with this Rule, except as otherwise provided in applicable memoranda of understanding, Council/Administrative Policy, or other official City policy applicable to the employee:

Independence Day
Labor Day
Veterans Day
Thanksgiving Day
Day after Thanksgiving
Christmas Eve Day
Christmas Day
New Year's Eve Day
New Year's Day
Martin Luther King's Birthday
President's Day
Memorial Day

10.1.2 Holidays Falling On Weekend

Generally, as determined by the City, when a holiday falls on a Saturday, it shall be observed on the preceding Friday. When a holiday falls on a Sunday, it shall generally be observed on the following Monday. If the preceding Friday or succeeding Monday is also a holiday, then the holiday is observed on the next preceding or succeeding work day as determined by the City.

10.1.3 Holiday Pay – Regular And Probationary Full-Time Employees

Regular and probationary full-time employees are entitled to receive time off with pay at their regular rate of pay for the holiday, unless scheduled to work at the discretion of the City.

10.1.4 Holiday Pay -- Regular And Probationary Part-Time Employees

Regular and probationary part-time employees are generally entitled to receive time off with pay on a pro-rated basis for the holiday, unless scheduled to work at the discretion of the City. Holiday pay for regular and probationary part-time employees shall

be paid on a pro-rated formula, based on the number of hours per week budgeted for their position during the fiscal year. For example, a regular part-time employee whose position is budgeted to work twenty (20) hours per week will receive one-half of that received by regular full-time employees or four (4) hours of paid holiday time. (20 divided by 40 = .50 x 8 = 4).

10.1.5 Personal Holidays

In addition to the holidays listed in Rule 10.1.1 above, regular and probationary employees are entitled to two personal holidays to be taken during each calendar year. Regular and probationary part-time employees are similarly entitled to a pro-rated number of hours/days based on their regularly scheduled hours/days of work.

10.1.5.1 Definition

A “personal” holiday is a paid leave to be scheduled with the consent of both the supervisor and the employee.

10.1.5.2 Accrual

Regular and probationary full-time employees accrue up to two days (16 hours) of personal holiday time per year. Eligible part-time employees accrue personal holidays on a pro-rated basis. The accrual is posted as part of the first payroll process each January. The maximum personal holiday time that may be accumulated at any given time unless otherwise approved by the City Manager is 18 months of accrual (i.e. the amount of personal holiday time the employee accrues over an 18 month period). Once the maximum accrual is reached, further accrual will stop. When the employee uses personal holiday time and brings the available amount below the cap, personal holiday accrual will begin again the following January. Personal holiday credits are not accrued during any unpaid leave of absence. Upon termination, an employee shall receive payment for the balance of accrued but unused personal holiday credits.

10.1.5.2.1 Exception – 9/80 Shift

Employees assigned to the 9/80 shift as their regular, standard work period will receive eight (8) hours posted to their personal holiday accrual bank when a holiday falls on their day off (Monday or Friday). The accrual will

be capped at fifty-six (56) hours. The cap includes the 18 months of accrual described above. Any accrual that would exceed fifty-six (56) hours will be forfeit.

10.1.5.3 Scheduling Personal Holidays

Personal holidays may be used at any time during the calendar year, upon advance approval of the supervisor or Department Director. Employees shall be paid for any accrued but unused personal holidays at the time of separation of employment.

10.1.6 Holiday Pay for Employees Required to Work on a Holiday

Non-exempt, non-sworn employees who are eligible for holiday pay in accordance with these Rules and who are scheduled to work on the holiday shall receive the following compensation, unless otherwise provided in an applicable memorandum of understanding: eight (8) hours of pay at the straight time rate of pay (holiday pay) plus an amount equal to one and one half times the rate of pay for all hours worked during the holiday.

10.2 Vacation

All regular full-time and regular part-time employees are entitled to vacation time off work with pay only as provided in Council/Administrative Policy No. 20-8 or an applicable memorandum of understanding. The time at which an employee may use his/her accrued vacation leave and the amount to be taken at any one time shall be determined by his/her Department Director, with particular regard for the needs of the City, but also, insofar as reasonable, considering the wishes of the employee. All vacation requests shall be made on an appropriate official City vacation Absence Report/Request Form.

10.3 Sick Leave

10.3.1 Policy

Sick leave shall be used only upon approval of the appropriate Department Director or supervisor and only for the reasons permitted in these Rules, or an applicable memorandum of understanding.

10.3.2 Eligibility

All employees shall be eligible to accrue sick leave benefits.

10.3.3 Accrual

All regular, full-time employees shall accrue sick leave at the rate of eight (8) hours per calendar month for each calendar month that the employee has worked regularly scheduled hours. All limited service and part-time employees shall accrue sick leave at a rate of one (1) hour of sick leave for every 30 hours actually worked.

There is no limit on the number of sick leave hours that can be accrued by a regular employee.

Limited service and part-time employees can accrue up to 48 hours of sick leave. Once a limited service or part-time employee reaches the maximum accrual, the employee will not accrue further sick leave until the employee uses some sick leave hours.

Regular employees that are off work due to illness or injury shall not accrue sick leave once they begin to receive Disability benefits or are no longer receiving wages through payroll, beginning with the first full pay period that they are off payroll, unless otherwise required by law.

10.3.4 Use

Employees may use sick leave when they need to be absent from work for the following reasons:

10.3.4.1 For their own sickness or disability, including medical or dental treatment.

10.3.4.2 To attend to the illness or injury of the employee's spouse, child, registered domestic partner, parent, legal guardian or ward, sibling, grandparent or grandchild. For purposes of this policy, time taken to care for a child, parent, sibling, grandparent or grandchild is not limited only to biological relationships, but also applies to those resulting from adoption, step-relationships and foster care relationships. Child includes an employee's biological child, the child of an employee's spouse or registered domestic partner and the child of a person standing in loco parentis.

10.3.4.3 Because the employee is a victim of domestic violence, sexual assault or stalking and is absent due to: seeking medical attention or treatment; psychological counseling; obtaining services from a domestic violence shelter, program or rape crisis center; safety planning; or seeking judicial relief arising from domestic violence, sexual assault or stalking.

An employee shall have his/her accumulated sick leave balance reduced by an amount equal to the number of hours of sick leave hours used. Limited service and part-time employees must complete 90 days of service with the City before they are eligible to use any accrued sick leave.

10.3.5 Notification

To be eligible to receive paid sick leave, employees must provide reasonable advance notice of a foreseeable absence (e.g. a doctor's appointment). When an employee requests to use the sick leave for an unforeseeable absence, the employee shall notify his/her Department Director or supervisor prior to the time set for reporting to work, or as soon as the employee is aware that he/she will be unable to report to work, including the reason for requiring such leave. Failure to reasonably provide notice, or otherwise comply with this Rule, may be grounds for denial of such leave with pay.

10.3.6 Proof of Illness/Injury

An employee may be required by his/her Department Director or designee to submit a statement/certificate from his/her attending physician or dentist stating the cause of the absence and that the employee is or was incapacitated and unable to perform his/her duties during the period of the employee's absence. The City has the right to determine by reasonable means and consistent with state and/or federal law, the validity of any sick leave usage by any employee.

If it is determined that an employee has engaged in the abuse of sick leave, the employee may be subject to disciplinary action up to and including termination. Abuse of sick leave means the misrepresentation of the actual reason for taking sick leave, using sick leave for unauthorized purposes, failure to report or record sick leave, and may include chronic, persistent, or patterned use of sick leave.

10.3.7 Release to Return to Work

An employee returning from the use of sick leave may be required to provide a statement/certification from his/her attending physician attesting to the employee's ability to resume work. If an employee is not released to full duty, the employee may be required to provide a written statement from his/her attending physician that specifically defines the employee's functional limitations. The City may, when consistent with state and/or federal law, require a fitness for duty evaluation of an employee returning from sick leave.

10.3.8 Reporting

Upon return to work, employees shall complete an absence report form including date(s) they were absent from work and the amount of time taken.

10.3.9 Deductions

Deductions from accrued sick leave banks will be made based on the actual hours the employee is absent from work and consistent with these Rules, official City policy, any applicable memorandum of understanding, and/or federal or state law.

10.3.10 Accumulation

Sick leave may be accumulated without limit, subject to these Rules, official City policy, and/or applicable memorandum of understanding.

10.3.11 Sick Leave Use During Vacation

Employees who take vacation leave and become injured or sick may change the appropriate portion of their vacation leave to sick leave providing that they submit a statement/certificate from the attending physician or dentist supporting the days they were sick.

10.3.12 Sick Leave Incentive

Regular full-time employees that minimize their use of sick leave are eligible to earn extra vacation hours. When an employee has a sick leave balance of 100 hours or more on July 1st and has increased his/her sick leave hours by the number of hours

detailed below between July 1st and June 30th of the fiscal year, the employee will receive vacation accrual hours as scheduled below:

<u>Increased Sick Leave Hours by:</u>	<u>Vacation Hours Earned:</u>
64	4
80	8
90	12

Sick leave that has been donated through the Catastrophic Leave Program (Council/Administrative Policy No. 20-10) will not be included when calculating an employee's eligibility for sick leave incentive awards. Part-time and Limited Service employees are not eligible to participate in this incentive.

10.3.13 Catastrophic Leave Program

A regular employee may be eligible to receive donations of paid leave to be included in the employee's sick leave balance if she/he has suffered a catastrophic illness or injury which prevents the employee from being able to work. A catastrophic illness or injury is a medically certified illness, injury impairment, or physical or mental condition that prevents an eligible employee from returning to work for a period of 30 or more calendar days.

A regular employee may be eligible to access these benefits in the event of a Hardship Case that requires them to be off work due to a Family and Medical Leave Act (FMLA) and/or California Family Rights Act (CFRA) qualified leave after the employee has exhausted all of their own leave accrual balances.

The City's policy is set forth in Council/Administrative Policy No. 20-10, Catastrophic Leave Policy.

10.3.14 Forfeiture Upon Termination

Employee's leaving the City service shall not be paid for accumulated sick leave, except as provided in Council/Administrative Policy No. 20-12, Sick Leave – Conversion to Deferred Compensation/Cash at Retirement. Any remaining credited sick leave after conversion will be reported to PERS.

If an employee's employment ends with the City and, subsequently, the employee is rehired by the City within one

year of the date of separation, then up to 24 hours of previously unused sick leave hours from when the employee original left employment with the City will be reinstated. Unused sick leave hours do not include any hours which were paid or converted under Council/Administrative Policy No. 20-12.

10.3.15 Forfeiture Upon Termination

Employee's leaving the City service shall not be paid for accumulated sick leave, except as provided in Council/Administrative Policy No. 20-12, Sick Leave – Conversion to Deferred Compensation/Cash at Retirement. Any remaining credited sick leave after conversion will be reported to PERS.

10.4 Non-Industrial Accident/Illness Medical Leave

Upon depletion of any accumulated sick leave for an injury or illness and upon the recommendation of the employee's Department Director, an employee may be placed on medical leave of absence without pay for a period not to exceed sixty (60) days. If the employee is unable to return to work at the end of this period, he/she may request further medical leave which will be subject to approval by the City Manager. Such request must be supported by medical certification from the employee's treating physician. If further leave is granted, the employee must submit additional certification from a health care provider notifying the City of his/her status and intent to return to work every thirty (30) days. The City has the right to determine by reasonable means, including a fitness for duty examination, consistent with state and/or federal law, the need for such leave at any time and/or the employee's ability to resume work. Unpaid medical leave under this section may run concurrently with any FMLA/CFRA Leave, Pregnancy Disability Leave, or Workers' Compensation Leave to which the employee may be entitled. This section will be applied consistent with state and federal law.

10.5 Industrial Injury/Illness Leave

10.5.1 Employees Not Covered by Labor Code Section 4850 – Non-Sworn Employees

Employees, other than those covered by Labor Code section 4850, who are absent from work by reason of an injury or illness covered by Workers' Compensation, shall continue in pay status under the following provisions:

- 10.5.1.1 The difference between the amount granted pursuant to such Workers' Compensation and the employee's regular rate of pay may be deducted from the employee's accumulated sick leave until depleted, when authorized by the employee, as well as for vacation days, personal holidays and compensatory time, if any.
- 10.5.1.2 Such an employee will continue in pay status and receive his/her regular rate of pay until his/her accumulated sick leave, and authorized compensatory time, personal holidays and vacation days, have been depleted to the nearest hour.
- 10.5.1.3 During the time the employee is in paid status while absent from work by reason of injury or illness covered by Workers' Compensation, he/she shall continue to accrue sick leave and vacation benefits as though he/she were not on leave of absence, but shall not receive credit for holidays, including personal holidays.
- 10.5.1.4 Any employee subject to this Rule who depletes his/her accumulated sick leave, compensatory time, personal holiday time and vacation days to maintain pay status while absent from work by reason of an injury or illness covered by Workers' Compensation may be granted unpaid leave of absence and continuation of healthcare benefits consistent with these Rules, official City policy, and state and/or federal law.
- 10.5.1.5 Disability retirement may be requested by the City consistent with state and/or federal law.

10.5.2 Employees Covered by Labor Code Section 4850 – Sworn Police Employees

Employees covered by Labor Code Section 4850 *et seq* will be allowed up to one year leave of absence for an industrial injury or illness without loss of salary in lieu of disability payments, consistent with state law.

10.5.2.1 An employee covered by Labor Code Section 4850 who is absent from work by reason of an industrial injury or illness will continue to accrue sick leave and vacation benefits, as well as receive consideration for normal salary increases as though he/she was not on leave of absence.

10.5.2.2 Whenever the injury or illness continues beyond the one-year period, the difference between the amount granted pursuant to such Workers' Compensation and the employee's regular rate of pay may be deducted from the employee's accumulated sick leave, until depleted, when authorized by the employee, as well as for vacation days, personal holidays and compensatory time, if any. Thereafter, the employee may be granted unpaid leave of absence and continuation of healthcare benefits consistent with these Rules, official City policy, and state and/or federal law.

10.5.2.3 Disability retirement may be requested by the City consistent with state and/or federal law.

10.6 Family and Medical Leave Act ("FMLA") and California Family Rights Act ("CFRA") Leave of Absence

The City provides FMLA/CFRA leaves of absence consistent with state and/or federal law. Refer to Council/Administrative Policy No. 20-19, Family and Medical Leave Policy.

10.7 Pregnancy Disability Leave ("PDL")

The City provides pregnancy disability leave consistent with state law. Refer to Council/Administrative Policy No. 20-22, Pregnancy Disability Leave Policy.

10.8 Bereavement Leave

In the case of death within the immediate family of an employee, such employee shall be entitled to remain absent from duty with pay in order to attend the funeral, memorial service, or take care of family affairs related to the death for three calendar days for each such bereavement. Upon the death of an employee's household member, or if travel to another state is required, five consecutive workdays may be granted for each such bereavement. Upon the death of an employee's immediate family member that resides outside of the continental United States, an employee shall be granted up to ten consecutive calendar days for each such bereavement.

The "immediate family" of an employee is defined as: parents, step-parents, parents-in-law, spouse, domestic partner, child, step-child, child of domestic partner, brother, sister, grandparents, grandparents-in-law, grandchildren, brother/sister in-law, son/daughter-in-law, legal guardian, or a person who is at least fifty percent dependent on an employee.

A "household member" of an employee is defined as: an immediate family member resides with the employee. This means that the household member sleeps there, receives mail there, banking information reflects the employee's address, all of the household members personal belongings are kept there. A household member does not include an immediate family member that is simply staying with the employee for a short period of time, such as during vacation or for a short duration such as a few weeks or months.

Leave of absence with pay because of a death in an employee's immediate family is allowed solely for the purpose of attending funeral, memorial services, or to take care of family affairs related to the death; such leave shall not be charged against vacation or sick leave which an employee may be entitled to, but shall be in addition thereto.

10.9 Military Leave

Military leave shall be granted in accordance with the provisions of federal and state law. All employees entitled to military leave shall give the Personnel Officer an opportunity, within the limits of the law, to determine when such leave shall be taken. Whenever possible, the employee involved shall notify his/her department of such leave request at least ten (10) working days in advance of the beginning date of such leave.

10.10 Subpoenaed Witness Duty

Regular or probationary non-police employees who are subpoenaed to appear as witnesses as a result of their City employment, shall be granted a leave to attend, upon presentation of the subpoena to the Department Director and City Attorney. Such employees shall receive full pay for such appearances, provided the employee presents the subpoena to the City Attorney for review to determine if properly served. Money received by the employee as a witness must be deposited with the Finance Office. Compensation for expenditures of the employee for mileage or subsistence allowances, shall not be considered as a fee and shall be retained by the employee.

10.10.1 Witness Duty – Not Employment-Related. An employee required by court order to serve as a witness, who is not a party to the action, will be granted leave and will receive full pay upon providing documented evidence to the Human Resources Division of notice to serve and of service. Money received by the employee as a witness must be deposited with the Finance Office. However, reimbursement for mileage or subsistence expenses by the court may be retained by the employee.

10.11 Jury Duty

Employees who are called for jury duty or subpoenaed to testify as a witness will be given leave to fulfill their civic obligations. Upon receipt of a proposed jury summons, employees must notify their supervisor and the Human Resources Division. If an employee is called as a juror during a particularly busy time in the office, the City may ask the employee to request the court to postpone his/her jury duty to a more convenient time, as permitted by law. Regular or probationary employees required to report for jury duty shall be granted paid leave for such purpose. Regular or probationary employees shall receive full pay for the time served on a jury, provided the employee remits to the City all fees as soon as received by the employee for such duties. Compensation for mileage or subsistence allowances shall not be considered as a fee and shall be retained by the employee. If an employee is required to report to jury duty within 2 ½ hours of the scheduled start of the workday, the employee is not required to report to work at the start of the workday, but shall report directly to jury duty. If an employee is released from jury duty with more than one-half of his/her workday remaining, the employee is required to report to work to complete the regularly scheduled workday. Jury duty leave is unpaid for Limited Service employees.

10.12 School Visit Leave

An employee who is a parent, grandparent or duly appointed guardian with custody of a child in a licensed day care facility or in kindergarten through 12th grade may be granted approval to use up to 40 hours of their accrued leave in a 12-month period (not to exceed 8 hours in one month) to visit the school site, if reasonable prior notice is given to the Department Director and the business needs of the City permit the employee's absence. Written proof of the date and time of the visit signed by an appropriate school official may be required to be provided to the supervisor on return to the job. Additionally, a parent, grandparent, or guardian of a child may take time off to appear at a school in connection with the suspension of a child. The employee must use available accrued vacation or compensatory leave or personal holiday time when they are away from work due to this type of leave. If accrued leave is exhausted, the employee's supervisor may recommend an alternative work schedule to accommodate the leave as consistent with state and/or federal law, and any applicable memorandum of understanding, or the leave will be unpaid.

10.13 Voting Leave

Any employee, if he or she does not have sufficient time outside of working hours to vote, may request up to two (2) hours of paid leave either at the beginning or end of scheduled working hours to enable him/her to vote.

10.14 Leave of Absence Without Pay

Leave of absence without pay may be granted in cases of emergency or where such absence would not be contrary to the best interests of the City. Such leave is not a right, but a privilege. Employees on authorized leave of absence without pay may not extend such leave without express approval of the City Manager. Leave of absence without pay for one (1) work week or less may be granted by the Department Director, depending on the merit of the individual case. Leave of absence without pay in excess of one (1) work week's duration may be granted by the City Manager at his/her discretion, but such leave shall not normally exceed a total of twelve (12) months duration unless authorized by the City Manager. Each request for extension of leave without pay is considered individually and an original authorization is not precedent setting. Employees have no greater rights to reinstatement, benefits and other conditions of employment than if the employee had been continuously employed during the period of time they were away from the workplace.

10.15 Other Leaves Required By Law

The City provides other paid and unpaid leaves of absence as required by state and/or federal law.

10.16 Effect of Authorized Leave of Absence Without Pay

Authorized leave of absence without pay shall not be construed as a break in service for the purpose of calculating employment seniority. Unless specified otherwise, rights accrued at the time the leave is approved shall be retained by the employee. However, for all non-military leaves of absence without pay, unless required by law, vacation credits, sick leave credits, holidays, health benefits, cash in-lieu of health benefits, and retirement benefits, increases in salary, and other similar benefits shall not accrue to a person that is on authorized leave of absence without pay unless authorized by the City Manager. In the event the City Manager authorizes continuation of some or all of the benefits listed herein, such authorization shall not set a precedent for other requests or extensions. Each request is considered individually. Time spent on such leave without pay shall not count toward service within the pay range and the employee's salary anniversary date shall be set forward a period of time equal to the employee's total absence as adjusted to the beginning of the closest pay period.

RULE 11. DISCIPLINARY ACTION

11.1 Application

This Rule applies to all City employees, unless otherwise provided in these Rules, an applicable memorandum of understanding, or Department Policy. This Rule does not apply to the City Manager, Assistant City Manager, City Attorney, Assistant City Attorney, Deputy City Attorney, Department Directors, designated Assistant and Deputy Directors, Sworn Police Personnel, or Limited Service Employees.

11.2 Disciplinary Action

The City Manager, Assistant City Manager, City Attorney, Department Director's or other person designated by the City Manager may take disciplinary action as specified in this Rule. Disciplinary Action may include any one or any combination of actions, and the actions need not be applied in any particular order.

11.2.1 City Employees (Other than sworn police personnel)

"Disciplinary Action" for purposes of this Rule for City employees who are not sworn police personnel shall be defined as reduction in salary, demotion, suspension, including full day suspensions of one or more days, or discharge. Discipline of exempt employees will be imposed consistent with federal law.

11.2.2 Sworn Police Personnel Refer to the Brentwood Police Department Policy Manual, Disciplinary Policy for more information. The Administrative Appeals process related to discipline for sworn police personnel is also located in the Brentwood Police Department Policy Manual.

11.3 Causes for Disciplinary Action

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

11.3.1 Fraud in securing appointment;

11.3.2 Neglect of duty;

11.3.3 Insubordination;

11.3.4 Dishonesty;

11.3.5 Drunkenness, intoxication on duty, and/or consumption of alcohol on duty;

- 11.3.6 Possession, distribution, sale or use, or being under the influence of, illegal drugs while on City property or City business;
- 11.3.7 Absence without leave including failure to return to work as scheduled upon expiration of an authorized leave of absence and/or taking sick leave without a doctor's certification when one is required, abuse of sick leave, or excessive absenteeism.
- 11.3.8 Conviction of a felony or any crime involving moral turpitude. A plea of guilty or a plea of nolo contendere is deemed to be a conviction for purposes of this section;
- 11.3.9 Immorality – actions that demonstrate lack of conformance to personal behavior that meets standards which support morally acceptable behavior as defined in policy, procedure, rule or regulation, state or federal law;
- 11.3.10 Discourteous treatment of the public, or other officers or employees of the City;
- 11.3.11 Improper political activity as defined by California law, Government Code Sections 3201 – 3209 that governs improper conduct related to elections and political activity;
- 11.3.12 Willful violation of safety, endangering property and/or persons;
- 11.3.13 Unauthorized or misuse of City property or equipment;
- 11.3.14 Inefficiency such as failure to perform duties required of an employee within his/her position, or, incompetency such as failure to comply with the minimum standard of an employee's position;
- 11.3.15 Mental or physical infirmity or limitation that renders the employee unfit for the proper performance of his/her duties, as allowed by state and federal laws;
- 11.3.16 Misuse, misappropriation, theft or embezzlement of City property and/or funds;
- 11.3.17 Failure to obtain and/or maintain a certificate or license which is required by law in connection with his/her employment;
- 11.3.18 Breach of confidentiality;

- 11.3.19 Violation of any provisions of these Rules, official City policies and/or workplace conduct rules, and/or departmental policies, rules, procedures and/or regulations;
- 11.3.20 Refusal to take or subscribe to any oath or affirmation which is required by law in connection with City employment; and/or
- 11.3.21 Any other acts or omissions either during or outside of duty hours which are incompatible with or unfavorable to the public service.

11.4 Disciplinary Procedure – Regular Employees

The procedures set forth in Rule 11.4 apply only to regular City employees serving in the Classified Service and to "Disciplinary Action" as defined in this Rule. These procedures do not apply to the City Manager, Department Directors, designated Assistant and Deputy Directors, City Attorney, Assistant or Deputy City Attorney, Sworn Police Personnel, probationary employees or Limited Service employees, who do not have any express or implied property interest in their employment and may be disciplined without the procedural or appeal rights set forth in Rule 11.4. Brentwood Police Department employees are subject to the provisions of the Police Department Discipline Policy and Administrative Appeals Policy.

11.4.1 Notice of Proposed Disciplinary Action

Written notice of the proposed Disciplinary Action to be imposed shall be served on a regular employee personally or sent to his/her address of record by Certified Mail not less than ten (10) calendar days prior to the date of the proposed action. If served by Certified Mail, such notice shall be effective and constitute receipt by the employee upon deposit in the United States Post Office.

Such formal notice shall include:

- 11.4.1.1 A statement of the nature of the Disciplinary Action to be taken;
- 11.4.1.2 A statement of the causes therefore;
- 11.4.1.3 A statement of the act(s) or omission(s) upon which the causes are based;
- 11.4.1.4 A copy of the materials upon which the Disciplinary Action is based; and
- 11.4.1.5 A statement informing the employee of his/her right to appeal the decision as provided in these Rules.

11.4.2 Right to Respond

Any regular employee shall have the right to respond, either orally or in writing, to the authority imposing Disciplinary Action and have the response considered prior to the discipline being imposed. Unless otherwise specified in writing by the authority proposing discipline, such a response must be made within ten (10) calendar days after receipt of the written notice of the proposed Disciplinary Action. Failure to respond within such period constitutes a waiver of the right to respond. However, failure to respond shall not affect the employee's right to appeal the Disciplinary Action as provided in Section 11.4.3 of this Rule. After reviewing the employee's response, if any, the authority imposing discipline shall formally notify the employee in writing of his/her decision to dismiss, modify or impose the proposed discipline. The specified discipline, if any, may be imposed after a Notice of Discipline has been served on the employee.

11.4.3 Right of Appeal

Any regular employee shall have the right of appeal from any Disciplinary Action under this Rule. Such appeal must be filed in writing with the City Manager within five (5) calendar days of the date of service of the Notice of Discipline. Failure to file an appeal within such period constitutes a waiver of the right of appeal. Filing a notice of appeal shall not stay the imposition of discipline.

11.4.4 Appeal Hearing

11.4.4.1 Scheduling the Hearing

If the employee files a notice of appeal, an evidentiary hearing before a neutral hearing officer arranged for by the Human Resources Manager shall be scheduled within twenty calendar days after receipt of the notice of appeal, if possible. The hearing will commence as expeditiously as it can be arranged.

11.4.4.2 Conduct of Hearing

The hearing officer shall determine the procedures under which the hearing will be conducted. Such procedures shall comply with the provisions of these Rules. Both the City and the employee may call witnesses and present evidence that they deem

necessary and appropriate. The hearing shall be closed to the public.

11.4.4.3 Advisory Findings

The findings of the hearing officer shall be rendered within thirty (30) calendar days of the hearing, or within a reasonable time thereafter, and shall be advisory only to the City Manager. In the event that the discipline was imposed by the City Manager, the hearing officer's findings shall be advisory to the City Council. The City Council shall make the final decision. Nothing in these Rules shall be construed as to bind the City, City Manager or City Council to any findings of the hearing officer.

11.4.5 Decision

11.4.5.1 City Manager

The City Manager shall render a written decision after receiving the advisory findings of the hearing officer. The City Manager's decision shall be final and conclusive. A copy of such decision shall be forwarded to the appellant.

11.4.5.2 City Council

In the event the discipline was imposed by the City Manager, the City Council shall consider the advisory findings of the hearing officer and shall render a final and conclusive decision. A copy of such decision shall be forwarded to the appellant.

11.4.6 Failure of Employee to Appear at the Hearing

Failure of the employee to appear at the hearing shall be deemed a withdrawal of his/her appeal and a waiver of the right to appeal.

11.4.7 Representation

The employee may represent himself/herself at the hearing, or be represented by counsel or another representative.

11.5 Actions Not Subject to Rule 11

11.5.1 City Employees (other than sworn police personnel)

11.5.1.1 Verbal Reprimand

Employees receiving a verbal reprimand may have it noted in their departmental record by the Department Director. Verbal reprimands are not subject to appeal.

11.5.1.2 Written Reprimand

Employees receiving a written reprimand shall have a copy of the reprimand filed in their permanent personnel record for future reference. Employees who receive written reprimands may attach written responses to the reprimand which shall also become part of the employee's permanent personnel record. Written reprimands are not subject to appeal.

RULE 12. GRIEVANCE PROCEDURE

12.1 Definition of Grievance and Matters Subject to Procedure

A “grievance” is an alleged violation, misinterpretation, improper application or non-compliance with these Rules, or other official City policies or departmental rules, affecting the status or working conditions of City employees, filed by one or more employees.

Any City employee shall have the right to present a grievance under this Rule concerning matters for which an appeal or grievance procedure is not otherwise provided, or an appeal or grievance is not otherwise prohibited, under these Rules, a memorandum of understanding, or other official City policy or procedure. If another appeal or grievance procedure is applicable to the subject matter of the grievance under these Rules, a memorandum of understanding, or other official City policy or procedure, then the other appeal or grievance procedure shall supersede the grievance procedure set forth here. Management Rights provisions specified in the Employer-Employee Relations Resolution are not subject to the grievance procedure. Similarly, the grievance resolution procedures do not apply to performance evaluations, performance-based salary determinations, or disciplinary matters.

12.2 Reporting Time Limitation

An employee who wishes to initiate the grievance process must bring the grievance to the attention of his/her supervisor within ten (10) days after the grievant knew, or reasonably should have known, of the circumstances which form the basis for the grievance. Failure to do so will render the grievance null and void.

12.3 Informal Resolution Procedure

To initiate informal discussion of a grievance, the employee shall provide the supervisor with a written description of the circumstances causing the grievance within the timeframe set forth in Section 12.2. Within ten (10) days after the receipt of the grievance, the supervisor and the employee shall discuss the grievance collaboratively and attempt to mutually identify a resolution of the perceived problem. Within ten (10) days after the meeting, the supervisor shall provide the grievant with a written memorandum of the meeting, stating the resolution identified, if any. Employees must complete the informal resolution process prior to submitting a formal grievance.

12.4 Formal Grievance Procedure

If the employee and supervisor are unable to resolve the grievance by the informal resolution procedure, the employee may request formal resolution of the grievance.

12.4.1 Written Grievance

A written grievance shall be submitted within ten (10) days of the completion of the informal resolution process to the Human Resources Manager, with a copy to the employee's immediate supervisor. The grievance shall contain the following information:

12.4.1.1 A description of the specific grounds of the grievance, including names, dates and places necessary for a complete understanding of the grievance;

12.4.1.2 A listing of the provisions of City Rules, ordinances, policies and/or procedures which are alleged to have been violated;

12.4.1.3 A listing of the reasons why the immediate supervisor's proposed resolution of the problem is unacceptable; and

12.4.1.4 A listing of specific actions requested of the City, which will remedy the grievance.

12.4.2 Grievance Meeting

The Assistant City Manager shall meet within ten (10) working days with the employee and the supervisor, separately or together, at the discretion of the Assistant City Manager, to resolve the subject of the grievance. The Assistant City Manager shall issue a written decision concerning the grievance within ten (10) working days from the date of the last meeting with either the employee, supervisor or both.

12.5 Appeal Process

The employee may submit a written appeal to the City Manager if the Assistant City Manager's decision does not resolve the grievance to the employee's satisfaction. The employee appeal must be presented within ten (10) days after receipt of the formal grievance decision. The appeal shall include the subject of the grievance and all supporting documents. If

the City Manager was the supervisor involved in the informal grievance resolution procedure, he/she shall designate a qualified uninvolved individual to hear the appeal. If no appeal has been submitted within ten (10) days from the date of receiving the formal decision, the Assistant City Manager's formal decision shall be considered as final.

12.6 City Manager Decision

Upon receipt of an appeal of a formal grievance, the City Manager or designee shall discuss the grievance with the employee, the supervisor or Department Director, and any other involved parties, if any. The City Manager or designee shall render a formal decision in writing to the employee within ten (10) days after receipt of the appeal. Such a decision shall be considered final.

12.7 Representation

The employee shall be entitled to one representative at grievance meetings. The employee and the employee's representative may be allowed to use a reasonable amount of work time (as determined by the Department Director) for the meetings involved in the grievance process.

12.8 Freedom from Reprisal

The employee shall be assured freedom from reprisal or retaliation for utilizing the grievance procedure.

RULE 13. TERMINATION/SEPARATION/LAYOFF FROM CITY SERVICE

13.1 Resignation from City Service

Employees are expected to provide reasonable written notice (usually a minimum of two weeks) of their intent to resign and to be physically present and actively at work up through their date of resignation. The written notice shall state the effective date and reasons for leaving and shall be submitted to the Department Director, to be forwarded to the Human Resources Division for processing and filing. Failure to provide such reasonable notice shall be noted in the personnel file and may be cause for denying future employment by the City. Such notice is final when given and may not be rescinded absent approval of the City Manager.

13.2 Retirement from City Service

Retirement from the City service shall be subject to the terms and conditions of the City's contract with the Public Employees' Retirement System (PERS), and consistent with state and federal law.

An employee planning to retire from the City shall provide a written notice to the Department Director, to be forwarded to the Human Resources Division for processing. Such notice should be provided, whenever possible, at least sixty (60) calendar days prior to the effective date of retirement. Such notice is final when given and may not be rescinded absent approval of the City Manager.

13.2.1 Sick Leave Conversion to Deferred Compensation/Cash at Retirement

It is the policy of the City to provide retiring employees a one-time cash payment of a portion of the unused accrued sick leave earned during their term of employment with the City, as set forth in Council/Administrative Policy No. 20-12.

13.3 Termination – Absence Without Leave

Absence without leave for more than five (5) consecutive work days or shifts, may be deemed to be a resignation, and may result in automatic termination of employment. The employee will be given written notice and an opportunity to be heard by the City Manager, or other neutral decision maker designated by the City Manager, prior to any termination taking effect. Such termination shall be final and without right of appeal or hearing, unless the employee furnishes reasons satisfactory to the City Manager for not having obtained prior permission.

Additionally, any unauthorized absence may be cause for Disciplinary Action as provided in Rule 11.

13.4 Termination -- Disciplinary

An employee may be terminated based on Disciplinary Action pursuant to Rule 11.

13.5 Release of Probationary Employees

Probationary employees may be terminated as recommended by the Department Director, approved by the City Manager for any reason, or no reason, at any time, with or without notice, and without any right of appeal or the right to submit a grievance.

13.6 Release of Limited Service Employees

Limited Service employees may be terminated by the Department Director or City Manager for any reason, or no reason, at any time, with or without notice, and without any right of appeal or the right to submit a grievance.

13.7 Separation -- Non-Disciplinary

Regular employees may be terminated by the Personnel Officer for reasons other than cause for disciplinary action, including but not limited to, physical and/or mental inability to perform the essential functions of the employee's job, with or without reasonable accommodation. Regular employees terminated pursuant to this section shall be given a written statement of the reasons for such termination, the right to respond either orally or in writing to the individual imposing the termination prior to the termination taking effect, and may appeal such action in the manner provided in Rule 11.

13.8 Layoff

An employee may be terminated (laid off) by the Personnel Officer, consistent with state and federal law, for the following reasons: a shortage of work; lack of funds; material change in duties or organization; in the interest of economy; to reduce the staff of any City function or the return of another City employee occupying the same position from a leave of absence.

The Personnel Officer in consultation with the Department Director, shall make reasonable efforts to give primary consideration to (a) business necessity or (b) seniority, specifically used as a tie-breaker, whenever reductions in force are necessary. Employees shall normally be given at

least thirty (30) days notice of a proposed reduction in force, except where necessary to protect the public and carry out the City's mission.

The decision to lay off an employee(s) is not subject to any right of appeal or right to submit a grievance. Refer to Council/Administrative Policy No. 20-20, Layoff Policy and Procedure.

13.9 Return of City Property

Upon notice of the departure of an employee, the Human Resources Division will attempt to provide the employee with an Exit Checklist form. Notwithstanding the Exit Checklist form, the employee shall return all City-issued property to the appropriate department. Such returned City-issued property may include, but is not limited to: keys, key fobs, identification cards, equipment, credit cards, gas cards, cell phones, pagers, and other City-owned property. As stated on the Exit Checklist form, all equipment must be returned and signatures obtained by the appropriate department with the completed form submitted to the Human Resources Manager prior departure from employment or within 24 hours of departure from City employment.

13.10 Job References

All reference inquiries regarding current and former City employees shall be referred to and approved by the Human Resources Division. Unless the Human Resources Division receives a written waiver signed by the City employee or former City employee, only the employee's dates of employment, positions held, and last salary rate will be disclosed to the person or entity making the inquiry.

RULE 14 MISCELLANEOUS

14.1 Gifts and Gratuities

City employees may not accept gifts and/or gratuities as a result of the position they hold or in anticipation of their performance of duties. The City's policy on gifts and gratuities is set forth in Council/Administrative Policy No. 20-3, Gifts and Gratuities.

14.2 Outside Employment

No City employee shall engage in any outside employment activity or enterprise, except as approved by the City pursuant to Council/Administrative Policy No. 20-6, Outside Employment.

14.3 Political Activity

The political activity of City employees shall be governed by the appropriate provisions of state law.

14.4 Conflict of Interest

No City employee shall engage in any business transaction or shall have a financial interest, direct or indirect, which is incompatible with the proper discharge of his/her official duties in the public interest or would tend to impair his/her independence of judgment or action in the performance of his/her official duties. The City's Conflict of Interest Code is set forth as adopted by City Council Resolution.

14.5 Safety Program

A workplace safety program shall be established consistent with the City's legal obligations under state and federal law. The City Manager shall be responsible for developing, implementing and administering the safety program for the City. The City's workplace safety program and accident reporting procedure are set forth in Council/Administrative Policy No. 70-1, Accident Reporting, and Council/Administrative Policy No. 70-2, Injury Prevention Program.

14.6 Personnel Files

The City provides access to employee personnel files consistent with state and federal law, and consistent with any applicable memorandum of understanding.