

CITY OF SAN RAMON



PERSONNEL RULES & REGULATIONS

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CHAPTER ONE

GENERAL

SECTION 101 ADOPTION OF RULES AND REGULATIONS

The following Rules and Regulations have been approved by the City Council by resolution.

SECTION 102 POWERS OF THE CITY MANAGER

In accordance with the Personnel System established by ordinance, the City Manager as Appointing Authority has general control and supervision over the affairs of the City; the authority to establish rules and regulations, when not in conflict with these Rules and Regulations as he deems necessary; for the control and supervision of the affairs of the City; the power to appoint all officers; heads of departments; and the employees of all City departments; and to remove the same for cause; subject to these Rules and Regulations; and those reserved to the City Council by City ordinance. The City Manager may delegate to the Department Head the authority to appoint persons to the municipal service.

The City Manager may delegate to a Personnel Officer the authority to administer the Classification Plan and the Salary and Wage Plan; implement the examining program and such other aspects of the overall personnel program as are necessary.

SECTION 103 PURPOSE AND POLICY

The purpose of the Rules and Regulations is to facilitate effective and economical services to the public and to provide for a fair and equitable system of personnel management in San Ramon. These Rules set forth in detail those procedures which ensure equal treatment for employees, and define the obligations, rights and privileges, benefits and prohibitions placed upon all City employees.

SECTION 104 PERSONNEL POLICY

It is hereby declared in the Personnel Policy of the City of San Ramon that:

- a. The City of San Ramon maintains a formal merit system governing personnel actions. Employment and promotion will be based on merit and fitness, free of personal and political considerations, and not influenced by race, color, religion, sex, national origin, religious creed, ancestry, gender, age, sexual orientation, marital status, medical condition, disability, political opinion, political affiliation, veteran status, citizenship status, or any other protected status of an individual. These Rules and Regulations and their administration shall be consistent with applicable State and Federal guidelines.

- b. Continued employment of employees covered by these Rules shall be subject to good behavior, satisfactory work performance that meets standards necessary for the performance of work and/or the availability of funds.
- c. Department Heads may create rules and regulations more specific to the department's operations. The department rules, regulations or directives shall not conflict with or supersede any provisions of the Personnel Rules and Regulations. All department rules established by the Department Head shall be approved by the City Manager and a copy be maintained by the Personnel Officer.
- d. In accepting employment with the City of San Ramon, each employee will receive a copy of these Rules and agree to be governed by and to comply with these Rules and Regulations, MOU's, the Injury and Illness Prevention Plan, administrative rules and procedures established by the City Manager pursuant thereto, and rules, regulations and directives of the department in which employed.

SECTION 105 APPLICATION OF RULES AND REGULATIONS

These Personnel Rules and Regulations shall apply to all officers and employees in the "competitive service" of the City. The following categories of persons are excluded from the "competitive service":

- a. Members of the City Council
- b. Members of appointed boards, commission and committees
- c. Persons engaged under contract to supply expert, professional, technical or any other services
- d. Volunteers who receive no compensation from the City of San Ramon
- e. City Manager
- f. City Attorney
- g. Emergency employees who are hired to meet the immediate requirements of an emergency condition, such as extraordinary fire, flood, earthquake, etc., which threatens life or property
- h. Employees, other than those listed elsewhere in this section, who are not employed in regular positions
- i. Temporary or seasonal employees, whether part-time or full-time
- j. Any position primarily funded under a State or Federal employment program

- k. Provisional appointments, Limited Term appointments, or Special Funded appointments
- l. Contractors or Consultants who may be doing business with the City.

Employees not included in the competitive service under this section shall be considered at-will employees and serve at the will of the Appointing Authority. As specified herein, the portions of the Personnel Rules relating to Work Period/Work Hours, Benefits, Fitness for Duty, Leaves and Leaves of Absence, Resignation, Layoff, and Miscellaneous Policies shall apply to the incumbents of positions excluded from the competitive service as set forth above.

SECTION 106 PERSONNEL OFFICER

The City Manager shall be the Personnel Officer and has the authority to designate any other City employee to be the Personnel Officer. The Personnel Officer may delegate any of the power and duties conferred upon him/her as Personnel Officer under this section to any other officer or employee of the City, or may recommend that such powers and duties be performed under contract as provided in Section 111. The Personnel Officer shall:

- a. Administer all the provisions of the Personnel Ordinance and of the Personnel Rules and Regulations not specifically reserved to the City Council.
- b. Prepare and recommend to the City Council, Personnel Rules and revisions and amendments to such Rules.
- c. Prepare or cause to be prepared a Position Classification Plan, including class specifications and revisions of the Plan.
- d. Create appropriate policies and procedures to implement these Rules and Regulations, including but not limited to, recruitment and selection procedures for the filling of positions in the competitive service, consistent with the merit and fair employment principle.

SECTION 107 PERSONNEL RECORDS AND REPORTS

a. Personnel Records

The Administrative Services Department shall maintain a service or personnel record for each employee in the service of the City showing the name, title of the position held, the department to which the employee is assigned, salary, changes in employment status, employee performance reviews, and such other information as may be considered pertinent.

Information in the employee's personnel file is confidential and will not be revealed to outside sources except as required by law or with the consent of the employee. Upon request, an employee may inspect his/her personnel file during normal working hours at

the Personnel Office. The file may not be removed from the Personnel Office. Upon written request, employees may obtain copies of materials maintained in their personnel files.

b. Change of Status Report

Every appointment, transfer, promotion, demotion, change of salary rate, and any other temporary or permanent change in status of employees shall be reported to the Administrative Services Department in such a manner as the Personnel Officer prescribes.

SECTION 108 CONFLICT OF RULES AND MEMORANDUM OF UNDERSTANDING

In the event that one or more provisions of the Rules and Regulations contradict provisions included in a Memorandum of Understanding as approved 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 the Rules and Regulations and a department policy or regulation, these Rules and Regulations will prevail.

SECTION 109 RIGHTS OF MANAGEMENT

The adoption of these Rules and Regulations shall not be deemed a waiver or surrender of any management prerogative in relation to the organization or the necessity of any department or position.

SECTION 110 VIOLATION OF PERSONNEL RULES AND REGULATIONS

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

SECTION 111 RIGHT TO CONTRACT FOR SERVICES

The City Manager shall consider and make recommendations to the City Council regarding the extent to which the City should contract for the performance of services. The City Council may contract with any qualified person or public or private agency for the performance of all or any City service.

SECTION 112 SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of these Personnel Rules and Regulations is, for any reason, held to be invalid or unconstitutional by the decision of any court or competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Personnel Rules and Regulations.

SECTION 113 RESPONSIBILITY

Each employee will be given a copy of these Rules and Regulations and is responsible for reading and complying with these Rules and Regulations.

CHAPTER TWO
DEFINITION OF TERMS

SECTION 201 DEFINITIONS

The following terms, whenever used in these Rules and Regulations, shall be defined as follows:

ADMINISTRATIVE LEAVE shall mean leave with pay granted to certain employees.

ADVANCEMENT shall mean a merit salary increase within the limits of a pay range established for a class.

ANNIVERSARY DATE shall mean for the purpose of salary consideration, the date on which an employee is eligible for a performance review. This date may change as set forth in these Rules and Regulations.

APPLICANT shall mean a person who has filed an application for a position with the City.

APPOINTED OFFICIAL shall mean the City Manager, and City Attorney and any other positions not covered by competitive service. (i.e. Board/Committee members, Commission members etc.)

APPOINTMENT shall mean the employment of a person in a position.

APPOINTING AUTHORITY shall mean the City Manager, his/her delegate or any official who has the authority to make appointments to the position to be filled. The Appointing Authority shall be the final authority to demote, dismiss, reduce in pay or suspend without pay, any employee in the competitive service.

CANDIDATE shall mean an applicant who has been accepted for participation in a competitive examination.

CITY shall mean the City of San Ramon.

CITY SERVICE shall mean all positions and employment in the service of the City of San Ramon.

CLASS (CLASSIFICATION) shall mean a position or group of positions sufficiently similar in duties and responsibilities that the same title, qualifications, test of fitness and salary range can be applied.

CLASSIFICATION PLAN shall mean the classes of positions in the classified service defined by class specifications; including the title.

COMPENSATION shall mean the salary, wage, allowances and all other forms of valuable consideration earned by or paid to any employee in remuneration for services in any position, but does not include any allowances authorized and incurred incidental to employment.

COMPETITIVE EXAMINATION shall mean an examination in which one or more candidates are in competition, either with each other or against a standard established by the Personnel Officer, as a minimum which candidates must possess in order to competently perform the duties of the position.

COMPETITIVE SERVICE shall mean all regular and probationary part-time and full-time employees and positions which are included or may be included under the personnel system by ordinance or resolution.

COMPRESSED WORK WEEK shall mean a schedule, approved by the Department Head and City Manager that is different than the standard work week of ten (10) workdays over a two (2) week period consisting of seven and one half (7.5) hours of work per day. The compressed work week schedule permits employees to take one (1) or more full work days off on alternate weeks and does not impact the City's operational hours of remaining open five (5) days of the week. Over a two (2) week period, the compressed work week shall not exceed seventy five (75) hours. Compressed work week schedules are subject to periodic review by the Department Head. Compressed work week schedules are intended to benefit the organizational operations of the City and are subject to the discretion of the Department Head.

DEMOTION shall mean a change in status of an employee from a position in one class to a position in a different class having lesser duties and responsibilities, lower qualifications, or lower maximum rate of pay.

DEPARTMENT is a member of the Executive Management team and shall mean the person who administers the operation of a City department and who is directly responsible to the City Manager.

DEPARTMENT RULES AND REGULATIONS shall mean rules and regulations promulgated by the Department Head and approved by the City Manager, designed for specific types of activities and department operations.

DISCHARGE shall mean the involuntary separation of an employee from the service of the City.

DISCIPLINARY ACTION shall mean an action taken against an employee for cause, and shall include discharge, demotion, and reduction in salary, official reprimand, suspension or disciplinary probation.

DISMISSAL shall mean the separation of an employee from employment during his/her probationary period.

DIVISION shall mean a major unit of the municipal organization within a department.

ELIGIBILITY shall mean a candidate whose name is recorded on an eligibility or reinstatement list.

ELIGIBILITY LIST shall mean a record of the names of persons who have been found qualified through suitable examination for employment in a specific class.

EMPLOYEE shall mean a person legally occupying a position in the City service. Employment status includes but is not limited to any of the following:

- a. **REGULAR FULL-TIME EMPLOYEE** shall mean a person who has completed probation and is assigned to a position that has been established on a regular full-time, year-round basis.
- b. **PROBATIONARY EMPLOYEE** shall mean an employee working a test period during which he or she is required to demonstrate his or her fitness to perform the duties of the class of position to which he or she is appointed by actual performance of these duties.
- c. **REGULAR PART-TIME EMPLOYEE** shall mean a person employed in a regularly budgeted class of position to which a regular employee may be appointed, and whose normal work schedule is less than the standard hours of work, but at least twenty (20) hours per workweek.
- d. **TEMPORARY EMPLOYEE** shall mean any person appointed to a temporary position or temporarily appointed to an authorized position. Temporary position means an authorized position budgeted or established for a designated period of time or on an hourly, daily, weekly, or seasonal basis. A temporary employee shall not work more than one thousand (1000) hours per fiscal year, including overtime work, unless pre-approved by the City Manager.
- e. **EXEMPT EMPLOYEE** shall mean an employee designated by the Personnel Officer as not being eligible for overtime pay under the guidelines of the Fair Labor Standards Act (FLSA).
- f. **NON-EXEMPT EMPLOYEE** shall mean an employee designated by the Personnel Officer as eligible for overtime pay under the guidelines of the Fair Labor Standards Act (FLSA).
- g. **EMERGENCY EMPLOYEE** shall mean a person employed by the City for a temporary period of time to meet emergencies and in a position not specifically authorized or funded in the budget.
- h. **EXEMPT POSITIONS – OFFICIALS** shall mean all appointed officials and elected officials of the City whose appointment, continued employment and removal are governed by the Municipal Code.

- i. **EXECUTIVE MANAGEMENT** shall mean all Department Heads, the City Manager, and the City Attorney.
- j. **MANAGEMENT** shall mean all division heads and all exempt professional employees.

EMPLOYEE PERFORMANCE RATING shall mean an evaluation of the quality and quantity of work performed, and other characteristics which shall be considered in rating and reporting the ability, performance, efficiency, and value of the respective employee to the City.

EQUAL EMPLOYMENT OPPORTUNITY shall mean the condition where all persons have equal access to all employment opportunities on the basis of job related knowledge or skill, and are not excluded on the basis of any unrelated factors such as race, color, religion, sex, national origin, religious creed, ancestry, gender, age, sexual orientation, marital status, medical condition, disability, political opinion, political affiliation, veteran status, citizenship status, or any other protected status of an individual,

EXIT INTERVIEW shall mean the process conducted by the Administrative Services Department with an employee who is voluntarily leaving City employment to receive comments and/or criticisms from the employee regarding his/her employment experience.

FLEXIBLE WORK SCHEDULE or FLEX TIME shall mean a schedule, approved by the Department Head and City Manager, that is different than the standard work week, that allows the employee to select starting and quitting times, around the City's core hours of 9:00 a.m. to 3:00 p.m., while continuing to work a seven and one half (7.5) hour workday. Flexible work schedules or flex times are subject to periodic review by the Department Head; and are intended to benefit the organization operations of the City. A written schedule is not required. A Department Head may determine to put schedules in writing. If there is a compelling business reason to provide the schedule in writing then the schedule will be provided to Employee Services and Payroll.

GRIEVANCE shall mean a claim that the City has violated or misapplied provisions of these Rules and Regulations or an applicable Memorandum of Understanding. Performance evaluations, performance based salary determination and disciplinary matters are not subject to grievance.

HIRE DATE shall mean the date of an employee's original appointment to a regular position in the competitive service. This date is used principally in matters regarding leave accruals and other related personnel actions.

IMMEDIATE FAMILY OF AN EMPLOYEE shall mean the following:

- (a) Sick Leave usage, (Section 806) shall include spouse, or registered domestic partner, and the following relatives: Children of either spouse, parent of either spouse or relative that the employee has primary care giver responsibilities for.
- (b) Bereavement leave, (Section 1002) shall include spouse, or registered domestic partner, and the following relatives of his or her spouse: Children of either spouse, step children, parent of either spouse, brother or sister, half-brother or half sister, either grandparent and grandchildren.
- (c) Employment (Section 513) shall mean spouse, spousal equivalent, registered domestic partner, parents, children, siblings, grandparents or other dependents living in the home, as well as the family of the spouse or spousal equivalent.
- (d) With respect to use of FMLA leave (Section 1009) shall include spouse, registered domestic partner, child or parent.

JOB ABANDONMENT/VOLUNTARY RESIGNATION shall mean failure of an employee to return to work within three (3) working days after the City issues a notice requiring the employee to return to work.

JUST CAUSE shall mean cause, supported by evidence, to take disciplinary action against an employee.

LAYOFF shall mean the separation of an employee from the active workforce due to lack of work or funds, or the abolition of the position for the above reasons or due to organizational changes.

LAYOFF (REINSTATEMENT) LIST shall mean an eligible list of names of persons arranged in an order provided by these Rules, who have had regular employment status, who have been separated from the City service, and who are entitled to have their names certified to an Appointing Authority under the provision of these rules.

MERIT SALARY ADVANCEMENT shall mean the increase of an employee's salary within the salary range established for the class or position based upon job performance. Merit service advancement is not an automatic merit salary advancement.

MERIT SYSTEM shall mean the process whereby employment and promotion are based on the City's established Pay for Performance Merit System and fitness, free from personal and political considerations, nor influenced by race, color, religion, sex, national origin, religious creed, ancestry, gender, age, sexual orientation, marital status, medical condition, disability, political opinion, political affiliation, veteran status, citizenship status, or any other protected status of an individual.

OPEN COMPETITIVE EXAMINATION shall mean an examination to all qualified persons, as referenced in Section 505 including regular City employees.

ORAL BOARD shall mean an interviewing board composed of a person or persons experienced in the field of work being examined for and in selection techniques.

OUT OF CLASS WORK shall mean an employee assigned the full scope of work at a higher classification for more than five (5) consecutive working days shall be compensated with an interim salary adjustment to be determined and recommended by the Department Head, Personnel Officer and approved by the City Manager.

OVERTIME shall mean the working by non-exempt employees in excess of their normal work week. Compensation will be made at fifteen (15) minute increments.

PAY STATUS shall mean the period in which an employee is at work, on vacation, sick leave, compensation leave as the result of an industrial accident, leave with full pay in lieu of temporary disability benefits, paid temporary military leave of absence, or on an approved leave of absence with full pay.

PERSONNEL OFFICER shall mean the City Manager or the person to which the City Manager has delegated the authority to administer the Classification Plan and the Salary and Wage Plan; implement the examining program and such other aspects of the overall program as are necessary.

POSITION shall mean a combination of current duties and responsibilities legally assigned to a single officer, official or employee and performed on either a full or part-time basis.

PROBATIONARY PERIOD shall mean a working test period during which an employee is required to demonstrate fitness and capabilities for the duties of the position to which appointed, by actual performance of those duties. The probationary period for regular full-time and part-time employees is twelve (12) months of actual service. The probationary period for employees promoted to a new position shall be six (6) months of actual service.

PROMOTION shall mean a change to a position in another class with a higher rate of pay.

PROMOTIONAL EXAMINATION shall mean an examination open only to regular full-time and part-time employees of the City.

PROMOTIONAL LIST shall mean a list of names of employees who have been found qualified for promotion to a higher position or positions.

RECLASSIFICATION OR REALLOCATION shall mean the reassignment or change in allocation of an individual position by raising it to a higher, reducing it to a lower, or moving it to another class of the same level on the basis of significant changes identified in the kind and type of duties and responsibilities in such position.

RECOGNIZED EMPLOYEE ORGANIZATION shall mean any employee organization that has been recognized by the City Council.

REDESIGNATION shall mean the designation of the incumbent in a position without affecting his/her status in the event of a title change.

SALARY AND WAGE PLAN shall mean a set of basic salary rates assigned to specific classes of positions in the City service and the rules for relating each individual to the proper rate according to the quality of service and based on performance reviews.

SALARY RANGE shall mean a schedule of salaries within specified minimum and maximum amounts.

SHALL AND MAY as used in these Rules and Regulations have the following meanings: SHALL is mandatory and MAY is permissive.

SERVICE CREDIT shall mean the period which begins with the first day of active employment with the City. This date is used for determining service credit for retirement benefits.

SUPERVISOR shall mean an employee designated by his/her superior to oversee the work of other employees within the same department.

SUSPENSION shall mean the temporary removal of an employee from his/her position, with or without pay for disciplinary purposes or for the purpose of investigating accusations brought against an employee.

TERMINATION shall mean the separation of an employee from the City service. This action may be initiated by the employee voluntarily, or by the City within the provisions of these Rules that state the cause and procedures for such action.

TRANSFER shall mean a change of an employee from one position to another position in the same class or another class having the same minimum and maximum salary limits, requiring substantially the same basic qualifications.

VOLUNTEER shall mean an individual who has agreed to provide a service to the City with full knowledge that monetary compensation will not be provided. Such individuals must be approved for appointment by the City Manager and registered with the Personnel Officer.

WORKDAY shall mean an employee's scheduled hours of employment as determined administratively and without regard to the calendar day.

WORK PERIOD/WORK HOURS shall mean an employee's scheduled hours of employment as determined administratively and without regard to the calendar week.

WORKWEEK shall mean an employee's scheduled hours of employment as determined administratively and without regard to the calendar week.

Y-RATE shall mean the status of “freezing” the salary of an employee when such salary exceeds the maximum rate authorized in the Salary and Wage Plan for the classification of a said employee.

CHAPTER THREE
CLASSIFICATION PLAN

SECTION 301 DEFINITION AND ADOPTION

The Classification Plan shall consist of those class titles and attendant class specifications for all positions in the City service as approved and listed by the City Council in adopting, amending or revising the Salary and Wage Plan.

SECTION 302 CLASS TITLES

The class title shall be the official designation of an individual position or group of positions sufficiently similar to be grouped together as a class. Class titles shall be utilized in all official records when necessary to identify the position an employee occupies.

SECTION 303 CLASS SPECIFICATIONS

A class specification shall be a written record providing the title and definition of a class, a listing of illustrative examples of the duties to be performed and the qualifications necessary for consideration for appointments. A class specification may include other pertinent information as deemed necessary by the Personnel Officer.

Qualifications may be stated as minimum or as desirable and shall be revised as the need arises. Personal qualifications which may be unique to a class or which may be standard for appointment to any class in the City service shall be established as required by the Personnel Officer, or as provided for in these Rules and Regulations.

Class specifications shall generally be descriptive and are not to be interpreted as restrictive or all-inclusive.

SECTION 304 CLASSIFICATION OF POSITIONS

All positions in the City service shall be assigned to a class. A class may include a single position or a grouping of positions which are sufficiently similar in their duties, functions and responsibilities so that they may be identified by the same class title, use the same class specification and be equitable assigned to the same salary range.

SECTION 305 PREPARATION AND MAINTENANCE

Class specifications shall be prepared and classification of positions shall be performed by or under the direction of the Personnel Officer, or designee, subject to the approval of the City Manager and City Council. The preparation and maintenance of the City's classification plan is the responsibility of the Personnel Officer, or designee, who is authorized to examine records, consult with employees and Department Heads, regarding duties, job qualifications and

responsibilities of a position, and conduct studies and collect such information as may be required to ensure that the classification is proper.

It shall be the responsibility of the Personnel Officer to recommend the establishment of new classes, or the combination, alteration or abolishment of existing classes to ensure the efficient and equitable operation of the Classification Plan. Changes in classification also may result from the meet and confer process between the City and designated employee representative, subject to ratification by the City Council.

SECTION 306 REQUEST AND ESTABLISHMENT FOR NEW CLASSIFICATION

All new classifications and reclassifications will be tied to the mid-year and/or annual budget adoption process.

When recommending the creation of a new class, the Department Head shall propose a new classification to the Personnel Officer for review and comment. The Personnel Officer may also propose new classifications for organizational development for consideration by the City Manager. All new classes and class specifications shall be submitted to the City Manager for approval. No position allocated to a new class shall be filled until such new class and assigned salary range has been approved by the City Council. Upon approval, the City Manager shall allocate such positions as required to the new class.

The Department Head forwards the written request to the Personnel Officer in the Administrative Services Department to include:

1. The proposed position classification – including a thorough job description.
2. The perceived justification for the classification.
3. The proposed salary range for the classification with associated justification.

The Department Head shall discuss the proposed classification with the Personnel Officer prior to submitting the department's formal request and refer to the City's Administrative Instruction/Policy on Requesting New Classification and Reclassification for detailed information concerning the procedural process.

SECTION 307 REQUEST FOR RECLASSIFICATION

When a Department Head believes a position is not properly classified or when a significant change has been made in the duties, functions and responsibilities of a position, the Department Head may request that a classification study be performed on the positions involved.

When an employee believes that his/her position is not properly classified, a request may be made in writing through the Department Head that a classification study be performed on the position. The Department Head shall forward such requests to the Personnel Officer within ten (10) working days of receipt thereof.

All new classifications and reclassifications will be tied to the mid-year and/or annual budget adoption process.

Refer to the City's Administrative Instruction/Policy on Requesting New Classification and Re-Classification for detailed information concerning the procedural process.

SECTION 308 CLASSIFICATION FOR LIMITED TERM EMPLOYMENT

Establishment of limited term positions may only be approved by the City Manager.

CHAPTER FOUR

COMPENSATION AND HOURS

SECTION 401 SALARY AND WAGE PLAN – PREPARATION

The Personnel Officer shall prepare a proposed Salary and Wage Plan, showing for each class of positions minimum and maximum salary and wage rates. Said plan shall include, if any are in existence, those salary and wage rates proposed for classes of positions through agreement between a Recognized Employee Organization and the City Manager or such other representative that may be designated to represent the City in the meeting and conferring process as established by the Myers-Millias-Brown Act, Government Code Section 3500, et. seq.

The Salary and Wage Plan shall also include proposed salary and wage rates for each class of positions which is not included among those represented by a Recognized Employee Organization if one is existent. In arriving at proposed rates for non-represented classes of positions, there shall be taken into consideration the prevailing rates of pay and working conditions for comparable work in other public and private business, and the City's financial condition and policies.

The City Council of the City of San Ramon has adopted a Resolution establishing employment classifications and salary ranges. The City Council policy, with respect to administration of the City's compensation plan, is that salary adjustments be based on job performance as documented through a comprehensive performance evaluation.

Refer to the City's Administrative Instruction Policy on Salary and Wage Preparation for detailed information on establishment of salary ranges and administration of the compensation plan.

SECTION 402 ADOPTION OF SALARY AND WAGE PLAN

The City Manager, or his/her designee, may conduct a salary survey to determine prevailing wage scales in the identified labor market at his/her discretion. The City Council shall consider, and with such modifications as it deems necessary, the revised Salary and Wage Plan and Resolution presented by the City Manager. Upon adoption by the City Council, the new Salary and Wage Plan will become effective upon the date set by Council. Any other amendments made from time to time will become effective upon the date set by the City Council.

SECTION 403 ADMINISTRATION OF COMPENSATION PLANS

The City Council shall administer the Compensation Plan for the City Attorney and City Manager. The City Manager shall administer the Compensation Plan for all other employees.

- a. Anniversary dates for the purposes of performance review and merit adjustment will fall on the hire date of the employee, with the exception of employees promoted to a higher classification. The promoted employee's annual performance evaluation date shall coincide with the date of promotion to the new position. The anniversary date of the employee shall remain unchanged for purposes of benefit accrual.
- b. Employees who successfully pass probation, and in the case of a promotion only, are eligible for a merit adjustment in accordance with the rating received on the performance evaluation. A performance evaluation shall be completed prior to the completion of a six (6) month probationary period in the promoted classification to determine regular status. If such evaluation results in a rating of "Meets Standards" or higher, the employee shall receive a bonus for the six (6) month period until the employee's next evaluation. This bonus shall be equal to two percent (2%) of the employee's salary and shall be paid in equal amounts each pay period for the following six (6) months.

SECTION 404 SALARY ADMINISTRATION

- a. Employees will be appointed to a salary within the salary range assigned to the classification in which he/she is being employed.
- b. All salary adjustments are based on the performance evaluation to encourage an employee to improve his/her work and to recognize increased skill on the job. Employees are eligible for these adjustments on their anniversary date. This period may be modified in conjunction with the performance evaluation recommendations and if approved by the Department Head and the City Manager.
- c. The comprehensive wage and salary plan is based on a thirty seven and one half (37.5) hours work week. The work week begins at 12:01 a.m. Monday and ends at 12:00 p.m. Sunday.
- d. Overtime
 - (1) It is the policy of the City that overtime work is discouraged. Overtime work may be required of an employee, however, in an emergency, or when required by the public interest. When overtime work is required, rescheduling of time within the work week is encouraged to avoid the payment of overtime or accrual of compensatory time off.
 - (2) Overtime work must have the prior approval of the direct supervisor or department management. Employees shall report overtime work as soon as possible after the work is performed. Violations of this Rule may result in discipline up to and including termination.
 - (3) Any time worked over thirty seven and one half (37.5) hours in a work week by non-exempt employees will be compensated at the overtime pay rate of one and one half (1.5) times the employees' regularly hourly rate of pay in accordance

with Federal law. (Exceptions are allowed with pre-approved participation in the Compressed Work Week Program.)

- (4) Compensatory Time Off – At the request of the employee, as an alternative to cash overtime pay, with the Department Head’s approval the employee may accrue compensatory time off at the rate of one and one half hour (1.5) for each hour worked to a maximum of two hundred forty (240) accrued hours. The use of compensatory time off requires prior approval of the direct supervisor or department management. The City may pay off all or a portion of accumulated compensatory time. Employees who terminate employment shall be paid in a lump sum for any compensatory time off accrued, up to a maximum of two hundred forty (240) accrued hours, and not taken at the date of termination.

SECTION 405 MERIT SYSTEM

The City of San Ramon has developed a performance evaluation tool that defines the performance standards that are expected of all City employees.

The method of applying salary adjustments is based on the City’s comprehensive wage and salary compensation plan.

Refer to the City’s Administrative Instruction on Performance Evaluation concerning specifics on the evaluation tool and on the process used for merit adjustments.

SECTION 406 PERFORMANCE EVALUATION PROCESS

1. Regular Employee’s Annual Performance Review & Update
 - a. Annually, during the performance review period, an employee shall meet with his/her supervisor to evaluate past performance and objectives, and to set new goals and objectives in accordance with the written evaluation document established for that position. Refer to the City’s Administrative Instruction for the City’s Performance Evaluation Policy and Procedures.
 - b. A mid-year review to update goals and objectives and to provide a progress report of performance is encouraged, but not required. A note to the employee’s personnel file prepared by the supervisor is also an acceptable form of documentation. This mid-year review shall not be for the purposes of a merit salary adjustment.
2. Special Performance Reviews – A Department Head may request a special performance review for an employee at any time to recognize exceptional changes in performance (either positive or negative). These reviews may be tied to a merit adjustment, but it is not required.

3. Special Merit Adjustments – Non-exempt employees are eligible to be considered for special merit salary adjustments based on recommendation from the Department Head in a special performance review and upon approval of the City Manager.

Exempt employees are eligible for either a special merit salary adjustment or a non-cumulative performance bonus of up to ten percent (10%) of annual salary upon recommendation from the Department Head in a special review, and approval of the City Manager.

4. City Manager Approval – All requests for salary adjustments will be forwarded to Administrative Services. The Personnel Officer will submit requests to the City Manager for consideration and approval of salary adjustment recommendations.

5. Performance Evaluation after Transfer – An employee transferred or supervisory change within six (6) months or more of his/her performance evaluation period shall be evaluated as follows:

- a. Former supervisor completes evaluation for employee based on performance prior to transfer, and submits to Department Head.
- b. New supervisor completes evaluation for employee performance during time period employee under his/her supervision and submits to Department Head.
- c. Department Head(s) provides input and submits both completed performance evaluations with comments to Personnel Officer. Input of Department Head shall include recommendations concerning employees overall rating.
- d. Employees transferred less than six (6) months into the evaluation period shall be evaluated by new supervisor.

6. An employee who receives a performance evaluation rating that “Does Not Meet Standards” must be placed on a work improvement program by their immediate supervisor. It is the City’s intent to improve the performance of a City employee who is not meeting standards. The work plan shall be for a minimum three (3) month period and shall include goals and objectives in each of the areas expected to be improved. In the event improvement is not made, employee will be subjected to either:

- a. An extended review period of the original work plan, a minimum of three (3) additional months, which may be extended at the discretion of the Department Head; or
- b. Notice of intent to terminate.

Upon following procedures set forth in these Rules and Regulations the employee may be discharged from City service.

If an employee receives an overall rating of “Does Not Meet Standards” on the annual evaluation for two (2) consecutive evaluations, the employee’s services will be terminated.

7. A regular employee who is absent from work as the result of a work-incurred injury or illness shall retain his/her anniversary date. However, performance evaluation due dates for employees off work as a result of an on the job injury for longer than ninety (90) days, shall be extended by a comparable amount of time for the evaluation period. An employee who has not completed the probationary period is ineligible for regular status during the leave for a work related injury or illness and the date for completion of the probationary period will be extended to reflect the amount of time absent on such leave.

SECTION 407 SALARY FOLLOWING PROMOTION

When an employee in the City service is promoted to a position allocated to a class with a higher salary range, such employee shall be entitled to the lowest salary in the higher salary range at least three and one half percent (3.5%) that provides an increase over the salary received by such employee immediately prior to the promotion. Upon the recommendation of the Appointing Authority, the City Manager may approve assignment to any other salary within the higher salary range. Assignment shall not be made outside the salary range

SECTION 408 PERFORMANCE REVIEW DATE FOLLOWING PROMOTION

At completion of six (6) months in the promoted position a probationary evaluation will be conducted. A rating of “Meets Standards” or higher allows the employee’s status to change from probationary to regular status. The promoted employee’s annual performance evaluation date shall coincide with the date of promotion to the new position. The anniversary date of employee shall remain unchanged for purposes of benefit accrual.

If the promoted employee does not receive a “Meets Standards” or higher rating during the probationary evaluation period, the employee’s services may be terminated or returned to the previous position if available.

The Department Head may submit a written request to the City Manager to return the employee to the previous position provided the position has not been filled.

SECTION 409 SALARY FOLLOWING DEMOTION

In the case of the demotion of an employee who has successfully completed the probationary period, such employee shall be assigned to the appropriate salary in the new class as recommended by the Department Head and approved by the City Manager. The employee’s anniversary schedule is maintained and there is no additional probationary period. In the case of the demotion of an employee who has not successfully completed a probationary period or as a result of disciplinary action, an additional six (6) month probationary period follows the demotion.

The salary adjustment received when an employee is demoted shall be a minimum decrease of three and one half percent (3.5%). If the demotion follows a promotion within the past twelve (12) months, the amount of the salary decrease shall equal the amount of the increase received at the time of the promotion.

SECTION 410 SALARY FOLLOWING TRANSFER (LATERAL)

In the case of the transfer (lateral) of an employee from one position to another in the same classification to which the same salary range is applicable, the employee shall remain at the same pay level and shall retain the same anniversary schedule. There is no additional probationary period.

SECTION 411 REVISION OF SALARY RANGES

When a salary revision is necessary, those employees holding positions in affected classifications who have received performance evaluations rating them at the “Meets Standards” level or above shall not have a salary which falls below the range assigned for this classification.

SECTION 412 SALARY AFTER RECLASSIFICATION OF POSITION

- a. If a position is reclassified to a class having the same maximum salary, the salary and the anniversary date of the incumbent shall not change.
- b. If a position is reclassified to a class which has a higher maximum salary, the salary shall increase by three and one half percent (3.5%) and anniversary date of the incumbent shall not change. An exception can be made by written recommendation by the Department Head to the Personnel Officer for forwarding to the City Manager for consideration.
- c. If a position is reclassified to a class with a lower salary range, the salary of the incumbent shall be “Y” rated and the anniversary date of the incumbent shall not change. Such “Y” rated salary shall remain in effect until the salary level of the lower range to which the incumbent is entitled equals or exceeds the amount of the “Y” rated salary.

SECTION 413 SALARY FOR WORK PERFORMED IN A HIGHER CLASS

On occasion an employee may be required to perform duties of another classification with a higher salary range because of a temporary vacancy in that position due to illness, vacation, leave of absence, etc. In such cases, an employee’s salary may be adjusted to compensate for the higher level of duties.

In order to receive adjusted compensation for working in a higher classification the employee must be assigned, assume and perform substantially all the duties and responsibilities of the position, and perform them for at least five (5) consecutive working days; without regard to the calendar week.

Adjusted compensation for working in a higher classification shall consist of a flat five percent (5%) increase above the employee's current salary or the lowest salary within the higher salary range, whichever is greater, but not to exceed the maximum of the range established for the higher classification.

Each case will be evaluated on an individual basis and recommendation for compensation for work in a higher classification will be made by the Department Head and approved by the City Manager. A copy of this approval will be placed in the employee's personnel file. Such approval should be made in advance whenever possible.

Employees working in a higher classification for a temporary period of time who use available accrued leave, shall have the leave time paid at the adjusted compensation rate of pay. Employees who work in a higher classification in exempt positions for a minimum of a month shall receive a pro-rated administrative leave benefit.

SECTION 414 WORK PERIOD/WORK HOURS/ATTENDANCE/AUTOMATIC RESIGNATION

- a. Work Period/Work Hours – Work hours will be determined on the basis of operational efficiency. Work schedules are subject to the approval of the Department Head and the City Manager. The City Manager may prescribe hours of work other than those specified.
- b. Attendance – Employees shall be in attendance at their work location in accordance with departmental rules and regulations.
- c. Automatic Resignation – Failure on the part of an employee to return to duty within seventy two (72) hours, or three (3) working days, after the City issues a notice requiring the employee to return to work may be considered a voluntary resignation, and such employee automatically waives all rights of appeal under the Personnel Rules. The depositing of a postage paid, first class letter in the United States mail addressed to the employee's last known place of residence, shall be reasonable notice to the employee requiring the employee to return to work.
- d. Compressed Work Week – Employees interested in participating in the City's Compressed Work Week Program must have an "Exemplary" or "Exceeds Standards" performance rating and be free of any disciplinary actions. Department Head and City Manager approval is required for program participation. Refer to the Compressed Work Week Policy for a program description and guidelines.

SECTION 415 BENEFITS

Full-time probationary and regular employees and their dependents will be eligible to participate in the City's benefit programs. The level of contribution by the City will be determined by the City Council. Regular part-time employees who work twenty (20) hours a week or more and are assigned to regularly allocated positions will receive benefits in accordance with the part-time

benefit schedule determined by their assigned work hours. The Personnel Officer will recommend the part-time benefit schedule which will be subject to approval by the City Manager.

SECTION 416 FITNESS FOR DUTY

The Appointing Authority, at the expense of the City, may require an employee to submit to a physical or mental examination, or both, at any time if the Appointing Authority has reason to believe the employee's physical or mental condition, or both, affects his/her ability to: (a) perform essential job duties at a level of efficiency required by the City, or (b) perform such duties without constituting a risk to the health or safety of the employee or to other employees, staff, public or City property. Such physical and/or mental examination may be imposed as a condition of continued employment and will be performed by a doctor chosen by the City.

SECTION 417 EXCEPTIONS TO NORMAL WORK PERIOD

Upon the request of the Supervisor, the Department Head is hereby authorized to designate other working hours for employees when, in his/her opinion, the best interests of the City may be served by such adjustment. The City Manager, Personnel Officer and affected employee shall be notified of any adjustment.

SECTION 418 ATTENDANCE

Employees shall be in attendance at their assigned work location as prescribed by the department to which they are assigned.

SECTION 419 PAY PERIODS

- a. Paydays shall be every other Friday (bi-weekly) for the two (2) week period ending two (2) Sundays prior to the payday.
- b. Payroll and/or paperless checks are distributed by the Administrative Services Department to a designated employee within each department for distribution within that department.

SECTION 420 DEDUCTIONS

Deductions from employees' wages are made in accordance with prevailing laws, contracts, rules and regulations:

- a. Deductions required by law and contracts: for example, State and Federal taxes.
- b. Deductions made on the written authorization from each employee: for example, Deferred Compensation, credit union and other deductions approved by the City Manager.

SECTION 421 OVERTIME COMPENSATION AND COMPUTATION

Non-exempt employees may only work overtime when authorized by the Department Head or designated representative and, the use of City email during non-working hours is never authorized overtime work. The use of City resources (i.e., voice mail, email, report reviewing and preparation, etc.) is considered work and unless specifically authorized should not be practiced during non-working hours.

Regular non-exempt, probationary non-exempt employees, and temporary non-exempt employees working in excess of the normal thirty seven and one half (37.5) hour workweek, may be paid at an hourly rate of one and one half (1.5) times the regular hourly rate (1/75th of the employee's biweekly pay). Regular non-exempt and probationary non-exempt employees may choose to be compensated for overtime work through compensatory time off (comp time) at the rate of one and one half (1.5) hours comp time per overtime hour worked instead of receiving cash payment. The decision to receive overtime pay or comp time credit shall be made at the end of the pay period in which the overtime is worked. Comp time may be accrued up to a maximum of two hundred forty (240) hours.

If an employee has any unused comp time accrued at termination, the employee shall be paid for such unused comp time at the current rate of pay.

If an employee's FLSA status changed from non-exempt to exempt during their tenure with the City, payout of compensatory time shall be provided to employee prior to the change in status.

In the case of less than thirty seven and one half (37.5) hours worked in a workweek, due to vacation, holidays, sick leave, or other paid or unpaid leave, regular and probationary and temporary non-exempt employees who worked approved additional hours (taking minutes at meetings, etc.) shall not be paid overtime compensation for those hours worked in excess of seven and one half (7.5) hours per workday. Employees shall be paid overtime if they worked more than thirty seven and one half (37.5) hours in a workweek, or those that are on compressed work week forty-one (41) hours.

Overtime compensation provisions shall not apply to Council appointed officers or officers whose appointment is subject to Council confirmation, Department Heads, and employees classified as non-covered or exempt according to the provisions of FLSA, and such other classifications as designated in the Administrative Leave Plan. In the event City or departmental operations require extraordinary work assignments (for certain designated employees), administrative leave (time off with pay) may be authorized by the employees' Department Head. Administrative leave for Department Heads may be authorized by the City Manager.

SECTION 422 CALL OUT PROCEDURE IN THE EVENT OF LOCAL EMERGENCY

Employees may be called out during other than normal work hours to perform necessary work. In the event that a non-exempt employee is called back to work before or after normal working hours, he/she will be compensated for a minimum of two (2) hours work at one and one half

(1.5) times his/her normal hourly rate of pay. Any time worked in addition to the minimum two (2) hours will be compensated at one and one half (1.5) times the normal hourly rate of pay for each additional hour or fraction thereof.

SECTION 423 OVERTIME CONDITIONS OF CIVIL DISASTER OR LOCAL PERIL

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

SECTION 424 HOLIDAYS

a. **REGULAR HOLIDAYS FOR PAY PURPOSES.** The following holidays are recognized as municipal holidays for pay purposes for regular and probationary employees.

New Year's Day	Labor Day
Martin Luther King Jr. Day	Veteran's Day
President's Day	Thanksgiving Day and the day after
Memorial Day	Christmas Day
Independence Day	One half-day (afternoon) on either
Two Discretionary Days*	Christmas Eve or New Year's Eve

*Except as noted for regular part-time employees.

Holidays falling on Sunday shall be observed on the following Monday unless this, too, is a holiday and then the holiday shall be observed on the preceding Friday. Holidays falling on Saturday shall be observed on the preceding Friday unless this, too, is a holiday and then the holiday shall be observed on the preceding Thursday.

Discretionary holidays are accrued on a calendar year basis and must be used during that year with prior approval of the supervisor. There is no provision for accrual beyond the calendar year. Regular part-time employees regularly working twenty (20) or more hours per week are eligible for one (1) discretionary holiday per calendar year. Employees hired after 7/1 will receive half of the annual discretionary holiday(s) for that year.

Temporary employees are not eligible for holiday pay.

In the event the City directs closure of City offices, temporary employees scheduled to work will not receive compensation for time not worked.

b. **RELIGIOUS HOLIDAY.** An employee who wishes to be excused from work in observance of a religious holiday (not listed as a "Regular Holiday for Pay Purposes") shall request approval of such absence from the employee's Department Head. If approved, such time off shall be charged against the employee's accumulated comp time,

administrative leave, discretionary holidays, or vacation leave. If there is insufficient accumulated time, the Department Head may grant the employee leave without pay.

SECTION 425 EMPLOYEES ELIGIBLE FOR HOLIDAY PAY

All regular and full-time employees who were on pay status both before and after a holiday shall be entitled to receive time off with pay at their straight time rate for the holidays listed above. Regular part-time employees who work a minimum of twenty (20) hours per week on a continuous basis are entitled to receive holiday pay at their straight time rate in an amount proportionate to the rate of scheduled hours of work per week as approved in the fiscal year budget.

SECTION 426 EMPLOYEES REQUIRED TO WORK ON HOLIDAYS

Any employee eligible for holiday pay, who is required to work on a day designated as a holiday under the provisions of these Rules or such other day as authorized by the City, shall be paid at one and one half (1 ½) times the rate. In addition the employee shall receive pay of seven and one half (7.5) hours for said holiday, in compliance with the City's normal workday. Hours worked in excess of seven and one half (7.5) hours or regularly scheduled workday on such days shall be considered as overtime and shall be compensated for under the appropriate overtime pay provisions.

If the employee works a schedule with more than seven and one half (7.5) hours in a workday, the employee must use accumulated vacation or compensatory time to provide the difference between seven and one half (7.5) hours and the employee's normal workday.

When a day designated as a holiday under the provisions of these rules or such other day as authorized by the City falls on a normally assigned day off of an employee who is eligible for holiday benefits, said employee shall receive additional pay equal to and in lieu of time off or regular compensation time equal to in lieu of time off for said holiday.

SECTION 427 STANDBY STATUS AND STANDBY PAY

City employees may be assigned to departmental standby rotations based on the needs of the City as consistent with law, departmental procedures and policies, and any applicable Memorandum of Understanding.

CHAPER FIVE

EMPLOYMENT

SECTION 501 CITIZENSHIP

Employment is open to qualified persons who are citizens of the United States and to qualified persons who are not citizens of the United States, but who have complied with the laws of the State of California defining eligibility of non-citizens for employment in State and local government and who can produce written documentation of legal residence or citizenship in the United States and eligibility to work, as set forth in the Immigration Reform and Control Act of 1986.

SECTION 502 APPLICATION

All candidates for employment shall file an application form with the City of San Ramon Administrative Services Department. The form and content of such form shall be prescribed by said Department.

SECTION 503 SELECTION PROCESS

The selection process may consist of such recognized techniques as achievement tests, aptitude tests, evaluation of personality and background through personal interviews, performance tests, evaluation of work performance, work samples, physical agility test, other written tests, review and investigation of personal background and references, medical examinations, or any combination thereof, and in no way shall be affected or influenced by race, color, religion, sex, national origin, religious creed, ancestry, gender, age, sexual orientation, marital status, medical condition, disability, political opinion, political affiliation, veteran status, citizenship status, or any other protected status of an individual.

Selection techniques shall be impartial and shall relate to those areas which, in the opinion of the appointing authority, will adequately and fairly indicate the skills and abilities and quality of candidates under consideration to execute the duties and responsibilities of the position to which they seek to be appointed.

Upon completion of the selection process, the Appointing Authority may make appointments from those candidates who, on the basis of their performance in the selection process, appear most qualified for the position under consideration and notify the Personnel Officer immediately of the appointment. The appointment shall become effective when the selected applicant has submitted written acceptance of the position as of a specific start date.

The Appointing Authority, prior to or immediately following the appointment of any person employed in a regular position with the City and such other persons appointed to any other type of position with the City as deemed necessary, shall request that a police record check be conducted on said person or persons.

SECTION 504 INELIGIBILITY OR DISQUALIFICATION

The Appointing Authority or the Personnel Officer may withdraw anyone from consideration whose appointment will be deemed contrary to the best interests of the City. Reasons for disqualification may include but shall not be limited to the following deficiencies:

- a. Lack of any of the requirements established for the examination or position for which applied.
- b. Conviction of a felony or any conviction of a misdemeanor involving moral turpitude.
- c. Deception or fraud in making the application.
- d. Request by applicant that his/her name be withdrawn from consideration.
- e. Failure to reply within a reasonable time, as specified by the Personnel Officer, to communications concerning availability for employment, or failure to comply with any application requirements or deadlines.
- f. Disqualification or unsuitability for employment as specified in any City or pertinent department regulation.
- g. Information from reference checks which indicates probable unfitness.
- h. Inability to produce proof of eligibility to work in the United States.
- i. Failure to meet minimum qualifications.
- j. Physical or mental inability to perform the essential functions of the job, with or without reasonable accommodation.
- k. Dismissal from any position for cause, or resignation from any position to avoid dismissal for cause.
- l. Any material causes 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.

SECTION 505 EXAMINATIONS

- a. **CONDUCT OF EXAMINATION:** The Personnel Officer shall be responsible for the conduct of examinations for City positions. The Personnel Officer may delegate any qualified person(s) or agency to conduct and score the examination.
- b. **TYPE OF TEST OR EXAMINATION:** The type of test or examination shall be decided by the Personnel Officer after receiving a recommendation from the Department Head

concerned. The examination may be conducted in a variety of ways: written, oral, or by demonstration; as well as an evaluation of education, experience, skills, or any test of manual skills or physical fitness which fairly evaluates the relative capacities of the candidates. Physical and psychiatric examinations may be required, and when required shall be performed by a duly licensed physician and shall be at the City's expense.

- c. **ORAL BOARD EXAMINATION:** The oral board examination may be given for the purpose of judging and rating each candidate to ascertain whether or not and to what degree his/her qualifications and personal fitness meet those required by the position for which he/she is being considered. Each candidate must have met the minimum requirements as set forth in the examination announcement with regard to training and experience, and if necessary, have passed a written examination designed to test the knowledge and aptitudes required for the job. (Previous test scores shall not be available to the interviewers.) The oral board shall include persons who are experienced in the field of work being considered or in the selection technique. Each interviewer is to make an independent rating of the oral interview. The City's approach to the personal interview is that the candidate is there to provide the oral board with the information it needs to confidently qualify candidates for the eligibility list. Questions are developed within prearranged guidelines to explore a candidate's potential for a position and are not used to gain information not relevant to employment.
- d. **PROMOTIONAL EXAMINATIONS:** Promotional examinations shall be those competitive examinations in which only regular full-time and part-time employees of the City who meet the requirements set forth in the examination announcement, shall be allowed to compete.
- e. **OPEN COMPETITIVE EXAMINATIONS:** Open examinations shall be those competitive examinations in which any persons, as defined in Section 501, who meet the requirements as set forth in the examination announcement shall be allowed to compete. Open examinations shall be scheduled for entry level classes and for such other classes as required to ensure a competitive examination process and the selection of the most qualified person available. Open examinations for entry level classes may be competitive among candidates or the competition of a candidate or candidates against standards established by the Personnel Officer.
- f. **EXAMINATION ANNOUNCEMENT:** The Personnel Officer shall have prepared an examination announcement for each scheduled examination. Such examination announcement shall be posted in the Personnel Office and sufficient numbers of each announcement shall be provided to each department of the City for posting to bulletin boards and such other locations as to be available for employees' information. Such announcements shall be available upon request to the Personnel Office and further distribution of said announcements shall be determined by the Personnel Officer. The examination announcement shall be of sufficient form and content to adequately inform prospective applicants of the typical duties of the class being examined for, the qualifications required, the examining process of listing of examination parts, final filing date and tentative examination date.

Dates specified in any examination announcement or any examination may be extended, postponed, or canceled by the Personnel Officer if such action is necessary or expedient to the needs of the City.

SECTION 506 RATING INITIAL EXAMINATIONS AND QUALIFYING SCORES

The minimum rating for which eligibility may be achieved on an initial examination will be established by the Personnel Officer. A candidate's final rating in a given examination shall be the score or combination of his/her scores attained on each competitive part of the examination, as prescribed in the examination announcement. Failure in one part of the examination may be grounds for declaring an applicant's failure to qualify or disqualification from competing in subsequent parts of the examination. The Personnel Officer may specify which parts of the examination tests are solely for qualifying purposes only. Each candidate in an examination shall be notified of his/her success or disqualification. In the event written examinations are given, a candidate may have the right to inspect his/her own examination paper.

SECTION 507 ESTABLISHMENT OF ELIGIBILITY LIST

After completion of an examination, the Personnel Officer shall prepare and keep available an eligibility list consisting of the names of candidates who qualified in the examination. These eligibility lists shall be valid for one (1) year.

SECTION 508 KINDS OF ELIGIBILITY LISTS

Eligibility lists shall consist of:

- a. Employees who have been laid off shall be considered for reinstatement on the basis of job performance.
- b. Employees who have qualified through promotional examination.
- c. Candidates who have qualified through open examination.

Eligibility lists will be maintained by the Administrative Services Department for one (1) year.

SECTION 509 REMOVAL OF ELIGIBLES FROM ELIGIBILITY LIST

The Personnel Officer may remove the name of any eligible applicant from an eligibility list for any of the following reasons:

1. Upon notice from eligible applicant, declining appointment.
2. Inability to reach the applicant at the address stated on the application.

3. If a report of a background investigation, reference check, medical or psychiatric examination is unsatisfactory as stipulated in Section 504.

The person affected shall be notified of the removal of his/her name by a notice mailed to his/her last known address. The names of the persons on a promotional list who resign from the classified positions shall automatically be dropped from such a list.

SECTION 510 METHOD OF FILLING VACANCIES

All vacancies in the classified positions shall be filled by transfer, demotion or promotion or appointment from eligibility lists established and certified by the Personnel Officer. In the absence of persons eligible in such manner, temporary appointments may be made under the provisions of these Rules and Regulations, as referenced in Section 512.

- a. The Appointing Authority may appoint any eligible applicant on the list. To ensure that the recruitment process continues in a timely fashion, decisions regarding appointments should be made within two (2) months of the scheduled interviews when possible.
- b. If five (5) or fewer eligible applicants remain on the eligibility list, the Appointing Authority may request that the eligibility list be canceled by the Administrative Services Department and a new eligibility list be established.

SECTION 511 CLASSES OF APPOINTMENTS

Employment in the City service is divided into the following classes:

- a. **REGULAR:** Appointment of a person who has completed probation and is assigned to a position that has been established on a regular, year-round basis.
- b. **PART-TIME:** Appointment in a regularly budgeted class of position to which a regular employee may be appointed and whose normal work schedule is less than the standard hours of work, but at least twenty (20) hours per week.
- c. **TEMPORARY:** Appointment to a temporary position or temporarily appointed to an authorized position for a period not exceeding one thousand (1000) hours per fiscal year, including overtime work, unless pre-approved by the City Manager-via a Personnel Action Form.
- d. **EMERGENCY:** Appointment of a person employed by the City for a temporary period of time to meet emergencies and in a position not specifically authorized or funded in the budget.
- e. **EXEMPT – OFFICIALS:** All appointed officials, and elected officials of the City whose appointment, continued employment and removal are governed by the Municipal Code of the City of San Ramon.

- f. EXEMPT – OTHER: Appointments to certain positions within the City service which are considered exempt with respect to appointment, tenure or removal, or as established by these Rules and Regulations.

SECTION 512 LIMITED DURATION APPOINTMENTS

Whenever a department requires assistance because of a special project, sick leave, vacation relief, temporary increase in workload, or a regular employee is on leave of absence, appointments of a limited duration may be made from an appropriate eligibility list and/or recommendation by Department Head for the duration of such work. The acceptance or rejection of appointment shall not affect his/her status on the eligibility list, nor shall the period of this service be counted as part of the probationary period in case of subsequent regular appointment to another position.

All limited duration appointments shall be assigned to an approved City Classification and pay range and shall receive pay according to the City’s adopted salary scale.

SECTION 513 EMPLOYMENT OF IMMEDIATE FAMILY

The following policies shall apply to the employment of members of the immediate family of any official or employee of the City of San Ramon. For the purposes of this section, immediate family member is defined as spouse, spousal equivalent, registered domestic partner, parents, children, siblings, grandparents or other dependents living in the home, as well as the immediate family of the spouse or spousal equivalent.

The conditions for employment of immediate family as set out in a, b and c below shall be enforced in accordance with the following criteria; as well as meeting the requirements for any position for which he/she is being considered.

- 1. The City may refuse to place one (1) member of an immediate family under the direct supervision or authority of another member of the same immediate family.
- 2. The City may refuse to place two (2) members of an immediate family in the same department, division or facility if the work involves potential conflicts of interest greater for members of immediate family than for other persons.

Conditions of Employment to be evaluated in terms of 1 and 2:

- a. Members of the immediate family of regular employees may be appointed to employment with the City.
- b. Members of the immediate family or regular employees may be appointed to the same department.
- c. If two (2) regular employees become married while both are employed in the same department or division of the City, their positions shall be evaluated in terms of the stated

policy. If there is found to be a conflict, either employee may be transferred to a different department in the City which would eliminate the conflict.

SECTION 514 CONTINUED EMPLOYMENT

Continued employment of employees with the City of San Ramon shall be subject to meeting performance standards necessary for the work performed and the availability of funds.

Each regular employee shall have his/her performance evaluated annually by the department or at more frequent intervals as deemed necessary by the Department Head. Two (2) consecutive annual "Does Not Meet Standards" ratings on the employee's performance evaluation shall be cause for termination.

SECTION 515 LAYOFF PROCEDURE

a. WHEN LAYOFFS OCCUR

Whenever in the judgment of the City Council, after consideration of the recommendation by the City Manager, it becomes necessary, due to the lack of work or lack of monies, or because the necessity for a position no longer exists, the City Council may abolish any position or employment, and the employee holding such position or employment may be laid off or demoted without disciplinary action and without the right of appeal.

b. NOTICE OF LAYOFF

Employees to be laid off shall be given at least fourteen (14) calendar day's prior written notice.

SECTION 516 DEMOTION TO VACANCY

Except as otherwise provided, whenever there is a reduction in the workforce, the appointing authority shall first demote to a vacancy, if any, in a lower class for which the employee who is the latest to be laid off in accordance with these Rules is qualified. All persons so demoted shall have their names placed on the reinstatement list.

SECTION 517 SENIORITY

An employee affected by layoff shall have the right to displace an employee in the same department who has less seniority in a lower class or in a lower classification in which the affected employee once had regular status. For the purpose of this Rule, seniority includes all periods of full-time service at or above the classification level where layoff is to occur.

In order to go back to a former or lower class, an employee must request displacement action in writing to the Personnel Officer within seven (7) working days of receipt of notice of layoff. Employees going back to a lower or similar class shall be placed at a salary point on the new

range as close as possible to the previous study. In no case shall the salary be increased above that received in the class from which the employee was laid off.

Employees going back to a lower or similar class shall serve a probationary period in the new class unless they have previously successfully completed a probationary period in the class.

SECTION 518 ORDER OF LAYOFF

In each class of position employees shall be laid off according to employment status in the following order: temporary, probationary, regular part-time and regular full-time.

Temporary employees shall be laid off according to the needs of its service as determined by the appointing authority.

Probationary employees, i.e., newly hired employees only in the class shall be laid off according to seniority in City service. This does not refer to promotional employees on probation.

In cases where there are two (2) or more regular employees in the class from which layoff is to be made, such employees shall be laid off on the basis of the last performance evaluation report in the class, providing such report has been on file at least thirty (30) days prior to layoff as follows:

First, all employees having performance evaluations of “Does Not Meet Standards”;

Second, all employees having performance evaluations of “Meets Standards”;

Third, all employees having performance evaluations of “Exceeds Standards.”

Employees within each category shall be laid off in inverse order of seniority in City service.

SECTION 519 REINSTATEMENT LIST

The names of persons laid off or demoted in accordance with these Rules shall be entered on a reinstatement list in the inverse order specified in Section 518. Lists from different departments or at different times for the same class of position shall be combined into a single list. Such lists shall be used by the Appointing Authority when a vacancy occurs in the same or lower class of position. Said list will be maintained in the Personnel Office.

Names of persons laid off shall be carried on a reinstatement list for two (2) years, except that persons appointed to permanent positions for the same level as that from which laid off, upon such appointment shall be dropped from the list. Persons re-employed in a lower class, or on a temporary basis, shall be continued on the list for the higher position for the two (2) years.

Employees who “Do Not Meet Standards” are not eligible to be placed on the Reinstatement List.

SECTION 520 TRANSFER

Regular employees shall not be transferred to a position for which he/she does not possess the minimum qualifications. An employee may be transferred by the Appointing Authority at any time from one position to another in a comparable class.

For transfer purpose, a comparable class is one with the same salary range, involving the performance of similar duties and requiring substantially the same basic qualifications.

The transfer of a regular employee from one (1) department to another may be made. Transfer shall not be used to effectuate a promotion, demotion, advancement, or reduction, each of which may be accomplished only as provided in these Rules and Regulations or the Pay for Performance Salary and Wage Plan.

The Performance Evaluation process for transferred employees may be found in Section 410 of these Personnel Rules and Regulations.

SECTION 521 PROMOTION

It is the policy of the City of San Ramon to encourage the advancement of personnel within the City service. Promotional selection for vacancies shall be conducted as the needs of the City require and in accordance with Section 505.

SECTION 522 PRE-EMPLOYMENT EXAMINATIONS

A candidate shall not be granted an appointment in any employment category until he/she has taken a physical examination and/or a psychological examination when requested by the City, at a place provided by and paid for by the City, and been released for work by the City's physician.

SECTION 523 BACKGROUND INVESTIGATION

The Personnel Officer, with the assistance from the Police Department, shall perform a background investigation to the extent necessary of any person being considered for appointment, using information provided by the applicant in his/her employment application. The background investigation, at a minimum, shall include: local Department of Motor Vehicle (DMV), fingerprinting, and criminal history records checks. This shall be done prior to the effective date of employment. A waiver authorizing this investigation shall be obtained from the applicant.

CHAPTER SIX

TERMINATION OF EMPLOYMENT

SECTION 601 RESIGNATION

Any employee, in order to be considered as having resigned in good standing, shall be required to submit a written notice of resignation to his/her department at least ten (10) working days prior to the effective date of said resignation. Such written notice shall include the reason for and the effective date of the resignation. A resignation may not be withdrawn by the employee after it is accepted in writing by the Department Head. It is considered to be a job abandonment / voluntary resignation if an employee is absent from the workplace for three (3) or more days without notification to the employee's direct supervisor or Department Head.

SECTION 602 LACK OF WORK OR FUNDS OR COMPLETION OF WORK

An employee may be terminated by the Appointing Authority because of changes in duties or the organization, abolition of the position, shortage of funds, or completion of work for which employment was made.

In cases involving regular appointments only, notice of such termination will be given to the employee at least thirty (30) calendar days prior to the effective date of termination. Employees so notified may be allowed reasonable amounts of time off with pay to seek employment. Such termination shall not be subject to appeal.

SECTION 603 SEPARATION – DISCIPLINARY

An employee may be terminated at any time by disciplinary action as provided in Chapter 13 of these Rules.

An employee who receives a performance evaluation rating that "Does Not Meet Standards" must be placed on a work improvement program by their immediate supervisor. It is the City's intent to improve the performance of a City employee who is not meeting standards. The work plan shall be for a minimum three (3) month period and shall include goals and objectives in each of the areas expected to be improved. In the event improvement is not made, employee will be subjected to either:

- a. An extended review period of the original work plan, a minimum of three (3) additional months, which may be extended at the discretion of the Department Head; or
- b. Further disciplinary action up to and including termination.

If an employee receives an overall rating of "Does Not Meet Standards" on the annual evaluation for two (2) consecutive evaluations, the employee's services will be terminated.

SECTION 604 SEPARATION – NON-DISCIPLINARY

An employee may be terminated by the City Manager 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.

When the City has reason to believe an employee’s physical or mental condition, or both, affects his/her ability to: (a) perform essential job duties at a level of efficiency required by the City, or (b) perform such duties without constituting a risk to the health or safety of the employee or to other employees, staff, public or City property, a physical and/or mental examination will be imposed as a condition of continued employment and will be performed by a doctor chosen by the City. Thus the employee will be required to submit to a medical examination for evaluation of whether he/she can perform the essential functions of their position with or without reasonable accommodation.

When the City Manager, after considering the conclusions of the medical evidence and other pertinent information, concludes that the employee is unable to perform the work of his or her present position, and the employee is not eligible or waives the right to retire for disability, the City Manager may terminate the employee after providing notice and the right to respond, either orally or in writing, prior to the termination taking effect. An employee also may appeal the City Manager’s final determination in the manner provided in Chapter 13.

This section shall not be construed to deprive the employee of any rights granted to him/her under Labor Code Section 4850, or Government Code Sections 12940, 21153 or 21020 et seq.

The City Manager’s decision and any appeal by the employee taken to said decision shall follow the procedure set forth in Chapter 13.

SECTION 605 RETURN OF CITY PROPERTY

Upon notice of the departure of an employee, the Administrative Services Department will provide the employee with a copy of the Personnel Action and Exit Checklist form. The employee shall return all City-issued property in good working order to the appropriate department as designated on the form. Such property may include, but is not limited to: keys, identification cards, equipment, credit cards, uniforms, and cell phones.

SECTION 606 EXIT INTERVIEW

An exit interview may be conducted by the Administrative Services Department prior to the termination of employment for all employment categories.

CHAPTER SEVEN

PROBATIONARY STATUS

SECTION 701 OBJECTIVE OF PROBATIONARY PERIOD

The probationary period shall be regarded as part of the testing process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee to his/her position assignment and for the evaluation of continued employment of any probationary employee.

SECTION 702 PROBATIONARY PERIOD

Appointments including promotional appointments, shall be tentative and subject to a probationary period dated from the time of appointment to a regular position. The probationary period shall be for a twelve (12) month period of actual service.

Probationary employees out of work shall have the probationary period extended by the equivalent amount of time of the employee's absence.

During the time that a regular full-time employee is off work as the result of a valid on the job injury, the employee shall retain his/her normal anniversary date for purposes of accruals and CalPERS service credit. However, the due date of the employee's performance evaluation will be modified to reflect the particular circumstances of the time period out of work.

SECTION 703 REGULAR APPOINTMENT

If the service of the probationary employee has been deemed as "Meets Standards" the Department Head shall complete a performance evaluation thirty (30) days prior to the expiration of an employee's probationary period recommending regular status. All actions changing an employee's status from probationary to regular shall not be made nor become effective until approved by the City Manager.

SECTION 704 EMPLOYEE PERFORMANCE REPORTS

Each probationary employee shall have his/her performance evaluated prior to the end of the probationary period of service or at more frequent intervals when deemed necessary by the Appointing Authority. Such evaluations shall be reported in writing and in a form approved by the Personnel Officer.

Upon successful completion of the probationary period the employee will be ranked as either a "Pass" or "Fail" and no salary adjustment will be made unless the probationary period is for a promotion.

The written report of an employee's performance evaluation shall be filed in triplicate, the original to be filed with the Personnel Office and made a part of the employee's personnel record, one (1) copy to be retained by the department and one (1) copy to be given to the employee.

**SECTION 705 SUSPENSION/DEMOTION/DISMISSAL OF PROBATIONARY
EMPLOYEE**

During the probationary period, an employee may be suspended, demoted or dismissed at any time by the Appointing Authority. Notification of suspension, demotion or dismissal in writing shall be served on the probationary employee and a copy filed with the Personnel Officer.

CHAPTER EIGHT

SICK LEAVE

SECTION 801 STATEMENT OF POLICY

Paid sick leave is an employee benefit of time off granted to an employee in cases of personal illness or accident, medical or dental treatment, or as authorized in Section 811. The employee requesting sick leave shall notify his/her supervisor or Department Head prior to or within one (1) hour after the time for reporting to work on the first day of such leave and as often thereafter as directed by his/her supervisor.

The Department Head may require a written statement/certificate from the attending physician or dentist that the employee is or was incapacitated and unable to perform his/her duties or that the immediate family member for which the sick leave time was granted was incapacitated. The Department Head may also require a physician's or dentist's statement that the employee is capable of and released to return to all his/her duties.

Sick leave shall be allowed and used only as permitted in these Rules, or an applicable Memorandum of Understanding. Abuse of sick leave will result in disciplinary action, up to and including termination.

Any employee who is absent from work due to sick leave shall not engage in any activity or work which would inhibit his/her ability to return to work at the earliest possible time.

SECTION 802 ELIGIBILITY

Regular full-time and regular part-time employees and probationary employees shall be eligible to accrue sick leave. Temporary employees shall not be eligible for sick leave accrual.

SECTION 803 ACCRUAL

Sick leave shall be accrued at the rate of seven and one half (7.5) hours per calendar month for each month that a regular full-time employee has worked. Regular part-time employees shall accrue sick leave in proportion to actual work hours per week vs. the standard workweek. Employees become eligible to take accrued sick leave upon completion of a full pay period reflecting accrued and available sick leave hours.

SECTION 804 ACCRUAL DURING ILLNESS OR INJURY

Employees that are off work due to a work-related illness or injury shall continue to accrue sick leave or until approval of a denied Workers' Compensation claim.

Employees that are off work due to non work-related illness injury shall not accrue sick leave after accumulated leave credits have been exhausted.

SECTION 805 ACCUMULATION

Accrued sick leave may be accumulated without limit subject to these Rules, City Policy, and/or applicable Memorandum of Understanding.

SECTION 806 SICK LEAVE USE

Sick leave may be requested and used as approved by the Department Head or City Manager only in cases of sickness or disability, medical or dental treatment, or as otherwise authorized by these Rules, any applicable Memorandum of Understanding and/or State or Federal law. As stated in Section 801, a written physician's statement/certificate from an attending physician or dentist may be required before approval of sick leave pay. Additionally, employees may be required to submit a doctor or dentist statement/certificate stating the cause of the absence, that the employee or immediate family member is or was incapacitated and unable to perform his or her essential functions of the job, and attesting to the employee's ability to resume work. The City may also require a fitness for duty examination to determine an employee's ability to resume work.

Pay for approved sick leave shall be authorized until the employee's accumulated total sick leave hours have been exhausted and at such time the employee shall receive no further pay for sick leave, however may be considered for catastrophic leave, as referenced in these Rules in Section 810.

An employee shall be granted time off chargeable to sick leave for employee's own visit or immediate family member's visit to a doctor or dentist. An employee shall have his/her accumulated sick leave balance reduced by an amount equal to the number of sick leave hours for which pay is received.

SECTION 807 SICK LEAVE CONVERSION

Conversion of Sick Leave

Annually, regular full-time and regular part-time employees will be granted the opportunity to convert unused sick leave to pay on an annual basis unless employee elects to use the deferred compensation option.

A "sick leave reserve" of at least two hundred twenty five (225) hours must be maintained by employees seeking to "cash in" sick leave credits. This "sick leave reserve" is established at two hundred twenty five (225) hours to ensure that employees who become ill will have sufficient sick leave to cover their absence from work until disability insurance coverage begins.

Up to a maximum of seventy five (75) hours of accrued sick leave may be converted to cash annually, based upon the conversion ratios below:

Service Requirement	Conversion Ratio	Maximum Hours Converted to Cash
Less than 5 years of uninterrupted service	25%	18.75 hours
5 to 10 years of uninterrupted service	33%	24.75 hours
More than 10 years of uninterrupted service	50%	37.50 hours

An alternative option to the Sick Leave conversion is a deferred compensation contribution. Employees may elect to convert one (1) week of accrued sick leave at one hundred percent (100%) to the 457 Plan. This would be in lieu of the cash-in option.

Annual sick leave conversion requests will be paid on the second paycheck in December, or such earlier date as may be designated by the Administrative Services Department.

Employees, who wish to convert a portion of their unused sick leave for pay upon retirement, or at resignation or termination of employment in good standing, will be allowed to convert a portion of their unused sick leave accrued.

A portion of sick leave accrued up to the time of the employee’s final paycheck may be converted to cash. The percentage of total sick leave that may be sold is as follows:

Service Requirement	Percentage Allowed
Less than 5 years of uninterrupted service	25%
5 to 10 years of uninterrupted service	33%
More than 10 years of uninterrupted service	50%

At retirement, the percentage of leave not sold back will be reported to CalPERS for additional service credit.

SECTION 808 ABUSE OF SICK LEAVE

Sick leave is a privilege not an entitlement. An employee shall be subject to disciplinary action for abuse of sick leave where the employee claims entitlement to sick leave, but does not meet the requirements of sick leave as set forth herein. Abuse of sick leave will be evaluated on a case by case basis.

SECTION 809 HOLIDAYS DURING SICK LEAVE

City observed paid holidays occurring during sick leave shall not be counted as a day of sick leave, but shall be regarded as taking a holiday.

SECTION 810 DEPLETION OF SICK LEAVE

In the event of an employee’s or an employee’s immediate family member’s continued illness and after depletion of employee’s sick leave, the employee, with the approval of the Department Head, may charge additional continued absences to any time accrued. Upon depletion of leave benefits, a medical leave without pay must be granted by the Department Head with the approval of the City Manager in compliance with FMLA laws.

The employee may request additional medical leave subject to the approval of the Department Head and the City Manager. If the employee has not returned to work upon the depletion of the approved leave time then the employee is determined to have abandoned their job and will be terminated.

Under certain circumstances, in the event an employee depletes their sick leave balance, they may apply for Catastrophic Leave. For specific information for the policy and procedures on catastrophic leave see the Catastrophic Leave Administrative Policy.

SECTION 811 LEAVE CHARGEABLE TO SICK LEAVE

An employee may be granted time off with pay for the following:

- a. Absence due to the illness or injury of a member of the employee’s immediate family.
- b. Absence beyond three (3) or five (5) days due to the death of a member of the employee’s immediate family in accordance with Section 1002.
- c. Birth of a child to employee’s spouse.

Such granting of time off with pay shall be at the discretion of the Department Head and the City Manager. When time off with pay is authorized, said time off shall be considered as sick leave and shall be charged against the accumulated sick leave of the employee.

SECTION 812 WORKERS’ COMPENSATION – DISABILITY PAYMENTS

All City employees are covered by Workers’ Compensation Insurance.

An employee who is injured or becomes ill in the course of employment must immediately report the incident to their supervisor and report it to the Workers’ Compensation RN First Call Program. In the cases of work incurred injury or illness, the supervisor must provide the insured employee an Employee’s Claim for Workers’ Compensation Benefits form for completion as soon as possible. Within twenty-four (24) hours of receipt from the employee, the supervisor must submit the completed form to the Administrative Services Department. An employee who fails to promptly report a work-incurred injury or illness to his or her supervisor may be subject to discipline, up to and including termination.

An employee eligible for temporary disability payments under the Worker's Compensation law will receive the amount as provided by law. An employee receiving temporary disability payments under the Worker's Compensation laws, may use accumulated sick leave in order to continue to maintain his/her regular income. Under such circumstances, the employee shall be paid the difference between his/her full salary and the disability payments received not to exceed one hundred percent (100%) of the employee's normal salary. Accumulated sick leave shall be charged in proportion to the amount of his/her full salary paid by the City during such period of disability.

Payments for permanent disability are to be retained by the employee, as ruled by the State Compensation Insurance Fund that such awards by the Commission are recompense for the permanent disability suffered by the employee.

Unless otherwise prohibited by law, an employee may be discharged after the treating physician's finding that the employee's condition is "permanent and stationary" and that the disability precludes the employee from performing the essential functions of the job.

Workers' Compensation Disability Payments for Public Safety Employees shall be governed by State Labor Code §4850.

Temporary employees are covered by and shall receive the benefits provided by the Workers' Compensation Insurance Plan of the City but shall not be eligible for any other benefits as may be provided by Section 808 of these Rules.

SECTION 813 ON-THE-JOB INJURY/ILLNESS

An employee who is injured or becomes ill in the course of employment must immediately report the accident to his/her supervisor and the Administrative Services Department. The employee and supervisor are responsible for complying with all reporting requirements as specified by the Workers' Compensation Program Policy.

During the time period while waiting for determination of Workers' Compensation eligibility employees must use accrued leave balances to participate in the salary continuation program. During the period of illness/injury, the employee may be eligible for a sixty (60) calendar day salary continuation. Police employees covered under the standards of Government Code §4850 shall adhere to those standards. When an employee is off work as the result of a valid on the job injury or illness sustained in the service of the City, which results in a Workers' Compensation claim, a ruling must be received from the Municipal Pooling Authority on the validity of the claim. In the event an employee is unable to perform their job following a work related injury or illness an employee may be eligible for temporary disability benefits. The Municipal Pooling Authority will notify the City regarding the employee's percentage of disability resulting in temporary disability payments.

If an employee's injury/illness is covered under Workers' Compensation, the employee may use sick leave accrual balances in the amount necessary to make up the difference between the employee's monthly salary and the amount payable to the employee under temporary disability

payments from the Workers' Compensation Insurance Plan of the City. Use of any other accrued leave balances will only be considered after sick leave has been exhausted and at the discretion of the Department Head.

The City's policy is to return injured/temporarily disabled employees back to the work place as soon as is medically appropriate. Accordingly, the City participates in the Municipal Pooling Authority's "Temporary Transitional Work Program" (TTWP), which returns employees to job duties (modified and/or alternative arrangements) as quickly as possible following the work related injury/illness. Each employee out on a Workers' Compensation claim will be evaluated for eligibility in the TTWP to determine if sufficient productive work is available within the employee's physical restrictions. The Department Head shall determine availability of light duty work assignments and shall inform the Administrative Services Department who will then notify the injured employee. Should an injured employee out on Workers' Compensation refuse a TTWP assignment the temporary disability payment shall cease.

SECTION 814 LONG TERM DISABILITY

The Administrative Services Department shall provide the injured employee with Long Term Disability (LTD) forms for completion by the employee. It is the employee's responsibility to submit the completed forms back to the Administrative Services Department for forwarding to the long term disability carrier who shall determine if the employee is eligible to receive LTD payments.

SECTION 815 OFF-THE-JOB INJURY

Any injury occurring other than in the service of the City may be compensated for through the provisions of the long-term disability insurance plan provided by the City. Prior to returning to full duty work status, the City may require a fitness for duty exam be conducted by a City selected physician.

CHAPTER NINE
VACATION LEAVE

SECTION 901 ELIGIBILITY

Regular and part-time employees having completed twelve (12) months of continuous service shall be eligible for paid vacation at his/her current rate of pay. A Department Head may grant an employee with less than twelve (12) months of service paid vacation, but it shall not exceed the amount of vacation time the employee has actually accrued.

SECTION 902 VACATION ACCRUAL

Each regular full-time employee shall accrue vacation at the following rate for continuous service performed as follows:

- a. 1st through 4th year of service

 Twelve (12) working days vacation during each complete year of service. (1 day per month)
- b. 5th through 9th year of service

 Fifteen (15) working days of vacation during each complete year of service. (1.25 days per month)
- c. 10th through 14th year of service

 Twenty (20) working days vacation during each complete year of service. (1.66 days per month)
- d. 15 or more years of service

 Twenty-two (22) working days vacation during each complete year of service. (1.83 days per month)

Regular part-time employees shall accrue vacation in an amount proportionate to the ratio of scheduled hours of work per week to the standard work week but in no case shall the number of days of vacation accrued per year exceed those days allowed by the appropriate subsection above. Temporary employees are not eligible to accrue vacation leave.

Vacation accrual shall begin with the date of employment and shall accrue annually for each employee based on the date of employment.

The City Manager may authorize vacation accrual rates different than stated above, for hired management employees who are coming to City from positions with a higher vacation accrual rate.

SECTION 903 USE OF VACATION

Vacation shall be scheduled as far in advance as possible with the employee's supervisor or Department Head, taking into consideration the request of the employee and the work demands of the department. Approval by the Department Head prior to taking vacation time off is required. Vacation leave shall not be used beyond the time accrued.

SECTION 904 MAXIMUM ACCUMULATION

Employees shall be allowed to accumulate vacation up to but no more than twenty-four (24) working days or two (2) times his/her annual accrual, whichever is greater. Upon Department Head and City Manager approval an employee may be allowed to continue to accrue vacation beyond the maximum accumulation should the employee's vacation request be denied due to an emergency (natural disaster, etc.) which is beyond the employee's control. An employee allowed to continue to accrue vacation beyond the maximum accumulation will be given a specific time period by the Department Head and City Manager to use vacation to reduce his/her accumulation to the allowable amount or the amount over the maximum accumulation will be forfeited.

SECTION 905 VACATION AT TERMINATION

A regular or probationary employee whose employment with the City terminates shall be paid for that part of his/her vacation accumulation that remains unused at the time of termination. Payment for unused vacation shall be made at the rate of pay in effect for the employee at the time of termination.

SECTION 906 HOLIDAYS FALLING DURING VACATION

When a day designated and observed by the City as a holiday occurs on a day on which an employee is taking vacation, such employee shall not be charged as using vacation for that day. The employee's compensation for that day shall be holiday pay and the employee shall not be paid or charged for vacation.

SECTION 907 VACATION ACCRUAL DURING LEAVE OF ABSENCE

Employees off work due to a work-related illness, injury or appeal of a denied Workers' Compensation claim shall continue to accrue vacation.

Employees off work due to a non work-related illness or injury shall not accrue vacation after accumulated leave credits have been exhausted.

CHAPTER TEN

OTHER LEAVES OF ABSENCE

SECTION 1001 AUTHORIZED LEAVE OF ABSENCE WITHOUT PAY

Leave of absence without pay may be granted by the City Manager upon recommendation of the Department Head. Except as otherwise provided under State or Federal law, such leave is a privilege, not a right, and shall be granted only when consistent with the best interests of the City. No leave of absence without pay shall exceed four (4) months and must be requested in writing.

a. APPROVAL OF THE DEPARTMENT HEAD

Leave of absence without pay for five (5) days or less may be granted by the Department Head, depending on the merit of the individual case.

b. APPROVAL OF DEPARTMENT HEAD AND CITY MANAGER

Leave of absence without pay in excess of five (5) days duration may be granted by the Department Head with the approval of the City Manager, but such leave shall not exceed four (4) months duration. Loss of service credit will occur for the duration of the leave; no benefit credit will be accrued toward vacation or sick leave. Employee insurance benefits will remain in effect. Performance Review will be deferred, if necessary, or may be rescheduled upon return to work. An employee returning after an authorized leave of absence without pay shall be placed at the same classification, and in the same salary range, as existed when the authorized leave of absence without pay commenced. Time spent on such leave without pay shall not count toward service within the pay range and the employee's anniversary date shall be moved forward by the number of days of leave in excess of three (3) months.

An employee may request permission of his/her Department Head to return from an authorized leave of absence prior to the expiration of such leave. Such a request may be granted at the sole discretion of the Department Head.

An employee who fails to return to his/her employment at the end of the authorized leave shall be discharged. The employee may request a meeting with the City Manager within three (3) working days to appeal the discharge. If an employee extends his/her leave of absence, it may not be possible to guarantee reinstatement.

Any unauthorized absence of any duration may be cause for disciplinary action, up to and including termination.

SECTION 1002 DEATH IN IMMEDIATE FAMILY

Regular employees may be granted up to three (3) working days leave with pay by the Department Head in the event of death in the immediate family of the employee or the employee's spouse if death occurred / or services for the deceased are within the State and up to five (5) days if death / or services for the deceased are outside of the State.

If the employee is on an authorized leave of absence without pay, the employee shall not be paid for bereavement leave.

Additional time off in excess of three (3) or five (5) days may be taken by an employee with prior approval of his/her Department Head and the City Manager. Such additional time off is to be charged in the following order:

- a. Accumulated sick leave.
- b. Accumulated vacation leave.
- c. Accumulated compensatory time.
- d. Administrative leave.
- e. Leave of absence without pay.

The City may require proof of death of the person(s) for whom the employee is taking bereavement leave.

SECTION 1003 MILITARY LEAVE OF ABSENCE

Military leave shall be granted in accordance with the provisions of State and Federal law. Whenever possible, the employee involved shall notify his/her department of such leave request ten (10) working days in advance of the beginning date of such leave. The City shall pay an employee's full salary and all benefits for the first thirty (30) days after they are called to active service. Pursuant to the City's Military Leave Policy, continuation of any salary and/or benefits beyond the thirty (30) day mandate must be forwarded to the City Council for authorization. Upon termination of military leave by honorable discharge, the employee, in accordance with applicable law, may return to his/her position without loss of seniority.

SECTION 1004 MILITARY RESERVE TRAINING

Employees attending the two-week Summer Camp Sessions held by branches of the military are paid the difference between their regular City base salary and military pay received. The Department Head should be notified as soon as the dates of training are known to the employee, and should be given a copy of the military orders. The military training does not constitute breaks in employment and benefits accrue as usual.

SECTION 1005 PREGNANCY DISABILITY LEAVE OF ABSENCE

Employees disabled due to pregnancy, childbirth or related medical conditions are entitled to a leave of absence for the time they are disabled up to a maximum of four (4) months. Employees are eligible for pregnancy disability leave upon hire. Employees who have worked for the City for one (1) year or more and who have worked at least twelve hundred and fifty (1250) hours during the preceding twelve (12) month period may be eligible for additional leave benefits.

a. Leave Request Procedure

The leave request procedure for a pregnancy disability leave is the same as described in Section 1009 regarding family and medical leave. Failure to comply with the notice requirement may result in deferral of the requested leave until such time as the employee complies with the notice provisions.

b. Medical Certification

An employee is required to provide written medical certification of a pregnancy-related disability. If the employee's condition meets the requirements of a serious health condition, the certification provided for family medical leave is sufficient.

c. Duration of Pregnancy Disability Leave

For regular part-time employees who worked less than twelve hundred and fifty (1250) hours in the prior twelve (12) month period and for employees who have been employed for less than one (1) year, the length of leave is a cumulative maximum of up to four (4) months leave while disabled by pregnancy.

d. Accommodation of Pregnancy-Related Disabilities

If an employee's physician advises that she is no longer able to perform her usual duties, the employee may request a temporary transfer to another position for the duration of the pregnancy. The City will attempt to provide this reasonable accommodation.

e. Compensation and Benefits During Leave

Generally, pregnancy disability leaves are unpaid. Employees taking pregnancy disability leave exceeding three (3) days duration are required to use accrued Annual Leave and Long Term Medical Leave concurrently with disability leave. Once an employee exhausts available Long Term Medical Leave benefits, accrued Annual Leave shall be used to extend compensation during the pregnancy disability leave.

It is the responsibility of the employee on pregnancy disability leave to apply for any available disability benefits that may be applicable. These benefits will be coordinated with any accrued paid leave benefits from the City.

The City will maintain medical, dental, vision and other insurance benefits for eligible employees during a pregnancy leave combined with a bonding leave up to a maximum of sixteen (16) weeks per leave year under the same conditions as coverage would have been provided if the employee had been continuously employed during the leave period.

The use of Long Term Medical Leave and/or Annual Leave does not extend the length of the leave, but merely provides a means to continue compensation to the extent accrued paid leave benefits exist. Length of service credits and Long Term Medical Leave and Annual Leave will continue to accrue only during the paid portion of a pregnancy disability leave.

f. Return to Work

All employees returning from a pregnancy disability leave must provide medical certification of their fitness to return to work at least five (5) working days prior to their scheduled return date.

Upon return from an approved pregnancy disability leave of four (4) months or less, the employee will be reinstated to his/her same position, unless legitimate business reasons prevent reinstatement. If the employee cannot be reinstated to his/her prior position, the employee will be placed in a comparable position if one is available and if the employee is qualified for the position. If no such position is available, the employee will be terminated consistent with the City's obligations under any other applicable law. (Employees returning from a family portion of leave are governed by the Family Medical Leave Policy in Section 1009.)

Employees who do not return to work after taking the maximum amount of leave will be considered to be in the status of job abandonment/resignation unless the employee obtains approval to extend the leave prior to his or her planned return date. Acceptance of any non-City employment during a pregnancy disability leave will be considered a voluntary resignation.

SECTION 1006 SUBPOENA

Regular or probationary employees who are subpoenaed as a witness on behalf of any governmental agency shall be granted a leave of absence, upon presentation of the subpoena to the Department Head. Said employee shall receive full pay for such appearances, provided the employee remits to the City fees paid by the subpoenaing agency. Compensation for expenditures of the employee, for mileage or subsistence allowances, shall not be considered a fee and shall be retained by the employee. Employees who are governed by an MOU shall follow the specifications as described therein.

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.

SECTION 1007 JURY DURY

Regular or probationary employees required to report for jury duty shall be granted leave for such purpose, upon presentation of jury notice to the Department Head. Said employees shall receive their full pay for the time served on a jury provided the employee submits their Jury Service Verification or Statement of Appearance for Jury Duty. Compensation for mileage or subsistence allowances shall not be considered as a fee and shall be retained by the employee. All other temporary employees will be granted leave without pay. If an employee is required to report to jury duty within two (2) 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 required to call in the morning for possible reporting duty in the afternoon, the employee is required to report to work in the morning. If an employee is released from jury duty with more than one half (1/2) of his/her workday remaining, the employee is required to report to work to complete the regularly scheduled workday.

SECTION 1008 UNAUTHORIZED LEAVE OF ABSENCE

Any unauthorized absence by an employee from duty shall be grounds for disciplinary action and/or discharge. When extenuating circumstances are found to have existed, the Department Head may approve this as an authorized leave of absence without pay.

SECTION 1009 FAMILY AND MEDICAL LEAVE

It is the City’s intent to provide its employees with benefits equivalent to those required by the Federal Family Medical Leave Act (FMLA) and the California Family Rights Act (CFRA). It is further the City’s intent that its employees are subject to the same obligations provided by FMLA and CFRA.

a. Family and Medical leave

Employees who have been employed by the City for twelve (12) months or more and who have worked at least twelve hundred and fifty (1250) hours during the preceding twelve (12) month period are eligible to take an unpaid leave of absence under the following circumstances:

1. The birth and care of a newborn child;
2. The placement and initial care of an adopted or foster care child;
3. Due to the employee’s own serious health condition; or
4. To care for an employee’s spouse, registered domestic partner, child or parent with a serious health problem

b. Leave Request Procedure

Requests for family and medical leaves must be approved by the Personnel Officer. If the need for leave is foreseeable, employees must provide the City with at least thirty (30) days advance notice before the leave is to begin. Leave requests must set forth the

reasons for the leave, the anticipated start date of the leave, the anticipated duration of the leave, or the anticipated schedule for medical treatment. Additionally, all leave requests should be made in writing.

If the need for leave is not foreseeable, and thirty (30) days notice is not possible, notice must be given as soon as practical, and at least verbally, within two (2) days of learning of the need for leave.

Generally, the City requires that leave for medical or family reasons be taken in one consecutive period of time. Under certain circumstances, eligible employees may take leave intermittently or on a reduced work schedule. If the employee takes intermittent or reduced work schedule leave, the City may temporarily transfer him/her to another position of equivalent pay and benefits in order to better accommodate the leave. If the employee requires leave for a regiment of medical treatments, he/she should make a reasonable effort to schedule leave so as not to disrupt the City's operations.

c. Medical Certification

Leave requests based on the serious health condition of the employee, the employee's spouse, registered domestic partner, child or parent, must be supported by written medical certification from a health care provider on a form provided by the City. If there is a dispute about the initial medical opinion as to the employee's own serious health condition, the City may require a second opinion by a health care provider of its choice at the City's expense. If a third opinion is necessary, a third health care provider may be selected by the City and the employee, also at the City's expense. Failure to provide the required medical certification may result in denial of a request for leave of absence.

All employees returning to work from a medical leave must provide medical certification of their fitness to return to work. All employees requesting a leave extension must provide medical certification of the need for continued leave prior to the expiration of their approved leave. Leaves for a serious health condition that are expected to exceed thirty (30) days require medical certification every thirty (30) days to support the continued need for leave of absence.

d. Duration of Family and Medical Leave

Eligible employees are entitled to up to a cumulative maximum of twelve (12) weeks of family and/or medical leave within a twelve-month period. For purposes of this policy, "12-month period" means a rolling 12-month period measured backward from the date leave is first taken. Parents who are both employed by the City are entitled to a combined total of twelve (12) weeks leave in a 12-month period for the birth, adoption or foster care placement of a child in their home.

Employees on a Workers' Compensation leave of absence will be granted leave consistent with the City's obligations under Workers' Compensation law. If the employee's work-related injury also meets the criteria of a serious health condition, the

absence will be counted against an employee's family and medical leave entitlement. However, public safety employees' Labor Code Section §4850 shall not be counted against the employee's family and medical leave entitlement.

Employees disabled due to pregnancy, childbirth, or related conditions may be entitled to additional leave. Pregnancy disability leave is discussed in Section 1005 of these Rules.

e. Compensation and Benefits During Leave

Generally, family and/or medical leave is unpaid. Employees taking leave of absence exceeding three (3) days duration due to their own serious health condition must use accrued Annual Leave and Long Term Medical Leave concurrently with family and medical leave. At the employee's request, and upon City approval, the employee may also use accrued Annual Leave and Long Term Medical Leave benefits to care for a spouse, registered domestic partner, child or parent with a serious health condition. Once an employee exhausts available Long Term Medical Leave benefits, accrued Annual Leave must be used to extend compensation during the family/medical leave.

Employees may request to use accrued compensatory time earned in lieu of overtime concurrently with family and medical leave.

It is the responsibility of the employee on medical leave to apply for Workers' Compensation benefits, or other disability benefits, as may be applicable. These benefits will be coordinated with an accrued paid leave benefits from the City.

The use of Long Term Medical Leave and/or Annual Leave does not extend the length of the leave, but merely provides a means to continue compensation to the extent accrued paid leave benefits exist. Length of service credits and Long Term Medical Leave and Annual Leave will continue to accrue only during the paid portion of a family or medical leave.

The City will maintain medical, dental, vision and other insurance benefits for eligible employees during a medical leave or family leave up to a maximum of twelve (12) weeks per leave year under the same conditions as coverage would have been provided if the employee had been continuously employed during the leave period.

If an employee fails to return to work following an approved family or medical leave for a period of at least thirty (30) days, the employee must repay to the City the cost of insurance premiums paid by the City during any unpaid portion of leave, unless the employee's failure to return is related to a serious health condition or is due to other circumstances beyond the employee's control.

f. Return to Work

All employees returning from a medical leave must provide medical certification of their fitness to return to work at least five (5) working days prior to their scheduled return date.

Upon return from an approved family or medical leave of less than twelve (12) weeks duration, the employee will be reinstated to his or her same position or one that is equivalent in pay, benefits and terms and conditions of employment if the prior position has ceased to exist.

Employees who do not return to work after taking the maximum amount of leave will be considered to have resigned, unless the employee obtains approval to extend the leave prior to his or her planned return date. If an employee extends his/her leave of absence, it may not be possible to guarantee employment. Acceptance of other employment during a family and/or medical leave will be considered a voluntary resignation/job abandonment.

SECTION 1010 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 will be granted up to forty (40) hours in a 12-month period (not to exceed eight (8) hours in one (1) month) to visit the school site the child is currently enrolled in, if reasonable prior notice is given to the supervisor or Department Head. 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 may use accrued leave for school visits. If accrued leave is exhausted, the employee's supervisor may allow the employee to work an alternative schedule to accommodate the leave or approve leave without pay. 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 or Department Head upon return to the job. This benefit is allowed per child as defined and specified above.

SECTION 1011 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 at the beginning or end of scheduled working hours to enable the employee to vote. Proof that the employee has voted shall be presented to the Department Head within twenty four (24) hours of the end of such leave.

SECTION 1012 DOMESTIC VIOLENCE LEAVE

An employee who is the victim of domestic violence may take unpaid leave or use accrued leave to ensure his/her health, safety or welfare, or that of his/her child, by obtaining a temporary restraining order, a restraining order, or other court assistance. Additionally, an employee may take leave to seek medical or psychological treatment, to obtain necessary social services, and/or to participate in safety planning or take other actions to increase safety. The employee must provide reasonable notice of the need for such leave and shall provide evidence satisfactory to the Department Head of participation in one or more of the activities specified in the preceding sentence. The employee may not take more than twelve (12) weeks of leave for this purpose in a 12-month period.

CHAPTER ELEVEN
EMPLOYEE BENEFITS

SECTION 1101 RETIREMENT PLAN

All eligible regular and regular part-time employees shall participate in the California Public Employees Retirement System (CalPERS). The City shall pay all employer costs and that portion of employee costs as provided for in labor contracts, or by Council action for the 2.7% at 55 benefit formula for all (non-safety) employees. The City shall pay all costs and make contributions required by CalPERS for Safety employees at 3% at 50 benefit formula.

Safety Employees are defined as those employees who are sworn members of the Police Department who are assigned law enforcement duties.

The City does not participate in the Social Security Plan with the exception of the mandatory Medicare (FICA) deduction.

The City participates in an Alternate Retirement System for temporary employees, which satisfies the Omnibus Budget Reconciliation Act (OBRA) 90 Federal requirements.

SECTION 1102 DISABILITY INSURANCE

The City shall provide major Long-Term Disability (LTD) insurance for all eligible regular employees. The purpose of LTD insurance is to provide eligible employees with a percentage of normal income when an injury or illness occurs on or off the job. Disability related to pregnancy is covered under the LTD plan. Benefits begin thirty (30) days after the commencement of the disability (referred to as the elimination period). Employees may use accrued leave credits during the elimination period. If applicable, Workers' Compensation temporary disability payments may also be integrated with LTD benefits. When an employee is receiving benefits from other sources, the total amount of compensation received by the employee, including LTD benefits, shall not exceed 100% of the employee's normal monthly income. The cost for this insurance shall be paid for by the City.

SECTION 1103 HEALTH INSURANCE PROGRAM

The City shall provide, a health insurance plan for all eligible regular employees. Coverage will be provided for employees and dependents in an amount not to exceed an amount approved by the City Council. Coverage includes medical, dental, and vision.

The amount of coverage for full-time regular employees is established by City Council action. Part-time regular employees are eligible for a percentage of benefit coverage based on hours worked, if employee agrees to pay remaining percentage. If the part-time regular employee does not wish to cover the unpaid percentage, no health benefits will be provided.

All full-time regular and part-time regular employees shall be eligible for coverage upon effective appointment date according to the following schedule:

- a. Employees beginning employment on the first (1) through fourteenth (14) day of the month inclusive shall have coverage from the date of employment.
- b. Employees beginning work on the fifteenth (15) through the last day of the month inclusive shall have coverage beginning with the first day of the following month.

SECTION 1103.1 COBRA – CONTINUATION OF HEALTH COVERAGE

As required by the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) the City's health insurance plans provide for continuation of group health coverage to employees and eligible family members upon a qualifying event at the employee or family members expense according to the Provisions set forth in COBRA. Detailed information on these provisions is set forth in the City's health plan coverage booklet.

SECTION 1104 LIFE INSURANCE

The City will provide life insurance coverage to all regular full time employees and is paid at one hundred percent (100%) by the City upon the authority and as directed by the City Council. The amount of life insurance coverage is equal to two (2) times employee's base salary.

SECTION 1105 DEFERRED COMPENSATION

The City contracts with ICMA Retirement Corporation to provide a deferred compensation program which includes a 457 Plan and a 401(b) Plan. Any executive management/professional, regular or regular part-time employee may participate in the deferred compensation plan in accordance with the guidelines of that plan.

SECTION 1106 MILEAGE REIMBURSEMENT/ALLOWANCE

Whenever an elected or appointed official or employee is required to use a private vehicle in the conduct of City business, such elected or appointed official or employee is entitled to reimbursement for actual mileage. Mileage is reimbursed at the rates prescribed by the City Council. Also, in the event of an accident while using your private vehicle on City business, your insurance will be primary. The City may cover the deductible cost.

To be eligible for reimbursement, the employee shall maintain a valid driver's license, auto liability insurance as required by the California Vehicle Code, and use safe driving techniques.

A flat monthly car allowance may be substituted for mileage reimbursement when recommended by the Department Head and approved by the City Manager.

When attending a conference requiring travel out of the Bay Area, employees receiving a car allowance may receive mileage reimbursement for travel associated with that conference according to the policy adopted in the City's Travel Policy.

SECTION 1107 CITY EMPLOYEE IDENTIFICATION BADGE AND UNIFORM PROVISION

For those employees who are required to wear a City Uniform, the City shall pay an amount of the costs associated with the provision of these uniforms recommended by the City Manager and approved by the City Council in accordance with the terms of applicable department procedure and approved in the MOU's and Department policies.

City identification badges shall be issued to employees in accordance with the Administrative Policy concerning employee IDs.

SECTION 1108 MEMBERSHIPS AND CONFERENCES

The City may pay for certain membership dues and costs for approved and work related professional organizations, publications, conferences, trainings and seminars for elected and appointed officials and employees.

Employees should request approval for attendance, in advance, from his/her Department Head, in accordance with the provisions of the City Policy relating to Travel. Reimbursement for approved expenses should also be requested within the City's Travel Policy.

SECTION 1109 EXECUTIVE MANAGEMENT PROFESSIONAL BENEFITS / ADMINISTRATIVE LEAVE PLAN

All employees designated as Executive Management or Management Professional or designated as non-covered or exempt according to the provisions of the Fair Labor Standards Act (FLSA) are exempt employees, not eligible for overtime pay for working hours in addition to the normal workweek. These employees are designated by classification within the Salary & Wage Plan adopted annually by the City Council.

These employees shall be entitled to all benefits previously mentioned as well as the following additional benefits when and if they are made available and approved by the City Council:

a. **DEFERRED COMPENSATION PLAN**

The City may from time to time authorize an amount recommended by the City Manager and approved by the City Council, expressed as a percentage of the employee's base salary, to be contributed into the City's designated deferred compensation plan. The employee may contribute additional percentages, up to the legal limit, to such programs.

b. ADMINISTRATIVE LEAVE

1. Existing Executive Management employees will be granted administrative leave of up to ten (10) days per calendar year. Executive Management hired after July 1 will be granted five (5) days.
2. Existing Management/Professional employees will be granted up to seven (7) days of administrative leave per calendar year. Management/Professional employees hired after July 1 will be granted three and one half (3.5) days.
3. Administrative leave shall be scheduled as far in advance as possible with the Department Head and taking into consideration the work demands of the Department. Approval of the Department Head prior to taking administrative leave time off is required.
4. Administrative leave may not be taken beyond the amount which has been granted or without Department Head recommendation and City Manager approval.
5. There is no provision for accrual of administrative leave.
6. Administrative leave must be used prior to the end of the calendar year. Since employees will not be paid for unused administrative leave, this leave cannot be approved following the employees' formal tendering of employment termination.

SECTION 1110 SEPARATION UPON EMPLOYEE DEATH

The City's intent is to continue identified benefits (medical/dental/vision through the end of the month) and accrued balances for employee's beneficiary should employee expire during service.

When termination is caused by death of the employee, said pay for unused vacation shall be paid to the beneficiary the employee has designated. Such designation shall be in writing, signed by the employee and filed with the Personnel Office. If the employee is married and designates a beneficiary other than the spouse for more than fifty percent (50%) of the benefits payable, the signature of the spouse shall also be required on the designation. In the event an employee has not designated a beneficiary, the payment shall be made to the estate of the employee.

CHAPTER TWELVE

COMPLAINT AND GRIEVANCE PROCEDURES

SECTION 1201 COMPLAINT PROCEDURES

a. Purpose

The purpose of this procedure is to enhance communications between employees and supervisors and management by providing employees an informal process for the discussion and review of complaints or concerns not covered by the grievance procedure within a reasonable time period without jeopardizing employee's positions or employment.

b. Procedure

Any complaint or concern not covered by the grievance procedure shall be resolved as follows:

- (1) The employee shall first discuss the matter with his or her immediate supervisor within five (5) working days from the date the employee had notice of the action which prompted the concern or complaint.
- (2) In the event that the immediate supervisor does not resolve the matter to the employee's satisfaction within ten (10) working days of the employee's presentation of the matter, then the employee may bring the matter to the attention of his/her Department Head within ten (10) working days of the receipt of the response from the immediate supervisor.
- (3) If the Department Head does not resolve the matter to the employee's satisfaction within ten (10) working days of the employee's presentation of the matter then the employee may bring the matter in writing to the Personnel Officer, within ten (10) working days of receiving a response. The decision of the Personnel Officer is final, and is not subject to any appeal.

SECTION 1202 GRIEVANCE PROCEDURES

a. Purpose

The purpose of the grievance procedure is to enhance communications between employees and employer by providing a fair and impartial review and consideration of grievances within a reasonable time period, and at the level closest to their point of origin, without jeopardizing employee's position or employment.

b. Matters Subject to the Grievance Procedure

An alleged violation, misinterpretation or misapplication of these Personnel Rules and Regulations is to be addressed through the grievance procedure. Disciplinary actions, layoffs, the content of performance evaluations, rejection from probation and merit increases are not subject to the grievance procedure.

c. Procedure

(1) Formal Grievance Procedure

- (i) The formal grievance must be in writing to the employee's Department Head, with a copy to the Personnel Officer. The written grievance shall include a citation of the section of the Personnel Rules and Regulations alleged to have been violated, the date(s) and time(s) of the violation and the remedy sought by the employee. The Department Head will begin the investigation and fact finding process immediately upon receipt of the grievance and will make whatever investigation he/she deems necessary to allow fair consideration of the situation which may include a meeting with a concerned party or parties, and shall present a written reply to the employee within ten (10) working days after completion of the investigation. A copy of the reply shall be forwarded to the Personnel Officer.
- (ii) If the employee is not satisfied with the decision of his/her Department Head, he/she may file a written appeal to the Personnel Officer within ten (10) working days after having received the reply of his/her Department Head, unless the Personnel Officer is also the employee's Department Head, in which event the appeal shall be filed with the City Manager within ten (10) working days. The grievance is terminated at that time if the written appeal is not submitted within the timeframe specified. The Personnel Officer (or the City Manager), should circumstances so dictate, will conduct whatever investigation he or she deems necessary, which may include a meeting with the concerned party or parties and shall make a written decision within ten (10) working days after completion of the investigation, which shall be final and binding on all parties. The Personnel Officer (or the City Manager) may affirm, modify, reverse, or otherwise resolve the decision appealed.

General Provisions

- a. The Personnel Officer shall receive and retain copies of all written materials pertaining to grievances which will be filed separately from personnel files.

- b. At any step of the formal grievance procedure, a Department Head, supervisor, or employee may request a representative of the Personnel Officer or designee to participate in any discussion that may take place.
- c. Grievances may be initiated only by the concerned employee.
- d. Failure at any step of this procedure to appeal a decision on a grievance within specified time limits shall be deemed acceptance of the decision rendered.
- e. The time limits specified at any step in this procedure may be extended by mutual written agreement of all parties.
- f. Reasonable time off without loss of pay shall be given to an employee who has filed a grievance and to his/her representative in order to participate in meetings with management that are part of the grievance procedures.
- g. No retribution or prejudice shall be suffered by employees making use of the procedures.

CHAPTER THIRTEEN

DISCIPLINARY AND NON-DISCIPLINARY PROCEEDINGS

SECTION 1301 STATEMENT OF CITY POLICY

Use of this procedure shall not reflect unfavorably on the employee, the supervisor(s), the Department Head(s), or the general management of the City. Retaliatory or discriminatory action against an employee for using this procedure or discrimination in the application of a rule or policy shall be a violation of City policy.

It is expected that all City employees shall render the best possible service and reflect credit on the City. Therefore, high standards of conduct are essential.

SECTION 1302 INFORMAL CORRECTIVE COUNSELING

An informal system of training and counseling may be implemented to improve behavior and performance of all employees. See Policy and Procedures on informal corrective counseling for further details (Police Department MOU Section 16.8).

a. Purpose of Informal Corrective Counseling

An informal system of training and counseling has been established to assist employees in improving behavior and performance prior to the necessity for implementation of disciplinary procedures. The corrective counseling process is designed to give the employee an opportunity to correct behavior by clearly identifying a performance problem and defining a course of action for its correction. Employees may be placed into the corrective counseling system by their supervisor or Department Head.

b. Informal Corrective Counseling Procedure

Informal Corrective Counseling Procedures shall be implemented as follows:

- (1) A meeting shall be convened with the employee and the supervisor. The purpose of the meeting is to allow the employee an opportunity to present an explanation of the incident, or behavior, and provides the supervisor an opportunity to remind the employee of any rules, policies or procedures that were violated.
- (2) Prior to the meeting the supervisor shall review all available information and conduct any necessary investigation.
- (3) At the conclusion of the meeting, the supervisor may recommend corrective action, additional training, increased supervision, or may require further investigation into the matter.

- (4) The supervisor's corrective action recommendations shall be documented in written memo, summarizing the issues discussed during the meeting and the course of action to be taken to correct the employee's unacceptable behavior/performance.
- (5) The memo shall be presented to the employee for review and signing. Signing of the memo by the employee is voluntarily.
- (6) The corrective counseling memo shall be placed in the supervisor's file for that employee not later than thirty (30) days after the meeting, until it is purged at the time of completion of the employee's annual performance evaluation.
- (7) The corrective counseling memo is not disciplinary, and is not subject to the City's grievance and appeal procedure.

If at any time during this process the supervisor should determine that corrective counseling is not appropriate and disciplinary action may be recommended; the supervisor should continue the corrective counseling procedure and request further investigation be conducted by the Department Head (or the Administrative Services Department).

SECTION 1303 IMPROPER EMPLOYEE CONDUCT

a. Improper Conduct

The term "improper conduct" means not only an improper action by an employee in the employee's official capacity, but also off-duty conduct by an employee which brings discredit to the City, or which affects the ability to perform the employee's duties officially, or any improper use of the position as an employee for personal advantage. Improper conduct may be cause for the disciplinary action. The level of the disciplinary penalty shall be commensurate with the offense, however the prior employment history of the employee may also be considered pertinent.

b. Administrative Leave

The Personnel Officer's recommendation, with the City Manager's approval may place an employee on paid Administrative Leave due to alleged incident(s) of improper conduct by an employee. During this leave time, the Personnel Officer or his/her designee will conduct an investigation and make appropriate recommendations. The employee placed on Administrative Leave is required to remain in the local area and be available to be contacted and called upon during this leave.

SECTION 1304 CAUSES FOR DISCIPLINARY ACTION

In addition to the above statements, improper conduct includes, but is not limited to, the following:

- a. Fraud in securing appointment.
- b. Incompetence, inefficiency or neglect of duty.
- c. Insubordination, willful disobedience.
- d. Dishonesty, fraud or immorality.
- e. Possession, distribution, sale or use of narcotics or controlled substances or being under the influence of alcohol or illegal drugs while on duty.
- f. Unauthorized leave of absence or excessive tardiness.
- g. Conviction of a felony or crime involving moral turpitude. A plea of guilty or no lo contendere is deemed to be a conviction for purposes of this section.
- h. Discourteous treatment of the public or other officers or employees of the City.
- i. Abuse of sick leave or any other paid or unpaid leave.
- j. Unauthorized use or misuse, abuse, or misappropriation, theft or embezzlement of City property and/or funds.
- k. Failure to maintain minimum qualifications for a position, including required licenses or certificates.
- l. Violation of any of the provisions of these Rules and Regulations, official City policies, MOU's, or Departmental Rules and Regulations.
- m. Other behavior either during or outside the duty hours which is of such nature that it causes discredit to the City or negatively impacts the employee's ability to effectively perform his or her job.
- n. Failure to meet the standards or performance of the employee's position (e.g., neglect of duty, inefficiency, incompetence, carelessness or negligence in the performance of duties).
- o. Unauthorized absence from work without leave.
- p. Failure on the part of employees to meet their just obligations may be grounds for adequate and appropriate disciplinary action or termination of employment.

SECTION 1305 TYPES OF DISCIPLINARY ACTION

Types of disciplinary action which may be taken, in order of severity, are: dismissal, disciplinary demotion, reduction in pay, disciplinary suspension without pay, written reprimand,

or an appropriate combination of these disciplinary actions. The aforementioned types of disciplinary action are defined as follows:

a. **DISCHARGE**

The discharge of an employee from City service.

b. **DISCIPLINARY DEMOTION**

A permanent change in classification of an employee to a position of lower responsibility and pay for unsatisfactory performance or disciplinary reasons.

c. **REDUCTION IN PAY**

A temporary reduction of an employee's salary to a lower salary step for a maximum period of time not to exceed one (1) calendar year.

d. **DISCIPLINARY SUSPENSION WITHOUT PAY**

The length of a temporary suspension of an employee from City service, without compensation, shall not exceed thirty (30) calendar days.

e. **WRITTEN REPRIMAND**

Notification in writing to the employee that there is a cause for dissatisfaction with the employee's services and that further disciplinary measures may be taken if the cause is not corrected.

SECTION 1306 PERSONS BY WHOM DISCIPLINARY ACTION MAY BE TAKEN

The City Manager, City Attorney, or any Department Head may take disciplinary action against an employee under his/her control for one or more of the causes for discipline specified in Section 1302.

The City Manger may place an employee on administrative leave; suspend an employee from his or her position at any time for reasons pending investigation and/or disciplinary action.

SECTION 1307 DISCIPLINARY PROCEDURES

Written reprimands may be imposed immediately. The employee shall have the right to submit a written rebuttal to the reprimand in his/her personnel file, but shall not have the right to an oral response. All other forms of discipline are considered "major" and follow the process as outlined below.

a. **Written Notice of Proposed Major Disciplinary Action**

Before major discipline is proposed for a regular employee, written notice of the proposed disciplinary action shall be given to the employee. Such notice shall include a statement of the proposed action, the charge(s) on which the proposed action is based, a summary of the facts supporting the charges, and notification that the employee is entitled to respond to the charges. Attached to the notice will be copies of the written documents relied upon for the proposed disciplinary action. The City has the option of making such documents available for review by the employee, rather than attaching them to the notice. Delivery in person or the depositing of a postage paid, return/receipt, first class letter in the United States mail addressed to the employee's last known place of residence, shall be notice.

b. Pre-Disciplinary (Skelly) Meeting

Prior to implementation of the proposed major disciplinary action, the employee shall have a right to file a written response to the above charges and/or make an oral response to an appropriate individual selected by the City ("Skelly Officer") within the time described in the written notice of proposed disciplinary action. The employee is entitled to representation during this meeting. Either party reserves the right to record the meeting.

c. Notice of Decision

Following receipt and consideration of the written response and/or facts stated at the pre-disciplinary meeting, or following no response by the required date, the Department Head, or other appropriate City official, shall prepare a notice of the disciplinary action to be taken and the effective date. The notice shall be delivered to the employee and a copy filed with the Personnel Officer before the effective date.

d. Right of Appeal

For major disciplinary action, the employee shall have the right to appeal the decision of the Department Head to appeal to the City Manager. The appeal shall be presented to the City Manager within ten (10) working days following the employee's receipt of the written notice of discipline. All disciplinary appeals shall be in writing and shall be signed by the employee. Failure to appeal by the employee or his/her representative within ten (10) working days will make the disciplinary action final and conclusive.

The City Manager may hear the appeal personally, or may refer the appeal to a Hearing Officer for hearing and advisory recommendation. At the hearing either before the City Manager or the Hearing Officer, the employee and the City shall have the right to present documentary evidence and oral testimony under oath and to cross-examine witnesses. A written record of the hearing shall be prepared. The costs of the Hearing Officer shall be borne by the City except as provided for in MOU's. The City and the employee shall each bear their own expenses in presenting the appeal. If the employee wishes a copy of the hearing transcript, he/she must share the costs of the preparation of the transcript.

If the appeal is heard by the City Manager, after due consideration, the City Manager shall give his/her written final decision to the employee within a reasonable period after the hearing. The final decision will be accompanied by a proof of service to the employee's last address.

If a Hearing Officer hears the matter, he/she shall provide the City Manager, with an advisory recommendation. The advisory recommendation shall set forth which charges, if any, the Hearing Officer believes are sustained and the reasons therefore.

After receiving the recommendation of the Hearing Officer, the City Manager may sustain or reject any or all of the charges filed against the employee. The City Manager may sustain, reject or modify the disciplinary action invoked against the employee.

Disciplinary actions against miscellaneous, non-sworn employees shall be in accordance with the procedures set forth above. Disciplinary actions taken against sworn safety employees must be in compliance with the Peace Officer Bill of Rights Act (POBR) and any applicable Memorandum of Understanding.

CHAPTER FOURTEEN

EFFECT OF CERTAIN DISCIPLINARY ACTION

SECTION 1401 SUSPENSION

An employee suspended from City service shall forfeit all rights, privileges and salary, except that the employee shall not forfeit: his/her health plan, pension, long-term disability, nor life insurance while on suspension.

Suspension without pay shall not exceed thirty (30) calendar days, nor shall any employee be penalized by suspension for disciplinary reasons for more than thirty (30) calendar days in any fiscal year.

For employees who are in exempt classifications under FLSA suspensions or disciplinary pay reductions must be for a minimum of one (1) week, in compliance with California law (29 CFR, 541.502 Sub-part §A-5).

SECTION 1402 DISCHARGE

An employee who has been discharged from the City service shall be paid salary accumulated to the effective date of termination, and accrued vacation leave.

SECTION 1403 DEMOTION

An employee may be reduced from a position in one class to a position in a lower class having lesser duties and responsibilities and a lower maximum rate of pay for disciplinary purposes.

SECTION 1404 WRITTEN REPRIMAND

A written reprimand shall be in the form of a written notice to the employee and a copy shall be placed in the employee's personnel file. The employee shall sign an acknowledgement that he/she has received a copy of the written notice.

CHAPTER FIFTEEN

RECORDS, REPORTS AND NOTICES

SECTION 1501 PERSONNEL REPORTS AND RECORDS

The purpose for maintaining adequate personnel reports and records are as stated below:

- a. The documentation is necessary to show that the legal, regulatory, and procedural requirements have been met in all personnel actions.
- b. A basis for making decisions involved in personnel actions and for planning operations.
- c. A basis for reports on personnel activities.
- d. Individual understanding and training development.

SECTION 1502 NOTICE OF APPOINTMENTS, CHANGE OF STATUS, ETC.

Every appointment, transfer, promotion, demotion, change of salary rate, resignation, suspension, fine or vacancy, and any other temporary or permanent change in status of employment shall be reported to the Personnel Office and the date thereof and a record of same shall be kept by the Personnel Office.

SECTION 1503 OFFICIAL ROSTER

The Personnel Officer shall maintain a complete official roster of employees, showing each employee's name, address, class title, salary, department to which assigned, vacation and sick leave, changes in salary, employment status and such other information as may be considered pertinent.

SECTION 1504 NOTIFICATION BY EMPLOYEE

All persons employed in the City service shall notify the Department Head and Personnel Officer of any change of address, telephone, marital status, and group life insurance beneficiary, number of dependents, military status and education within five (5) working days.

SECTION 1505 ACCESS OF DEPARTMENT RECORDS

Each respective department shall keep and maintain such personnel records as may be deemed necessary for the purpose of carrying out the provisions of these Rules and Regulations and functions of the department.

The Department Heads, officers and employees shall make available to the Personnel Officer all department reports, records and documents dealing with personnel matters, the examination of which will aid the Personnel Officer in the performance of assigned duties. Employees have the right to review their personnel files located with the Personnel Officer pursuant to the provisions of State laws.

SECTION 1506 RECORDS OPEN TO THE PUBLIC

The records and information prepared and maintained by the Personnel Office shall be governed by the rules, policies and procedures established by the City in respect to their availability as public information. The Personnel Officer, with the approval of the City Manager, shall, however, have the authority to designate certain records or types of records as confidential and not open for public inspection as long as the records are exempt from disclosure requirements and other applicable provisions of the Public Records Act, Government Code §6250, et seq.

Neither the Personnel Office nor anyone in the City service shall be allowed to make known the address or phone number, as shown in the Personnel Office records, of any employee, officer or appointed official. The Personnel Officer shall have the authority to verify or confirm addresses and phone numbers unless otherwise notified in writing by the employee, officer or appointed official.

SECTION 1507 DESTRUCTION OF RECORDS

The personnel roster and payroll records shall be kept permanently. All other records relating to personnel, including correspondence, applications, examinations and reports may be destroyed pursuant to the laws of the State of California.

CHAPTER SIXTEEN

EMPLOYEE TRAINING AND EDUCATION PROGRAMS

SECTION 1601 STATEMENT OF POLICY

It is the policy of the City of San Ramon to encourage training, self-improvement and personal development programs for employees which includes two (2) general categories: On-The-Job Training and Education Programs. The City also provides limited financial aid in the form of tuition reimbursement for employees.

SECTION 1602 ON-THE-JOB TRAINING

Responsibility for developing training programs for employees shall be assumed jointly by the Department Head, Personnel Officer, and supervisor. Such training may include demonstrations, assignments of reading matter; lecture courses or such other devices as may be available for the purpose of improving the effectiveness and broadening the knowledge of employees in the performance of their respective duties.

SECTION 1603 EDUCATION PROGRAMS

Personal and professional development of employees is vital to the success of each individual and to the City. Advanced education programs are available to all employees and the City provides limited financial support for approved courses.

SECTION 1604 ELIGIBILITY FOR TUITION REIMBURSEMENT

To qualify for the program, an individual must be on full-time regular employee status, and have received a performance evaluation of "Meets Standards" or "Exceeds Standards", during the most recent rating period. Probationary employees are not eligible for educational reimbursement except in the case of probation due to promotion or reclassification.

In addition, the degree program or course(s) must be job related and provided through an accredited, educational institution. Conventions, seminars, workshops, short courses, etc., are not eligible for reimbursement under the tuition reimbursement program. Attendance at these types of events will typically be handled at the department level.

The degree program or course(s) must be pursued on the employee's personal time and shall not interfere with the employee's normal work day, and is not considered compensable time. Any scheduling impacts with the employee's job related duties and responsibilities must have prior approval of the employee's supervisor and Department Head.

SECTION 1605 APPLICATION PROCESS AND REIMBURSEMENT PLAN

I. PRE-APPROVAL REQUIREMENT

To participate in the Tuition Reimbursement Program, an employee must complete an application and submit the document to the Department Head. The Department Head reviews the application for form, attests that the employee is in good standing and eligible for program participation, and forwards the signed and completed application to Administrative Services for review and approval.

If an employee is pursuing a degree the entire course of study shall be submitted, for approval, and the courses within the degree program which are determined to be job related will be eligible for reimbursement. Required vs. elective courses will be taken into account in this evaluation. The City Manager may make exceptions for newly hired employees who are already participating in a degree program.

Advanced degrees beyond the Masters level are not eligible for this program.

II. CRITERIA

a. **Job Relatedness**

The reimbursement for coursework will be based on its job relatedness or job relevance, in the context of how this course of study would improve the employee's knowledge or skills as it relates to their current position or to prepare him/her for a higher position within the organization. Course electives which are part of the degree program curriculum, and are chosen by the employee, and are the employees' current duties and responsibilities. It is the employee's responsibility to provide sufficient information for the determination of job relatedness. The final decision on eligibility for reimbursement will be made by the Personnel Officer.

b. **Reimbursement**

An employee may apply for a refund of required tuition for job related coursework successfully completed with a minimum 2.0 GPA, at an accredited educational institution. Grades are determined by the educational institution. Reimbursement covers up to one hundred percent (100%) of tuition, however, no reimbursement will be made for any course that does not receive a minimum of a C- grade. Additionally, the classes taken on an audit basis are not eligible for tuition reimbursement.

c. **Reimbursement Rates/Schedules**

1. *Linked to State University Fee* – The maximum reimbursement available for tuition and fees will be set at the highest cost at a State university

within the nine (9) Bay Area Counties. Currently, this includes: San Jose State, San Francisco State, and Cal State-East Bay. The Administrative Services Department will monitor the State University fee annually to ensure that the reimbursement rate is current.

2. *Maximum Yearly Amount set by IRS Rules* – Tuition reimbursement payments to any individual employee will be limited to compliance with Internal Revenue Code §127. The Administrative Services Department will monitor the State university fee annually to ensure that the reimbursement rate is current. Reimbursement dollars budgeted for each fiscal year are available on a first come, first serve basis and students who submit the entire course of study for the upcoming year for approval will have the amount necessary for reimbursement reserved at that time within the available budgeted funds to ensure reimbursement upon completion.
3. *Grants/Scholarships* – If an employee receives assistance for approved educational class/program under the Veteran’s Administration or other Federal/State student aid programs or public grants/scholarships, only the difference, if any, between such assistance and the costs the employee actually incurs, subject to the criteria established for maximum reimbursement, will be eligible for refund under this plan.

There is no provision for reimbursement for mileage, parking, fees for entrance to a university or program, or compensation for time spent in class or student fees. All coursework and class related work will be scheduled on the employee’s own time.

III. TEXTBOOKS

Textbooks or other course materials are not reimbursed by the City.

SECTION 1606 CONTINUATION OF EMPLOYMENT REQUIREMENTS

Each employee participating in the tuition reimbursement program, will be required to sign an agreement stating that if he/she separates from the City of San Ramon employment for any reason within one (1) year of the date of receiving reimbursement, the amount of the reimbursement paid during that year will be withheld from the final paycheck.

Summary of Action Steps for Tuition Reimbursement

1. Employee completes a Tuition Reimbursement Program application and submits it for review by the Department Head.
2. The Department Head reviews the application form and attests that the employee is in good standing and eligible for program participation, and forwards the signed and completed application to Administrative Services Department.

3. The employee must submit the application for review at least sixty (60) days prior to the beginning of the course of study.
4. The employee must provide a detailed explanation of the course(s) and how the degree and/or course(s) relate to the employee's duties for the City of San Ramon.
5. Upon successful completion of the course, employee forwards a copy of the official grade reports, and original tuition receipts to the Administrative Services Department. The employee must submit, with each grade report, a separate tuition reimbursement approval/acceptance form per semester, trimester or quarter.
6. Request for reimbursement must be submitted by the employee within three (3) months after completion of the course(s).
7. Requests for reimbursement submitted after the three (3) month specified deadline, will not be considered or approved by the Administrative Services Department.

1607 CERTIFICATIONS

For other certifications and proficiency trainings not specified in this section, see separate Administrative Policy.

CHAPTER SEVENTEEN
EMPLOYEE RESPONSIBILITIES

SECTION 1701 INCOMPATIBLE ACTIVITY OF CITY EMPLOYEES

If an employee plans to be engaged in outside employment, he/she will notify his/her Department Head prior to beginning such employment and obtain written approval of the Department Head and such approval will be forwarded to the Personnel Officer. Approval shall not be unreasonably withheld and is subject to appeal. Approval of outside employment is subject to the following:

1. The outside job must not interfere with the employee's effectiveness on the City job.
2. The outside job must not leave the employee tired or subject to injury on his/her regular job with the City. The employee's usage of sick leave will be considered in each case.
3. Sick leave provisions will not apply to employees injured in outside employment.
4. The outside work shall not place the employee in a position of conflict of interest with his/her City employment nor shall it interfere with response to emergency calls.
5. The employee must not engage in employment with the outside job during employee's normal, regular working hours with the City.
6. Regular employees shall not be employed by two (2) City departments at the same time, or hold two (2) positions with the City simultaneously.
7. The Department Head reserves the right to terminate the written approval based upon the staffing needs of the Department, and can reevaluate his/her decision on a periodic basis.

An employee shall not engage in any employment, activity or enterprise which is inconsistent, incompatible or in conflict with his/her duties as a City Officer or employee. Each Appointing Authority shall determine and prescribe those activities which for employees under his/her jurisdiction, will be considered inconsistent, incompatible or in conflict with their duties as City employees. In making such determination, the Appointing Authority may conduct an investigation into the activity, employment, enterprise or issue in question. The appointing authority shall give consideration to employment activity or enterprise, which:

- a. Involves the use for private gain or advantage of City time, facilities equipment and supplies, or the badge, uniform, prestige or influence of one's City office or employment.
- b. Involves the soliciting or the acceptance by the employee of any monetary gift, gratuity, or other consideration from anyone other than the City for the performance of an act which the employee, if not performing such an act, would be required or expected to

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

- c. Involves the performance of an act other than his/her capacity as a City employee, which act may later be subject to direct or indirect control, inspection, review, audit or enforcement by such employee or the agency by which he/she is employed.

Each City employee shall, during his/her hours of duty as a City employee and subject to such rules and regulations as pertain thereto, devote his/her time, attention and efforts to his/her office or employment.

SECTION 1702 GIFT AND GRATUITIES

Officers or employees of the City shall not solicit or accept any gift, reward, service or gratuity of any kind by reason of their employment, except edible gifts which may be shared by all employees, and official solicitations by the Employee Events Committee on behalf of the City Manager concerning annual employee special events.

SECTION 1703 THE EMPLOYEE'S FINANCIAL AFFAIRS

Employees shall so arrange their personal financial affairs so that credit and collection agencies will not have to make use of the offices of the City, the Department Head, or City Manger for the purpose of making collection. Failure on the part of employees to meet their just obligations may be grounds for adequate and appropriate disciplinary action or termination of employment.

SECTION 1704 SEXUAL HARASSMENT AND OTHER WORKPLACE HARASSMENT

The City of San Ramon believes in respecting the dignity of every employee and expects every employee to show respect for all of our colleagues, customers, members of the public and vendors. Accordingly, the City forbids any unwelcome conduct that is based on an individual's race, color, religion, sex, national origin, religious creed, ancestry, gender, age, sexual orientation, marital status, medical condition, disability, political opinion, affiliation or any other protected status of an individual or that individual's associates or relatives. The City is thus committed to providing a work environment that is free of unlawful discrimination, including harassment that is based on any legally protected status.

The conduct prohibited by the City, whether verbal, physical, or visual, includes any discriminatory employment action and any unwelcome conduct that affects someone because of that individual's protected status. Types of unwelcome conduct prohibited include but are not limited to epithets, slurs, negative stereotyping, intimidating acts, and the circulation or posting of written or graphic materials that show hostility toward individuals because of their protected status.

For further specificity concerning harassment prohibitions see the Anti-Discriminatory and Harassment Policy.

Employee Responsibility

Everyone at the City can help assure that our workplace is free from prohibited discrimination or harassment. Everyone is expected to avoid any behavior or conduct that could reasonably be interpreted as harassment. Any manager or supervisor who is aware of conduct or who receives a report of inappropriate conduct is to report it immediately to the Personnel Officer.

Nonetheless, every employee who reports harassment should make every effort to take that report directly to their immediate supervisor, Department Head or to the Personnel Officer.

Complaint Procedure

The City's complaint procedure provides for a timely, thorough and objective investigation of any harassment claim. Employees who believe they have experienced any form of employment discrimination or harassment are strongly encouraged to report this experience immediately and should provide a written or verbal complaint to their own or any other supervisor or Department Head, or to the Personnel Officer.

Obligations of Supervisor

Supervisors and managers should immediately refer all harassment complaints to the Personnel Officer. Under no circumstances shall a supervisor, manager, or other authority figure retaliate in any way against an employee who has made a complaint or who has provided information as a witness to an incident of alleged discrimination or harassment. All supervisors and managers are required to maintain confidentiality to the extent possible in communicating or investigating any claim of alleged discrimination or harassment.

Investigative Procedure and Corrective Action

Reported incidents of harassment will be promptly investigated. The Personnel Officer, or designee, will promptly undertake an effective, thorough and objective investigation of the harassment allegations. The investigation will be completed and a determination regarding the harassment alleged will be made.

If the City determines that harassment or other improper conduct has occurred, the City will take effective remedial action commensurate with the circumstances. Appropriate action will also be taken to deter any future harassment. If a complaint of harassment is substantiated, appropriate disciplinary action, up to and including discharge, will be taken against the harassing individual(s).

Retaliation

The City forbids that any employee treat any other employee or former employee or applicant adversely for reporting harassment, for assisting another employee or applicant in making a report, for cooperating in a harassment investigation, or for filing an administrative claim with the EEOC or a State government agency.

Confidentiality

In investigating and in imposing any discipline, the City will attempt to preserve confidentiality to the extent possible.

SECTION 1705 EMPLOYEE SAFETY

It is the City's policy to provide safe equipment, tools and facilities, but only the employee can assure that injuries on the job do not occur. Awareness of safety practices, correction of unsafe conditions, and proper work methods will go a long way toward eliminating crippling or fatal accidents. Safety procedures established by the department, outlined in the City's Injury and Illness Prevention Plan and/or the City's Safety Committee shall be followed at all times.

SECTION 1706 DIRECTIVES

An employee who fails to comply with any reasonable directive by their supervisor, (or designee) or Department Head to whom he/she is responsible shall be subject to disciplinary action. The Department Head shall determine the standard of reasonableness.

SECTION 1707 POLITICAL ACTIVITIES OF PUBLIC EMPLOYEES

The City of San Ramon is a "local agency" of the State of California and as such, is governed by the laws of the State. Within Chapter 9.5 of the Government Code, of the State of California, Government Code §3201 et seq., are provisions which establish laws relating to the political, activities of City ("local agency") employees.

These laws restrict the use of public facilities for soliciting political contributions and the soliciting or receiving of political contributions by a City employee from other City employees.

These laws also state that no person who holds an office or employment with a "local agency", or who is seeking an office or employment with a "local agency", may use that office to influence another person or persons for political purposes.

The Code does not restrict the right of an employee to participate in political activities except that employees may not engage in political activities during working hours.

The specific provisions of the State Laws relating to political activities of city ("local agency") employees and officers are on file in the office of the City Clerk.

SECTION 1708 ADMINISTRATIVE REGULATIONS

The City Manager is authorized to issue such additional administrative policies to carry into effect these Rules and Regulations. The City Manager is also authorized to approve supplementary department personnel rules and regulations not in conflict with these rules.

CHAPTER EIGHTEEN

AMENDMENTS AND REVISIONS TO THE PERSONNEL RULES

SECTION 1801 THE PERSONNEL RULES AND REGULATIONS MAY BE AMENDED BY RESOLUTION OF THE CITY COUNCIL

The City Council, as it deems necessary, may amend, change or revise these Rules and Regulations by Resolution or by the adoption of Memoranda of Understanding reached as a result of good faith meeting and conferring. The City Manager may, as deemed necessary, present to the City Council for its consideration, amendments, changes and revisions to these Rules and Regulations. Any employee who suggests any amendment change or revision shall submit suggestions in writing to the City Manager.

SECTION 1802 NOTIFICATION OF AMENDMENTS

All amendments, changes, and revisions shall be made available to all employees of the City in the manner and form prescribed by the Personnel Officer and approved by the City Manager.

Section 410-415 & 417 & 413 amended by Resolution 88-117, August 30, 1988.

Section 401-409 & 702-704 & 1105 & 1107 amended by Resolution 89-51, March 28, 1989.

Section 415a, 420, 423, 805, 1001, 1005, 1005.1 and 1105, and 1106 amended by Resolution 90-32, February 27, 1990

Section 104-113, 201, 305-311, 401-427, 502-514 and 516-523, 601-606, 702-705, 801, 803-815, 901-907, 1001-1012, 1101-1110, 1201-1202, 1301-1307, 1401 and 1404, 1501 and 1506, 1601-1606, 1701-1702 and 1704-1708, amended by Resolution 2009-043, March 10, 2009

March 10, 2009

AMENDED BY:

RESOLUTION NO. 1988-117, (08/30/88),
RESOLUTION NO. 1988-148, (102/25/88),
RESOLUTION NO. 1989-51, (03/28/89),
RESOLUTION NO. 1990-32 (02/27/90),
RESOLUTION NO. 2009-043 (03/10/09)