

City of Wildomar



Personnel Rules and Regulations Updated

August 13, 2025

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CITY OF WILDOMAR PERSONNEL RULES AND REGULATIONS

RULE I. GENERAL PROVISIONS

- A. Purpose. These personnel rules (“Rules”) are intended to establish and maintain an efficient and uniform personnel program for the City of Wildomar (“City”). This updated version of the Rules repeals and replaces all prior versions of the Rules. Upon adoption, these Rules shall supersede any and all personnel management policies, rules, regulations and procedures previously adopted, except those which were adopted by order of a department head for that department, and which are not in conflict with the Rules specified herein.
- B. Nature of Employment. All employees of the City are at-will employees. Their employment can be terminated by the City or the employee at any time, with or without cause, with or without notice, and with or without the right of appeal. Nothing in these Rules, in a contract for employment, or any other policy adopted by the City, should be interpreted in a manner that would cause the employee's employment to be other than at-will.
- C. Applicability. Unless otherwise specifically stated either in these Rules or in a contract for employment or resolution or ordinance of the City Council, the provisions of these Rules apply to all City employees. In the event of conflict between the provisions of these Rules and a stand-alone personnel policy, the provisions of these Rules will control. In the event of a conflict between these Rules and a written contract for employment, the terms of the written contract for employment will control.
- D. Management Rights. The City’s full management rights are stated in section 3 of the Employer Employee Relations Resolution. The City retains the exclusive right to manage its operations and workforce, including but not limited to, the right to determine the mission, budget, organizational structure, number of employees, performance standards, work schedules, methods of operation, and to hire, promote, discipline, and terminate employees. The City Manager, as the appointing authority, retains final hiring and disciplinary decisions, such decisions are not subject to appeal. Nothing in these rules shall be construed to limit the City’s authority except as explicitly required by law.
- E. Not an Employment Contract. None of these Rules shall be deemed to create a vested contractual right for any employee.
- F. Amendment of Personnel Rules. The City Council shall have authority to adopt, amend, or repeal these Rules by resolution. The Personnel Officer shall have authority to prepare and recommend revisions to the Rules.

- G. Adoption of Administrative Policies. The Personnel Officer is hereby authorized to adopt administrative policies, so long as said administrative policies are not in direct conflict with these Rules.
- H. Delegation of Authority. Except as otherwise provided, any duties, responsibilities, powers, and authority granted by these Rules or the personnel ordinance to the City Manager, appointing authority, Personnel Officer, Department Head, or any other person may be delegated, in writing, to any other employee at the discretion of the delegating individual.
- I. Changes to the Law. When any local ordinance, state or federal law, or regulation, that is incorporated in the Rules or upon which the Rules rely is amended, the Rules shall be deemed amended in conformance with those amendments.
- J. Severability. If any section, subsection, sentence, clause, or phrase of the Rules is found to be illegal by a court of competent jurisdiction, such findings shall not affect the validity of the remaining portions of the Rules.

RULE II. DEFINITIONS

- A. General Definitions. All words and terms used in these Rules and in any resolution or ordinance dealing with personnel policies, systems, or procedures shall be defined as they are normally and generally defined in the field of personnel administration.
- B. Specific Definitions.
 - 1. "Acting appointment" means a temporary appointment of an employee who possesses at least the minimum qualifications established for a particular class and who is appointed to a position in that class in the absence of available eligible incumbents, or on an interim basis pending later appointment of an eligible person.
 - 2. "Advancement" means a salary increase within the limits of a pay range established for a class.
 - 3. "Allocation" means the assignment of a single position to its proper class in accordance with the duties performed, and the authority and responsibilities exercised.
 - 4. "Appointing authority" means the City Manager or their designee.
 - 5. "At-will employee" means an employee whose employment can be terminated by the City or the employee, at any time, with or without cause and with or without notice.

6. "Base Pay" means the employee's rate of pay based on the established and approved pay plan.
7. "Class" or "Classification" means all positions sufficiently similar in duties, authority, and responsibility, to permit grouping under a common title in the application with equity of common standards of selection, transfer, demotion and salary.
8. "Compensation" means the salary, wage, allowance, and all other forms of valuable consideration earned by or paid to any employee by reason of service in any position but does not include expenses authorized and incurred incidental to employment.
9. "Continuous service" means service in the employ of the City without a break or interruption. Unless otherwise required by law, a severance of the employee from his or her employment initiated by either the City or the employee for periods of more than 30 days constitutes a break in continuous service.
10. "Council" or "City Council" means the City Council of the City of Wildomar.
11. "Day" or "days" means calendar day(s), unless otherwise stated.
12. "Demotion" means the movement of an employee from one class to another class having a lower maximum base rate of pay.
13. "Department Head" means the administrative head of every department in the City.
14. "Disciplinary action" means the discharge, demotion, reduction in pay, suspension, or reprimand of an employee for punitive reasons.
15. "Eligibility list" means the list which contains the names of successful applicants according to relative performance on the total weighted examinations.
16. "Executive Classification" means employees who are in the "executive" group according to the City's Position Classification Schedule adopted by the Council Resolution No. 2022-60 on November 9, 2022, and as may be later amended by Council.
17. "Exempt Employee" means an employee who holds a position that, based on both the job requirements and the salary earned, does not entitle the employee to receive compensation at an overtime rate under applicable state or federal wage and hour laws.
18. "Full-time employees" means employees whose positions require the employee works at least 40 hours in a workweek. All positions shall be full-

time unless otherwise designated, or unless the compensation is fixed upon the basis of part-time work.

19. "Layoff" means the separation of employees from the active work force due to lack of work or funds, or to the abolition of positions by the City Council for the above reasons or due to organization changes.
20. "Management Classification" means employees who are in the "management" group according to the City's Position Classification Schedule adopted by the Council Resolution No. 2022-60 on November 9, 2022, and as may be later amended by Council
21. "Non-exempt employee" means an employee who holds a position that, based on either the job requirements or the compensation earned, may entitle the employee to receive compensation at an overtime rate under applicable state or federal wage and hour laws.
22. "Personnel Officer" means the City Manager or their designee.
23. "Part-time employees" means employees whose positions work less than 1,000 hours per year, are paid on an hourly basis and only receive fringe benefits as provided by these Rules and as otherwise required by law.
24. "Position" means a group of duties and responsibilities in the service of the City requiring the full-time or part-time employment of one person.
25. "Promotion" means the movement of an employee from one class to another class having a higher maximum base rate of pay.
26. "Provisional appointment" means a temporary appointment, less than 960 hours in a fiscal year, of a non-employee who possesses the minimum qualifications established for a particular class and who has been appointed to a position in that class in the absence of available eligible employees.
27. "Reinstatement" means the restoration without examination of a former employee to a classification in which the employee formerly served.
28. "Suspension" means the temporary separation from service of an employee without pay for disciplinary purposes.
29. "Temporary employee" means an employee who is appointed to a position for a limited period of time and is only entitled to benefits as provided by resolution of the City Council and as required by law.
30. "Transfer" means the movement of an employee from one position to another position in the same class or to another class with the same maximum base rate of pay.

31. "Y-Rate" means a salary paid above the maximum salary of a range. A Y-rate may be used when an incumbent employee is reassigned or reclassified to a lower class or salary range but retains the higher salary rate of the former class. This Y-rate salary may be retained until the newly assigned class has a maximum rate equal to or higher than the Y-rate.

RULE III. NONDISCRIMINATION

- A. Equal Employment Opportunity. The City is committed to providing equal employment opportunities to all applicants and employees. It is the policy of the City to ensure that all employment decisions, including, but not limited to, recruitment, hiring, promotion, training, compensation, benefits, transfers, discipline, and termination, are made without regard to any characteristics protected by law.

The City strictly prohibits discrimination based on race (including traits associated with race such as hair texture and protective hairstyles, including, but not limited to braids, locs, and twists), color, ancestry, sex, gender, sexual orientation, gender identity, gender expression, age (over 40), religion, ethnicity, national origin, creed, physical or mental disability, medical condition, genetic information, marital status, pregnancy, reproductive health decision-making, childbirth or related medical conditions, breastfeeding, military or veteran's status, or any other characteristic protected by state or federal law or local ordinance.

This policy also prohibits discrimination based on the perception that an individual possesses, or is associated with someone who possesses, any of the above characteristics, individually or in any combination. The City remains committed to maintaining a workplace that reflects diversity, inclusion, and respect for all individuals.

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

Employees who believe they have experienced any form of employment discrimination are encouraged to report this immediately, using the complaint procedure provided in the City's Policy Against Harassment, Discrimination and Retaliation. In addition, City policy prohibits retaliation because of the employee's request for accommodation for a disability or religious beliefs, complaint filed under this policy, opposition to a practice the employee reasonably believes to constitute employment discrimination or harassment or because of the employee's participation in an employment discrimination or harassment investigation, proceeding or hearing. The City's full Harassment, Discrimination, and Retaliation Policy is set forth in a council adopted policy.

- B. Disabled Applicants and Employees. The City has a commitment to ensure equal opportunities for disabled applicants and City employees. Every reasonable effort will be made to provide an accessible work environment for such employees and applicants. Employment practices (e.g., hiring, training, testing, transfer, promotion, compensation, benefits, and discharge) will not discriminate unlawfully against disabled applicants or employees. The City provides employment-related reasonable accommodations to qualified individuals with disabilities within the meaning of the California Fair Employment and Housing Act ("FEHA") and the Americans with Disabilities Act ("ADA"). This includes accommodations related to pregnancy, childbirth, or related medical conditions, when requested with the support of a healthcare provider, as well as accommodations for employees who are victims of domestic violence, sexual assault, or stalking.
1. Request for Accommodation. An applicant or employee who desires a reasonable accommodation in order to perform essential job functions should make such a request in writing to the Human Resources Division. The request must identify: a) the job-related functions at issue; and b) the desired accommodation(s). Reasonable accommodation may include, but is not limited to, job restructuring, reassignment to a vacant position for which the employee is qualified and making facilities accessible.
 2. Reasonable Documentation of Disability. Following receipt of the request, the Human Resources Division may require additional information, such as reasonable documentation of the existence of a disability or additional explanation as to the effect of the disability on the employee's ability to perform the employee's essential functions but will not require disclosure of diagnosis or genetic history.
 3. Interactive Process. The City will engage in the interactive process, as defined by the FEHA and ADA, to determine whether an applicant or employee is able to perform the essential functions of their position. During this process, the City will examine potential reasonable accommodations that will make it possible for the employee or applicant to so perform. Such interactive process will include a meeting with the employee or applicant, the City, and, if necessary, the employee or applicant's health care provider.
 4. Case-by-Case Determination. The City determines, in its sole discretion, whether reasonable accommodations(s) can be made, and the type of reasonable accommodations(s) to provide. The City will not provide an accommodation that would pose an undue hardship upon the City or that is not required by law. The City will inform the employee or applicant of any decisions made under this section in writing.
 5. Light or Modified Duty. During the interactive process, the City may approve, at its sole discretion and subject to availability, the employee to perform light or modified duty for a limited period of time._

- 6. Fitness for Duty Leave. While the City is engaged in the interactive process with an employee, the City may require that the employee be placed on a fitness for duty leave in accordance with Rule XIII.O.
- C. Religious Accommodation. The City will make reasonable accommodations to the known religious creed of an applicant during the hiring process and of an employee in the course of employment, unless doing so would impose an undue hardship on the City.
- D. Lactation Accommodation. The City provides lactation accommodation to employees as required by law. For additional details, employees should refer to the City's stand-alone Lactation Accommodation Administrative Policy.

RULE IV. CLASSIFICATION

- A. Preparation of Plan. The Personnel Officer shall ascertain and record the duties, responsibilities, minimum standards, and minimum qualifications of all positions in the City and shall recommend a classification/compensation plan for all positions. The classification/compensation plan need not be contained in only one document but may be comprised of various documents. The classification/compensation plan shall consist of classes of positions defined by class specifications, including the title. The classification/compensation plan shall be so developed and maintained that all positions substantially similar with respect to duties, responsibilities, authority, and character of work are included within the same class, and that the same schedules of compensation may be made to apply with equity under similar working conditions to all positions in the same class. The classification/compensation plan will contain the general salary schedule and a general benefits schedule.
- B. Adoption, Amendment and Revision of Plan. The classification/compensation plan shall be adopted by and may be amended from time to time by resolution of the City Council. At the time of consideration by the City Council, any interested party may appear and be heard. Revisions to the classification/compensation plan may consist of the addition, abolishment, consolidation, division, or amendment of existing classes.
- C. Allocation of Positions. Following the adoption of the classification/compensation plan, the Personnel Officer shall allocate every position in the employ of the City to one of the classes established by the plan.
- D. New Positions. A new position shall not be created and filled until the classification/compensation plan has been amended to provide for such position.
- E. Job Descriptions. The Administrative Services Director, in consultation with Department Heads, will prepare written specifications for each classification of positions to the City Manager for review. Subject to City Council approval of the initial job description, the specifications, when approved by the City Manager, will

constitute the official classification specifications, and will indicate the date of approval or last revision. Revisions to job descriptions do not require approval by the City Council. Each specification will include the classification title, a brief description of the scope, nature, and responsibility of the class, a description of the tasks or duties ordinarily performed in the positions allocated to the classification; a statement of the minimum qualifications considered necessary for proficient performance of the work, including education, experience, training, knowledge, skills, physical characteristics, and any additional factors considered pertinent. Specifications are not restrictive. The specifications shall not be construed as an all-inclusive list of tasks performed; or be interpreted as restricting the assignment of related tasks not specifically listed therein; or as limiting the authority of supervisory personnel to assign, direct and control the work of subordinate employees. A Department Head may temporarily assign other related duties and responsibilities or otherwise direct the work of employees.

- F. Reclassification. Positions, the assigned duties of which have been materially changed by the City so as to necessitate reclassification, whether new or already created, shall be allocated by the Personnel Officer to a more appropriate class. Reclassifications shall not be used for the purpose of avoiding restrictions concerning demotions and promotions, or to effect a change in salary in the absence of a significant change in assigned duties and responsibilities. The City Manager shall have the authority to appoint a current employee to the reclassified position or utilize the formal recruitment process.

RULE V. COMPENSATION

A. Salary on Appointment

1. New Employees. New employees shall be paid at the first step of the pay grade for the position to which the employee is appointed except as approved by the City Manager or their designee.
2. Advanced Step Hiring. The City Manager may appoint a new employee to an advanced step of the pay grade so long as the following considerations are made: the selected candidate has significantly high qualifications and outstanding experience, the availability of other qualified candidates, and the resulting salary relationships with similar positions and their experience and skills.
3. Reemployment/Reinstatement. A person who previously held a position with the City and resigned in good standing may, at the discretion of the City Manager, when re-employed in the same or a comparable position held at separation, be appointed at the same salary rate which was paid at the effective date of the person's termination or the nearest applicable step for the grade to which the person is appointed.

- B. Salary Anniversary Dates. Employees shall have a salary anniversary date on the date of their most recent appointment, promotion, demotion, reinstatement or reemployment. The salary anniversary date may be modified by the action of the appointing authority under Rule XI or Rule XIII.
- C. Increases Within Pay Grade. Employees will normally become eligible for a merit adjustment in pay after 12 months of service in their current position. Increases shall not be automatic and are based on merit. The adjustment shall be made only if recommended by the applicable Department Head, and, if approved, by the City Manager. The subsequent adjustments are based on performance evaluation, to encourage an employee to perform at the employee's highest level, and to recognize increased skill on the job. Employees are normally eligible for these adjustments at any time after the completion of 12 months of service in their current position. This period may be modified in conjunction with the performance evaluation recommendations and as approved by the City Manager. Unless so modified, a granted merit adjustment will be effective on the employee's salary anniversary date. The City Manager, in their sole discretion, may determine that an increase within grade will be retroactive in effect to the employee's salary anniversary date or to another appropriate date.
- D. Salary Upon Promotion. Except in instances where the granting of a full step increase would result in a salary in excess of the top step of the range, any employee who is promoted to a position in a class with a higher salary grade shall be placed on the step in the new higher grade which is at least equal to an advancement of a full step over the step the employee held in their former grade. If the maximum of the grade would be exceeded by such advancement, the employee shall receive the top step of the grade. An employee thus promoted is assigned to a new salary anniversary date effective on the date of promotion.
- E. Salary Upon Transfer. Any employee who is transferred from one position to another position in the same class, or to another position in a class having the same pay grade, shall be compensated at the same step of the pay grade as the employee previously received and their salary anniversary date shall not change, unless an increase is approved by the City Manager.
- F. Salary on Change in Grade Assignment. Whenever a class is reassigned to either a higher or lower pay grade by the Council, the salary of each incumbent in such class on the date the reassignment is effective shall be adjusted to the same step in the new grade that corresponds to the step, not the rate, the employee was at in the former grade and the employee shall retain the same salary anniversary date. For example, if an incumbent is currently at grade 115, step C, and the class is reassigned to grade 118, the incumbent will move to grade 118, step C. If appropriate, the City Manager may choose to Y-rate the employee if the pay grade is lower than what the employee was previously earning.
- G. Salary on Reclassification of Position. If the position is reclassified to a class having the same pay grade, the salary and the salary anniversary date of the incumbent

shall not change. If the position is reclassified to a class which has a higher pay grade, the City Manager shall adjust the salary of the incumbent employee to fit the higher pay grade which is at least as much as the employee was receiving in the former grade and the employee shall retain the same salary anniversary date. If the position is reclassified to a class with a lower pay grade, and the employee's salary exceeds the top step of the class to which their position is reclassified, their salary shall be Y-rated until it is exceeded by the top step of the class. The employee's salary anniversary date shall not change.

H. Salary on Demotion. Any employee who is demoted to a position in a class with a lower pay grade shall have their salary adjusted by one of the following three methods:

1. If a disciplinary demotion, the employee's salary may be reduced. A new salary anniversary date shall be established on the basis of the demotion.
2. If a non-disciplinary demotion, the employee's salary may be reduced. The employee shall retain their salary anniversary date.
3. In the discretion of the City Manager, a demoted employee's salary may be Y-rated. A Y-rated salary is one that is paid above the maximum established salary range for the incumbent's classification. An employee whose salary is Y-rated will retain their current rate of pay until such time that the class has a higher maximum salary rate.

I. Acting Pay. An employee who is required on the basis of an acting appointment to serve in a class with a higher pay grade than that of the class in which the employee is normally assigned, shall receive the entrance salary rate of the higher pay grade or one rate higher than the rate the employee normally receives, whichever is greater, provided the employee shall perform all the duties and assume all the responsibilities of the higher class, for at least 5 consecutive working days when working a 5/8 schedule or 4 consecutive working days when working a 4/10 schedule in the higher classification.

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

To receive the bilingual pay premium, an employee must be regularly accessible to the public in-person and through alternative means of communication, including but not limited to on the phone and via email, and shall successfully complete a language proficiency examination, selected at the City's sole discretion. Upon successfully completing such proficiency examination, the eligible employee shall receive the bilingual pay premium effective on the first pay period of the month following the test date. Bilingual pay premium shall be paid in two payments each month, on the first and second pay period of each month at a rate of \$50 per pay period.

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

- K. Special Salary Adjustments. Notwithstanding anything in these Rules to the contrary, in order to correct gross inequities, or to reward outstanding achievement and performance, the City Manager may adjust the salary rate of an incumbent of a particular position to any step within the pay grade for the class to which the position is allocated.
- L. Cost-of-Living Adjustment. Beginning June 12, 2024, City Council, at its sole discretion, will consider providing a Cost-of-Living Adjustment (“COLA”) to all employees on an annual basis with any wage adjustment going into effect on July 1. City Council will review staff recommendation for the cost-of-living increase based on the published Riverside-San Bernardino-Ontario, CA, Consumer Price Index – U 12-month percent changes on all items for the month of March to consider potential COLA adjustments. Except as otherwise supported by justifiable findings, including the City’s budgetary status, such COLA shall be capped at 3% as approved by City Council.
- M. Pay Periods. The salaries and wages of all employees shall be paid bi-weekly. In the event a payday falls on one of the holidays listed in these Rules, or on a Saturday or Sunday, the immediately previous working day shall become the payday.
- N. Standby and Callback Pay.
 - 1. Standby Pay. Standby Pay applies to all regular, non-exempt employees. When assigned to standby duty, the employee will receive thirty-five dollars (\$35) per day for each day in which they assume standby duty. If the employee is unable to perform the duties prescribed in the Standby Duties Policy, the employee will not receive standby pay for the days in which they were not able to perform such duties.
 - 2. Callback Pay. Callback pay applies to all regular, non-exempt employees and occurs when an employee is called back to work to perform services not in conjunction with a regularly scheduled work shift. Callback pay does not apply to hours worked as a continuation to the end of the shift (for example if an employee is required to stay an additional hour after their shift is over) or a shift scheduled to work at a different time, such as early mornings or late nights. If an employee is called to work early under this rule, callback pay will cease at the beginning of their normal shift, with a minimum of two (2) hours paid at the callback rate. All callback pay will be paid out to the employee and is not eligible to be credited towards any leave banks.
 - a. Callback Rate for a Physical Response. The City shall pay non-exempt, regular employees at the premium rate of one and one-half (1½) times the employee's base pay for the actual hours worked, or a minimum of two (2) hours, whichever is greater. Callback pay is only

applied when an employee leaves the work premises, and the employee is required to physically respond to the City to perform services outside of the employee's regular scheduled working hours. The callback time will commence from the time the employee leaves their residence or current location and is going directly to the incident or reporting location. The callback time will end when the employee leaves the incident or reporting location and is no longer conducting business on behalf of the City.

- b. Callback Rate for a Remote Response. A remote response may include answering a request by phone, laptop, or other remote device. Regular non-exempt employees who have a remote response will be compensated in fifteen (15) minute intervals at one and one-half times their base rate of pay.

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

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

- 1. Reimbursement Upon Conviction of Abuse of Office. In the event any employee is convicted of any crime involving an abuse of the employee's office or position, as defined by California Government Code Section 53243.4, the employee is not entitled to receive Severance Pay, and must reimburse the City for any Severance Pay received.
- 2. Effect of Termination for Cause. If an executive employee or a Department Head is terminated for cause, they shall not be entitled to receive severance pay. Cause for termination shall be deemed to exist if any of the following occurs:
 - a. The City performs an administrative investigation based on charges against an employee by a prosecuting agency with any of the following criminal conduct: theft or attempted theft from the City; fraud or other type of criminal dishonesty; misuse or misappropriation of public funds; assault, battery or other criminal physical injury to another person; any felony; solicitation, prostitution, or other sexually oriented crime; or for violating Government Code §§ 1090 et seq. and/or § 53243.4, and such administrative investigation makes a finding, based on a preponderance of the evidence, that such conduct occurred and violated the City's Rules;

- b. The employee is fined by the Fair Political Practices Commission for a violation of the Political Reform Act or FPPC Regulation in an amount in excess of one thousand five hundred dollars (\$1,500);
 - c. An independent investigation sustains that the employee engaged in unlawful discrimination or harassment of an official, officer, employee or agent of City or a third party while conducting City business or violated any provisions of the City's Municipal Code;
 - d. Unauthorized absence or leave;
 - e. Use or possession of illegal drugs;
 - f. Material acts of dishonesty;
 - g. Persistent failure to disclose material information regarding the business or operation of the City necessary for the City Council to undertake its obligation as the elected legislative body of the City;
 - h. Material failure to follow clear and legal directives of a majority of City Council provided in a duly noticed public meeting, including closed session while in the performance of City Manager duties or acting City Manager duties; or
 - i. Any other violation of these Rules, including a violation of a listed cause for discipline under Rule XVII of these Rules, or other City policies or procedures.
- P. City Manager Interpretation. The City Manager shall have the final authority to interpret these rules and to make all decisions regarding appointments, compensation, disciplinary actions, and policy exceptions.

RULE VI. APPLICATIONS, RECRUITMENT AND EXAMINATIONS

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

The City Council shall select the City Manager. The City Manager, or designee, shall select the Department Heads, Assistant City Manager, Deputy City Manager and Assistant to the City Manager. These positions may be filled by the method selected by the City Council or the City Manager to obtain the best candidate for the position.

The provisions of this rule are inapplicable to the filling of vacancies listed in this paragraph.

- B. Announcement of Vacancies/Acceptance of Applications. When a position becomes vacant, the applicable Department Head shall notify the Personnel Officer. All positions shall be publicized by such methods as the Personnel Officer deems appropriate. The announcements shall specify the title and pay range of the class; the nature of the work to be performed; the experience and education requirements; the knowledge, skills, and abilities desirable for the performance of the work; how to apply; the application deadline date; that a post- offer, pre-employment physical examination is required, which may include a drug test; that upon receiving a conditional offer of employment, a criminal background check is required through the submission of fingerprints; and other relevant information. Applications will be available on the City's website.
- C. Disqualification of Applicants. The Personnel Officer may reject any application which indicates on its face that the applicant does not possess the minimum qualifications required for the position, or because the applicant has failed to timely submit the application, fully complete the application, or submit all required materials.
- D. Ineligibility for Employment. Further examination or consideration for employment of any applicant may be discontinued, and any employment of any person may be terminated, when any of the following has been determined by the Personnel Officer:
 - 1. The individual does not meet the minimum qualifications established for the class or position to which they seek appointment;
 - 2. The individual has made a false statement, misrepresentation, or omission of material fact, or actual or attempted deception, fraud or misconduct in connection with their application;
 - 3. The application shows on its face that the applicant is physically or psychologically restricted from performing the essential functions of the position applied for, and the City determines that no reasonable accommodation can be made for such medical restrictions in the position applied for;
 - 4. An employment history or personal conduct which demonstrates a lack of fitness for City employment, including dismissal for cause from prior public or private employment, or rude or unprofessional demeanor during the recruitment and/or background process;
 - 5. The individual has failed to submit a complete application within the prescribed time limit;
 - 6. The individual has directly or indirectly obtained information regarding examinations to which applicants are not entitled;

7. The individual has been convicted, including pleas of guilty and nolo contendere, of any felony or misdemeanor, which was of such a nature as to reflect adversely and substantially on the applicant's ability to perform the duties of the position. The City Manager, or designee, may disregard such convictions of felonies or misdemeanors if it is found and determined by the City Manager that mitigating circumstances exist. In making such determination, the City Manager may consider the classification, including sensitivity, to which the person is applying or being certified and whether the classification is unrelated to the conviction; the nature and seriousness of the offense; the circumstances surrounding the offense; the length of time elapsed since the conviction; the age of the person at the time of conviction; the presence or absence of rehabilitation or efforts at rehabilitation; and/or contributing social or environmental conditions.
 - a. Unless otherwise required by law, the City will not ask an applicant for employment to disclose, orally or in writing, information concerning the conviction history of the applicant, until the City has issued a conditional offer of employment.
 - b. Applicants who receive a conditional offer of employment may be requested to complete a supplemental form regarding criminal conviction history for review by the City, and a background screening, as part of the application process. The Human Resources and Risk Manager will conduct an individual assessment, as may be required by law, for each applicant who has prior convictions before determining whether to disqualify the applicant and rescind the conditional offer of employment.
8. The individual has otherwise violated provisions of these Rules.

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

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

- E. Selection Process. The selection process shall be impartial and relate to those subjects which, in the opinion of the Personnel Officer, fairly measure the relative capacities of the applicants to execute the duties and responsibilities of the class to

which they seek to be appointed. The selection process may include but is not necessarily limited to achievement, aptitude, and other written tests, personal interview, performance tests, physical agility tests, evaluation of daily work performance, work samples, criminal background check (after the City has provided a conditional offer for employment), medical tests (possibly including a drug test) after a conditional offer for employment has been accepted, successful completion of prescribed training, or other selection techniques as determined by the Personnel Officer. The selection process shall be designed to provide equal opportunity to all candidates by being based on an analysis of the essential requirements of the class, covering only factors related to such requirements. The City also retains the right to conduct a thorough background check of each applicant, which may include a credit verification for certain classifications.

The Personnel Officer may enter into a contract with any competent agency or individual for the preparing and/or administering portions of the selection process. If the Personnel Officer does not contract these duties with an agency or individual, then the Personnel Officer shall ensure that such duties are performed.

- F. Creation of Eligibility List. As soon as possible after the completion of a recruitment, the Personnel Officer shall prepare and maintain an eligibility list consisting of the names of candidates who qualified as finalists. Eligibility lists shall remain in effect for up to 6 months unless the Personnel Officer abolishes the eligibility list after determining that the abolition of the list is in the best interest of the City. The name of any person appearing on an eligibility list shall be removed by the Personnel Officer if the person requests in writing that their name be removed or if the person fails to respond to a notice of certification mailed to the last designated physical address or emailed to the last designated email address. Persons on eligibility lists as a result of an internal recruitment who leave the service of the City for any reason shall automatically be dropped from such lists.
- G. Physician's Examination. Applicants may be required to submit to a physician's examination at the City's expense upon being made a conditional offer of employment. As set forth in more detail in the City's Drug-Free Workplace Policy, the physician's examination shall include a drug and alcohol test for positions that are (1) safety-sensitive; or (2) involve a position of influence over children. When a drug and alcohol test is required, applicants shall be made aware of that in the announcement published under Rule VI.B. No job commitment shall be made until a negative drug screen result is obtained and a physician has certified that the applicant is medically qualified to perform the essential functions of the position. When the applicant reports to the medical facility for the scheduled examination, personal identification shall be provided to the facility in the form of a photograph and verifiable signature (for example, a driver's license or state-issued identification card). All test results will be kept confidential. The applicant will be told whether the tests were passed or failed, but only the Personnel Officer and their assistant will have access to the test results. If required, the drug/alcohol examination shall be administered in accordance with the City's Drug-Free Workplace Policy.

RULE VII. APPOINTMENTS

- A. Appointment of New Employee. The hire date of a new employee shall be that of the first day actually worked.
- B. Provisional Appointments. It shall be the policy of the City to require all Department Heads and other appointing authorities, whenever possible to notify the Personnel Officer, of impending or anticipated vacancies in their departments sufficient in advance so as to allow for the establishment of an appropriate eligibility list. However, when the demands of the services are such that it is not practicable to give such notification and if it is not practicable to delay appointment until a new eligibility list can be certified, the appointing authority may make a provisional appointment to the position, in accordance with the following:
1. As soon as practicable, but not longer than six months after a provisional appointment has been made, the Personnel Officer may cause an examination to be prepared, and all positions filled provisionally shall be filled by an appointment from an eligibility list.
 2. A person appointed to a position on a provisional basis may be entitled to credit for the time served under the provisional appointment if the employee was performing the full range of duties.
 3. No special credit shall be allowed in any examination or the establishment of any eligibility lists for services rendered under a provisional appointment.
 4. Except as otherwise required by law, a provisional appointee, who is not already a current employee, will not be entitled to the rights and benefits afforded to employees under these Rules.
 5. Except for retired annuitants, no person shall be employed by the City under provisional appointment for a total of more than six months in any fiscal year except that the Personnel Officer may extend the period of any provisional appointment for not more than 90 days; however, no provisional appointment shall cause any person to work more than 960 hours (if paid on an hourly basis) or 125 days (if paid on a per diem basis) in a fiscal year.
 6. A person who has retired from a CalPERS employer ("retired annuitant") may only be appointed to a provisional appointment when all of the following conditions are met, unless otherwise allowed by CalPERS during extenuating circumstances:
 - a. The City can show the retired annuitant has previous experience and the skill set needed to perform the work required.
 - b. The appointment is made to fill a vacant position during the recruitment to permanently fill the vacancy, or during an emergency to prevent

stoppage of public service. A recruitment to permanently fill the vacant position must be open before the retired annuitant is appointed.

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

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

- C. Acting Appointments to a Higher Class. Acting appointments may be used to fill positions that are vacant or that are temporarily vacant, such as when an employee is on an extended leave of absence. Where applicable, upon the return of the incumbent from leave or disability, the acting appointment shall be immediately terminated, and the appointee shall resume regular duties, compensation and privileges as if the appointee had continued their duties in their regular classification. Acting appointments shall be subject to the following:
 - 1. Whenever the needs of the City require an employee to temporarily perform the duties of a higher classification than that in which the employee is currently employed for a period of at least 5 consecutive working days when working a

5/8 schedule or 4 consecutive working days when working a 4/10 schedule, the employee shall receive the salary rate of the higher class in which the employee is performing the required duties. In such cases, the employee shall be paid at an appropriate step of the current salary schedule of the higher classification which will assure an increase of not less than 5% greater than the salary of the employee's current position, but in no case shall such salary exceed the top salary step of the higher classification.

The higher salary rate payable shall commence immediately if it is known the assignment will last for at least 5 or 4 consecutive working days as described in the paragraph above following the temporary reassignment to the performance of duties of the higher classification. The requirement for the performance of duties of the higher classification shall be placed in writing by the City Manager, or the City Manager's designee, following a recommendation by the affected Department Head. No employee shall be required to perform any of the duties of a higher classification unless that employee is deemed to possess the minimum qualification of the higher classification by the City Manager, or the City Manager's designee, as recommended by the affected Department Head.

2. In no case shall an employee serve as an acting appointee more than 960 hours in a fiscal year or six (6) total months, whichever comes first, in a higher classification.
 3. An employee appointed in an acting capacity shall be eligible to receive performance increases in the permanent position during the acting appointment but shall not be entitled to performance increases in the position which the employee holds in an acting capacity, other than to address acting pay in accordance with Rule V. Compensation. I. Acting Pay.
 4. The City Manager, or the City Manager's designee, shall obtain the employee's written consent for the temporary performance of any of the duties of the higher classification beyond a period of twelve (12) working days, prior to an employee assuming or continuing the duties and compensation of a higher classification, which consent shall clearly state that it is understood that employee's salary rate will revert to the salary rate in the employee's permanent position upon the expiration of the need for the performance of the duties of the higher classification.
- D. Emergency Appointment. To meet the immediate requirements of an emergency condition, the Department Head, or any persons so authorized in advance by the City Manager, may employ such persons as may be needed for the duration of the emergency without regard to these Rules. As soon as possible, such employment will be reported promptly to the Administrative Services Director or designee. Emergencies are defined as fire, flood, earthquake, or other public calamity, which threatens life or property. The emergency appointee shall be considered a temporary employee and, except as otherwise required by law, shall not be entitled to the rights

and benefits afforded to employees under these Personnel Rules. In the event that a Retired Annuitant is hired as an emergency employee, the appointment and employment of the Retired Annuitant will be governed by the applicable statutes and regulations of CalPERS or other applicable retirement system, to the extent such provisions remain in effect during the emergency. In the event that the City's rules and procedures on provisional employment are inconsistent with the applicable statutes and regulations governing the employment of retired annuitants, the statutes and regulations shall control.

- E. Reinstatement. With the approval of the City Manager, an employee who has completed at least 12 months of service and who has resigned in good standing may be reinstated within one year of the effective date of resignation to a vacant position in the same or comparable class. For purposes of reinstatement, "good standing" shall mean that the employee was not terminated for cause under these Rules, did not resign in lieu of termination, provided at least two-weeks notice of resignation, and was evaluated at least as "Satisfactory" or an equivalent rating on the employee's last performance evaluation. No credit for former employment shall be granted in computing salary, CALTime, retirement benefits, or other benefits except on the specific written direction of the City Manager at the time of reinstatement. Such reinstatement action may, at the discretion of the City Manager, take precedence over any eligibility list except a reemployment list. An individual requesting reinstatement is required to successfully complete a background examination and physician's examination, as set forth in Rule VI.
- F. Reemployment. An employee may be appointed from a reemployment list following layoff.
- G. Promotion. It is the policy of the City to fill authorized vacant positions based on merit. Insofar as consistent with the best interest of the City, vacancies may be filled by promotion. All employees meeting the qualifications standard of a higher-grade position under the same or different job classification may be considered for promotion. Employees promoted to a new position will start at the salary step determined appropriate by the City Manager. The date of promotion will become the employee's new anniversary date for performance review and merit salary increase purposes. Employees receiving promotions will be reviewed after six months, one year, and annually thereafter, with the opportunity for the first merit salary increase at the one-year mark.
- H. Demotion. The City Manager may voluntarily or involuntarily demote an employee. No employee will be demoted to a position for which the employee does not possess the minimum qualifications. An employee may also request a voluntary demotion. An employee who possesses the minimum qualifications may request a voluntary demotion to a lower position. An employee requesting a voluntary demotion will submit a memorandum to the employee's Department Head requesting a voluntary demotion and detailing the reasons for the request. Upon receipt of the request for voluntary demotion, the Department Head will notify the City Manager. If the request for voluntary demotion involves a change from one department to another, both

Department Heads must consent thereto unless the City Manager orders the demotion. The employee's anniversary date will change to the effective date of the demotion. Demoted employees may have their salary reduced according to the appropriate salary range. Salary determinations for demoted employees are solely within the discretion of the City Manager.

- I. Transfer. The Personnel Officer may transfer an employee from one position to another in the same class or a comparable class at the same salary level. While the Personnel Officer retains the right to order the transfer, consideration will be given to the affected employee's and the Department Head's wishes.
- J. Interactive Process Transfer. As part of the interactive process and in accordance with state and federal law, an employee who is unable to perform the essential functions of the employee's present classification may be placed in a vacancy in another class that does not result in a promotion without having to participate in the application process, if the employee can perform the essential functions of the vacant position, with or without reasonable accommodation. A transfer as a result of the interactive process may take precedence over any active recruitment so long as another employee or a candidate has not accepted a conditional offer for the position.

RULE VIII. NEPOTISM AND CONSENSUAL ROMANTIC RELATIONSHIPS BETWEEN EMPLOYEES

A. Nepotism.

1. Definitions.

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

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

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

4. Guidelines for Current Employees.

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

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

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

5. Monitoring by Department Head.

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

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

B. Consensual Romantic Relationships Between Employees.

1. General. Consensual romantic or sexual relationships between City employees can lead to misunderstandings, complaints of favoritism, adverse effects on employee morale, and possible claims of sexual harassment during or after termination of the relationship. As a result, such relationships present existing or potential conflicts that adversely affect the efficient operation of the City. Relationships that present an actual conflict under this Rule are therefore prohibited.
2. Application. This section shall apply to all City employees, regardless of gender or sexual orientation, who have a romantic or sexual relationship with another City employee. The provisions of Section A of this Rule regarding nepotism shall govern employees who marry or become domestic partners with another City employee.
3. Definition of Conflict. For purposes of this section, a conflict exists if business issues of supervision, safety, security, and/or morale would be impacted by a romantic or sexual relationship between two employees.
4. Supervisor's Duty to Report. If a romantic or sexual relationship exists between a Supervisor and another employee (including another Supervisor), the Supervisor shall promptly disclose the relationship to the Personnel Officer and request a determination as to whether the relationship presents a conflict. The disclosure must identify the names and positions of both employees. A Supervisor's failure to comply with this section shall be grounds for discipline up to and including termination.

5. Determination by City Manager. Within five working days, the City Manager shall issue a written determination as to whether the relationship presents a conflict and is thereby prohibited. The City Manager shall have exclusive discretion in making the determination.
 6. Resolution of Conflicts. Subject to limitations imposed by the Municipal Code and applicable provisions of these Rules, the City Manager will attempt in good faith to work with the Supervisor and the other employee to consider options to eliminate the conflict, including removing the Supervisory authority that created the conflict, reassignment, transfer or voluntary demotion of a Supervisory employee, or where the City Manager determines that modification of a Supervisor's assignment is not feasible, reassignment, transfer or voluntary demotion of a non-Supervisory employee. The City Manager retains discretion to determine that the conflict may be resolved via voluntary resignation or termination only.
 7. Prohibited On-Duty Conduct. All City employees are prohibited from engaging in intimate, physical, or other conduct in furtherance of a romantic or sexual relationship with another City employee at work locations, including off-site meetings, conferences, and similar activities. Moreover, upon termination of a sexual or romantic relationship with another City employee, employees are prohibited from engaging in behavior that adversely affects the working conditions of any City employee. In general, all employees are expected to observe appropriate standards of workplace conduct in their interactions with other City employees.
 8. Complaints. Employees who believe that they have been adversely affected by romantic or sexual relationships between City employees should follow the complaint procedures provided under the City's Harassment, Discrimination, and Retaliation Prevention Policy. The complaint procedures are available to all employees regardless of their past or present participation in a romantic or sexual relationship with another City employee.
- C. Management Rights. The City Manager shall have the final authority to interpret these rules and to make all decisions regarding nepotism and consensual romantic relationships and staffing changes as a result of nepotism or consensual romantic relationships.

RULE IX. REPORTS AND RECORDS

- A. Maintenance of Personnel Files. A personnel history folder shall be kept for each employee. Confidential medical records will be maintained in a separate file from other personnel files. The personnel history folders shall be maintained by the Human Resources and Risk Manager or designee, and shall contain a record of date of employment, promotions, performance reviews, disciplinary actions and such other information as the City Manager, or City Manager's designee, shall prescribe.

All performance-related entries to personnel history folders shall be brought to the attention of the employee.

- B. Review and Access of Personnel Files. Personnel records are confidential and, unless otherwise required by law, access to personnel records will be limited to current or former employees, authorized representatives of current or former employees, and authorized representatives of the City. Rights to access, inspect, and copy personnel records, as well as applicable procedures and limits upon such rights shall be consistent with the law.

An individual who is not a current employee, wishing to review or access their personnel file must submit such request in writing to the Human Resources and Risk Manager, or designee. The Human Resources and Risk Manager, or designee, will schedule a date and time with the individual to review their personnel file. The date and time will be at reasonable intervals and at reasonable times, but not later than 30 calendar days from the date the employer receives a written request, unless the former employee, or their representative, and the employer agree in writing to a date beyond 30 calendar days to inspect the records, and the agreed-upon date does not exceed 35 calendar days from the employer's receipt of the written request, in accordance with Labor Code 1198.5. Upon request, the employee shall receive an electronic copy of any materials in the personnel file, however, paper copies may be provided so long as the cost for such copies is paid by the requester. The requester shall be provided with a copy of any statement written for inclusion in the former employee's personnel file concerning the employee's conduct or performance.

Current employees have access to their personnel file electronically at all times. If the employee feels there are items missing in their personnel file, they shall follow the process outlined above to review all items with the Human Resources and Risk Manager, or designee.

The Human Resources and Risk Manager, or designee, may reveal the following information regarding an employee, or former employee, in response to outside inquiries:

1. Employee's name.
2. Classification title and department.
3. Status.
4. Salary Range.
5. Hire date and/or termination date.

This information is a matter of public record and is available to anyone.

- C. Current Address. Employees are required to notify the Human Resources and Risk Manager of any change of name, address, or telephone number within five calendar days of change.

- D. References. Any employee who receives a request for a personal reference for a former or current employee is required to forward that request to the Human Resources and Risk Manager. The City only provides neutral references in response to personal reference requests. Neutral references will only release the employee's hire date, last or current job title, and separation date, if applicable. Except as otherwise required by law, the City will not provide any information to any requestor beyond the neutral reference outlined in this section. No other employee is authorized to provide such written or verbal references or recommendations for former or current employees. Further, no other employee is authorized to respond to questions from persons outside the City about former or current employees regarding their work performance. This section does not prohibit the City, upon City Manager's approval, from providing letters of recommendation for current, or former, employees to assist such employees in their applications for post-secondary education admission purposes.
- E. Destruction of Records. Upon approval of the City Attorney, records relating to personnel may be destroyed as prescribed by law.

RULE X. PROFESSIONALISM

- A. Workplace Conduct. Employees shall maintain a courteous, respectful and professional demeanor at all times. Timely attendance, responsiveness to the public, adherence to the chain of command, and respectful interactions with coworkers, management, contractors, vendors, and the public are required. Harmful gossip, insubordination, and disruptive behavior are grounds for discipline. The wearing of headphones or similar devices during in-person meetings or interacting with the public or other staff in-person is considered unprofessional conduct.
- B. Appearance. All City employees are expected to present a professional appearance to the public and colleagues. Attire should be neat, clean, and appropriate for the work being performed. The City Manager reserves the right to determine acceptable standards and may require changes, as needed. Clothing that is excessively casual, has offensive language or graphics, reveals undergarments, and unprofessional accessories are prohibited.

RULE XI. PERFORMANCE EVALUATIONS

- A. Policy. It is the policy of the City that regular evaluations be made as to the efficiency, competency, conduct and merit of its employees. To this end, it is the responsibility of the City Manager, the Department Heads, and their subordinate supervisors that these evaluations be completed. It is the responsibility of the Personnel Officer to provide and prescribe the forms and procedures to be used in such evaluations of performance and to assist in the training of supervisory personnel so that the

program of performance evaluation will be carried on in a sound and effective manner.

- B. Authority to Make Evaluations. The City Manager or their designee shall have the authority to prepare performance evaluations. The City Manager, or designee may, however, delegate such authority to such subordinate supervisory employees who are most familiar with work of the employees to be evaluated, provided that the City Manager, or designee, shall review and approve all performance evaluations of personnel under their jurisdiction.
- C. Time for Performance Evaluation. An annual performance evaluation may be prepared and received before the employee's salary anniversary date, and shall evaluate the employee's performance in the last year. If the employee receives a rating of (or equivalent to) "improvement needed" or "unsatisfactory" in the employee's annual performance evaluation, their supervisor shall be responsible for conducting an additional performance evaluation three months from receiving such rating and again three months subsequent to that. In addition, the employee may be given a performance evaluation at any other time during the year at the discretion of the appointing authority.
- D. Postponement of Performance Evaluation. Unless otherwise required by law, the use of any leave of absence in excess of 30 consecutive days shall cause the date of the employee's performance evaluation to be extended by the same period of time that the employee was absent.
- E. Review with the Department Head. A performance evaluation must be submitted for review by, and be approved by, the Department Head before the performance evaluation is provided to or discussed with an employee.
- F. Review with Employee. Each performance evaluation shall be presented by the supervisor who prepared it and discussed with the employee. The employee shall sign the evaluation to acknowledge its contents. Such signature shall not necessarily mean the employee endorses the content of the evaluation. Employees may not appeal or grieve the contents of a performance evaluation or the rating(s) received by the employee. Employees who disagree with the contents of their performance evaluation shall have the right to attach a written statement explaining the basis of their disagreement to the performance evaluation.
- G. Retention of Performance Evaluation. After review and approval of the appointing authority, the performance evaluation, as well as any written statement provided by the employee, shall be made a part of the employee's personnel file.
- H. Effects of "Improvement Needed" and "Unsatisfactory" Ratings.
 - 1. Any employee who receives an "unsatisfactory" or "improvement needed" rating will not receive any merit salary increase during the period following the report, except as provided in Rule XI.H.2.

2. If an employee who has been denied a merit salary increase improves their performance to such an extent that the appointing authority believes a merit salary increase is now justified, the appointing authority shall indicate the improvement on a report of performance form and may specifically award a merit salary increase. Additionally, in awarding the merit salary increase under this subsection, the appointing authority may change the merit salary increase anniversary date to the date of the award of the merit salary increase or may permit the anniversary date to remain the same. Any merit salary increase awarded under this subsection shall not be made retroactive.

RULE XII. WORKWEEK, HOURS OF WORK AND OVERTIME

- A. FLSA Classification. The Personnel Officer shall designate those positions which are exempted from the provisions of the Fair Labor Standards Act ("FLSA") based on an assessment of the duties of each position. This designation will be expressed in the job description for the position.
- B. Work Schedules and Workweek. The City Work Schedules include a standard 5/8 schedule and an alternative 4/10 schedule.
 1. Alternative 4/10 Workweek and Work Schedule.
 - a. The City has adopted a 4/10 work schedule for most employees, which consists of ten hours per day, four days per week.
 - b. Employees assigned to work a 4/10 work schedule will work either Monday through Thursday with Fridays off or Tuesday through Friday with Mondays off. At the direction of the City Manager, some employees may be required to work a different schedule due to the requirements of their job classifications or department responsibilities.
 - c. The workweek for employees assigned to a 4/10 work schedule shall be seven consecutive 24-hour periods, starting at 12:00 a.m. on Saturday and ending at 11:59 p.m. on the following Friday. Time worked by non-exempt employees in excess of 40 hours in a workweek shall constitute overtime.
 2. Standard Workweek and Work Schedule.
 - a. The standard 5/8 work schedule consists of eight hours per day, five days per week.
 - b. Employees assigned to work a standard work schedule will work Monday through Friday. At the direction of the City Manager, some employees may

be required to work a different schedule due to the requirements of their job classifications or department responsibilities.

- c. The workweek for employees on the standard work schedule shall be seven consecutive 24-hour periods, starting at 12:00a.m. on Saturday and ending at 11:59 p.m. on the following Friday. Time worked by non-exempt employees in excess of 40 hours in a workweek shall constitute overtime.
- C. Recording of Work Hours. All employees are required to report their time using the prescribed timekeeping program. In the absences of any clocking-in/out system, employee time from 1 to 7 minutes shall be rounded down, and thus not counted as hours worked, but employee time from 8 to 14 minutes must be rounded up and counted as a quarter hour of work time.
- D. Daily Hours of Work/Shifts. Daily hours of work or shifts for employees within departments shall be assigned by Department Heads as required to meet the operational requirements of such departments. The City reserves the right to regulate and/or change the designation of the specific hours or days to be worked by any employee, and no such change in the scheduling of days or hours worked shall be deemed to constitute overtime, provided the total number of hours and days does not exceed those specified as constituting the standard work year, work period, workweek and workday hereunder.
- E. Changes in Work Schedules. The City reserves the right to establish and modify work schedules in order to meet the varying needs of the different City departments. Except in the case of an emergency, Department Heads must provide employees with reasonable notice before changing an employee's work schedule. If the needs of the City require that a position be assigned to work a different work schedule or have a different workweek than set forth in this section, the City Manager, in consultation with the Department Head, may designate the work schedule and workweek for employees in that position in writing. Any additional alternative workweeks shall be designated by administrative policy adopted by the City Manager.
- F. Meal Periods. Non-exempt employees are entitled to unpaid meal periods during which they shall be entirely relieved of responsibilities and restrictions. Such time shall not constitute hours worked.
 - 1. Non-exempt employees shall be entitled to a 60-minute unpaid meal period during each work shift which equals or exceeds 8 hours; non-exempt employees shall be entitled to a 30-minute unpaid meal period during each work shift which exceeds 5 hours but is less than 8 hours.
 - 2. Supervisors shall schedule meal periods to ensure appropriate coverage.
 - 3. Employees shall take reasonable measures wherever feasible to avoid the need for work to be performed during meal periods. Where required, time

spent on such work shall be kept to a minimum, and may only occur with the prior written authorization of a Department Head. Non-exempt employees who work during their meal periods shall be paid for time worked.

- G. Rest Periods. Except where unusual operational demands prevent a rest break, non-exempt employees are entitled to two 15-minute paid rest periods during each work shift which equals or exceeds 8 hours, or one 15-minute paid rest period during each work shift which equals or exceeds 4 hours, but is less than 8 hours. Rest periods shall not be combined or added to employees' meal periods. Rest periods shall also not be added to the beginning or end of an employee's shift.
- H. Overtime. Non-exempt employees shall be entitled to overtime at the rate of one and one-half of their regular hourly rate of pay for each hour worked in excess of 40 hours in any one workweek. Employees are not entitled to compensatory time off in lieu of overtime. Exempt employees are not eligible to receive overtime compensation.
1. Calculation of Hours Worked. For the purposes of overtime compensation, "hours worked" shall only include those periods of time that the employee is required to be on duty or to be on the City's premises or at a prescribed workplace, and all time during which an employee is suffered or permitted to work. As such, paid time off, including for example, time spent on a paid leave of absence, sick leave, holidays and CALTime, as well as time assigned as standby duty, shall not be included in the calculation of hours worked.
 2. Approval of Overtime. It is the policy of the City to avoid the necessity for overtime work whenever possible. Employees shall take reasonable measures wherever feasible to avoid the need for work to be performed outside of their regularly scheduled shifts.

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

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

Time spent on such work outside an employee's regularly scheduled shift shall be kept to a minimum. The City will compensate employees for all hours worked as required by law, including overtime hours worked without approval from the pertinent Department Head. However, employees that work

overtime without receiving prior approval as required under this section, may be subject to disciplinary action, up to and including, termination of employment.

RULE XIII. LEAVES OF ABSENCE

A. Effect of Leave of Absence.

1. Effect of Leave of Absence on Employment Benefits.

- a. Fully Paid Leave. Unless otherwise required by law, an employee on a leave of absence who continues to receive full compensation through the use of their accrued leave banks, or in conjunction with workers' compensation, short-term or long-term disability, or paid parental leave, will continue to receive full employment benefits. Such employment benefits may include, but are not limited to, the accrual of paid leaves, accrual of seniority, and cafeteria contributions which remain at the rate the employee would receive if the employee was working their normal work schedule.
- b. Partially Paid Leave. Unless otherwise required by law, an employee on a paid leave of absence who is receiving less than full compensation from the City through the use of the employee's accrued paid leaves, including workers' compensation, short-term or long-term disability leave, or paid parental leave, shall receive a prorated share of their employment benefits, including, but not limited to, the accrual of paid leaves, cafeteria contributions, or supplemental pay, when only partially paid leave has been received for two consecutive workweeks.
- c. Unpaid Leave. Unless otherwise required by law, an employee on an unpaid leave of absence shall not accrue any employment benefits, including, but not limited to, the accrual of paid leaves, accrual of seniority, cafeteria contributions, and supplemental pay, when unpaid leave has been used for at least 40 hours in a pay period.

2. Effect of Leave on Performance Evaluations and Merit Increases. Unless otherwise required by law, the use of any leave of absence in excess of 30 consecutive days shall cause the date of the employee's performance evaluation, and merit increase, if relevant, to be extended by the same period of time that the employee was absent.

B. Unauthorized Absences. Any employee absent from their job for more than three consecutive working days without prior permission of the Department Head may be considered to have voluntarily resigned from their employment with the City. Any

unauthorized absence may be cause for disciplinary action as provided in these personnel rules.

C. Holidays.

All full-time employees are eligible to receive paid holiday leave under this section. Part-time employees and temporary employees are not eligible for paid holiday leave under this section.

Employees scheduled to work on a holiday listed below will receive pay for actual hours worked as if it were not a holiday in accordance with the Rules, whether that is straight time or overtime as determined in Rule XII. Workweek, Hour of Work and Overtime, in addition to 8 or 10 hours (as described below) of holiday pay. Holiday pay provided under this Rule does not constitute hours worked. Banked holiday hours will no longer be accrued.

1. Holidays Observed for Employees on a 5/8 Work Schedule. As provided in Section B.2. of Rule XII, employees working a 5/8 work schedule, that are regularly scheduled Monday through Friday of each week with occasional Saturdays, shall receive 8 hours of pay for holidays observed and recognized under this subsection. Such employees are entitled to the following days as recognized and observed paid holidays:

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

2. Holidays Observed for Employees on a 4/10 Work Schedule. As provided in Section B.1. of Rule XII, employees working a 4/10 work schedule shall receive 10 hours of pay for holidays listed under this subsection.

4th of July

The 4th of July will be a paid holiday only if it lands on a regularly scheduled workday for the employee.

Day After Thanksgiving

Employees working Monday through Thursday have the option to observe the Day After Thanksgiving as a paid holiday either the Wednesday immediately before Thanksgiving day or the Monday immediately after Thanksgiving, with their Department Director's, or designee's approval to ensure appropriate staffing levels for days that City Hall is open to the public. Employees working Tuesday through Friday shall observe the Day After Thanksgiving as a paid holiday on the Friday immediately following Thanksgiving day.

Winter Break

Each working day commencing December 24 and ending December 31, as well as New Year's Day (January 1) immediately following December 31, shall be recognized as a paid holiday.

Additional Holidays

Employees working a 4/10 work schedule are entitled to the following days as recognized paid holidays, so long as the day does not land on a Saturday or Sunday. Employees working Tuesday through Friday, if a holiday lands on a Monday, the holiday shall be observed on the Tuesday immediately following the holiday.

- a. Martin Luther King Jr. Day
- b. Presidents' Day
- c. Memorial Day
- d. Labor Day
- e. Thanksgiving Day

D. Comprehensive Annual Leave

Comprehensive Annual Leave (CAL time) is to ensure that all employees have an adequate amount of time off each year for rest and relaxation, personal business, or personal/family illness. All full-time employees earn CAL time from the date of hire. Part-time employees are not eligible for CAL time; however, they will continue to receive sick leave in accordance with state and federal laws as further detailed in section E of this Rule.

1. Computation of CAL Time

Employees covered by this plan will earn CAL time from the date of hire using the following accrual rates, prorated each pay period, as outlined below.

Months of Continuous Employment	CAL Time Hours (Annually)	Biweekly Accrual Rate (hours per pay period)	Maximum Accumulation (hours)
0 - 60	176	6.77	480
61 - 120	216	8.31	480
121+	256	9.85	480

The maximum balance of unused CAL time an employee may have at any one time is four hundred eighty (480) hours. The City Manager may grant an employee, on a case-by-case basis, the ability to accrue annual leave above the annual accrual limit for good cause shown.

2. Procedure for Use of CAL Time

Whenever possible, employees should request time off at least two weeks in advance, however, the advance notice does not guarantee the time off request will be approved. Supervisors, managers, and directors will make every effort to approve requests for time off, while ensuring business priorities are being met.

When an employee is unable to request time off in advance, such as for an illness or emergency, the employee shall notify their supervisor prior to the start of their shift, or as soon as reasonably practicable.

Any employee absent for more than five (5) consecutive work days due to illness or accident may, at the discretion of their supervisor and in coordination with human resources, be required to provide a medical certificate from the employee's medical provider indicating the day(s) of the illness/injury and that the illness/injury prevented the employee from being able to work.

An employee off work or contemplating to be off work due to illness or injury for an extended period equivalent to two (2) workweeks or more shall provide a medical certificate statement as to length of absence from the employee's health care provider stating the employee is either unable to work, or specifically describing any restrictions or light duty requirements.

If a holiday falls on a workday during an employee's CAL time, that day shall be considered as a paid holiday and not CAL time.

3. CAL Time Voluntary Cashout

So long as the employee has at least forty (40) hours of CAL time remaining after any cashout, an employee may cash out up to forty (40) hours of CAL time twice a year, for a maximum of 80 hours of CAL time per calendar year. The times at which CAL time may be cashed out will be determined by the City's Administrative Services Department. CAL time cashout shall be paid at the employee's base rate of pay at the time of the conversion. Each employee eligible for CAL time benefit under this section shall make an election no later than December 31 of each calendar year, as to whether the employee wishes to cash out CAL time accrued and unused during the subsequent calendar year. Should the employee elect to cash out their CAL time and they do not have 40 hours remaining after the cashout, their election will default to the available amount that would provide 40 hours of CAL time remaining. Such an election is irrevocable. If an employee fails to make an election as required by this subsection, such failure will be treated as an

election to not cash out CAL time accrued and unused during the subsequent calendar year.

4. CAL Time Cashout at Termination

At termination of employment for any reason, the City shall compensate the employee for the employee's accumulated, but unused, CAL time at the employee's base rate of pay at the time of termination.

E. Sick Leave for Part-Time and Temporary Employees

1. Applicability. This section applies to part-time and temporary employees only. The City provides paid sick leave to part-time and temporary employees as required under California law. This section does not apply to retired annuitants working for the City.

2. Definitions.

a. Hours Worked. Hours worked shall include all time when a part-time or temporary employee is required to be on duty or to be on the City's premises or at a prescribed workplace, and all time when a part-time or temporary employee is suffered or permitted to work. Paid sick time is not considered time worked.

b. Family member means any of the following: a child (which means a biological child, adopted child, foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis. This definition of a child is applicable regardless of age or dependency status), a parent (which means a biological parent, adoptive parent, foster parent, stepparent, legal guardian of an employee or registered domestic partner, or person who stood in loco parentis when the employee was a minor child), a parent-in-law, a spouse, a registered domestic partner, a grandparent, a grandchild, a sibling, or a designated person (which means a person identified by the employee at the time the employee requests paid sick leave. The City limits the employee to one designated person per 12-month period for paid sick leave).

3. Paid Sick Leave.

a. Eligibility for Sick Paid Sick Leave. Part-time and temporary employees are eligible for paid sick leave after they work for the City for at least thirty (30) days within a calendar year. Part-time and temporary employees who work fewer than thirty (30) days within a calendar year are not eligible for paid sick leave.

- b. **Accrual of Paid Sick Leave.**
 - i. Part-time and temporary employees regularly scheduled to work 10 hours per day shall accrue paid sick leave at the rate of 3.58 hours for each pay period, resulting in 50 hours/5 working days by the employee's 200th day of employment. Once the part-time or temporary employee has accrued 50 hours of sick leave in a 12-month period, regardless of how much has been used, they will not accrue any additional leave until their annual hire date anniversary, at which time their accruals will begin again under this policy.
 - ii. Part-time and temporary employees regularly scheduled to work 8 hours per day or less shall accrue paid sick leave at the rate of 2.86 hours for each pay period, resulting in 40 hours/5 working days by the employee's 200th day of employment. Once the part-time or temporary employee has accrued 40 hours of sick leave in a 12-month period, regardless of how much has been used, they will not accrue any additional leave until their annual hire date anniversary, at which time their accruals will begin again under this policy.
- c. **Qualification Period Prior to Use of Paid Sick Leave.** Part-time and temporary employees are entitled to use their accrued paid sick leave only after completing ninety (90) days of employment. Part-time and temporary employees who work fewer than 90 days are not entitled to take any paid sick leave.
- d. **Notice of Accrued Paid Sick Leave.** All accrued paid sick leave will be reflected on each part-time and temporary employee's paystub, including the balance of paid sick leave available.
- e. **No Advance of Paid Sick Leave.** The City will not "advance" or "lend" paid sick leave to a part-time or temporary employee before it has been accrued.
- f. **Sick Time Rate of Pay.** Part-time and temporary employees shall be compensated for paid sick leave at their regular rate of pay for the position and schedule in which paid sick leave is utilized.
- g. **Annual Paid Sick Leave Use Limit.** Part-time and temporary employees may use up to 40 hours or five days, whichever is more, of accrued paid sick leave during a calendar year.
- h. **Accrued Paid Sick Leave Carry-Over.** Unused paid sick leave may be carried over from calendar year to calendar year with a maximum paid sick leave bank of 80 hours or ten working days, whichever is more.

- i. Minimum Increments Paid Sick Leave. The minimum charge to a part-time or a temporary employee's paid sick leave account shall be 30 minutes per workday.
- j. Permitted Use of Sick Leave. Upon the oral or written request of a part-time or a temporary employee, the City shall permit the part-time or temporary employee to use accrued paid sick leave for the following purposes:
 - Diagnosis, care, or treatment of an existing health condition of, or preventative care for, an employee or an employee's family member.
 - Part-time and temporary employees who are victims of crime, abuse, or qualifying act of violence may take time off as paid sick leave to obtain or attempt to obtain any relief. Relief includes, but is not limited to, a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the employee or their child.
 - Part-time and temporary employees who are victims of crime, abuse, or qualifying act of violence may take time off as paid sick leave to seek medical attention for injuries caused by crime or abuse; to obtain services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency as a result of the crime or abuse; to obtain psychological counseling or mental health services related to an experience of crime or abuse; or to participate in safety planning and take other actions to increase safety from future crime or abuse, including temporary or permanent relocation.
- k. Request for Use of Paid Sick Leave.
 - A part-time or temporary employee shall contact the employee's immediate supervisor prior to or within one hour of the commencement of their work shift to report the need for paid sick leave. If no immediate supervisor is available, an employee shall contact the Department Head. Consideration shall be given to emergency situations that restrict the employee from contacting the employee's immediate supervisor within the first hour of work including, but not limited to: accident, injury, or hospitalization. In such emergency situations, an employee shall contact the employee's supervisor as soon as practicable.
 - If the need for paid sick leave unforeseeably arises, such as at a part-time or temporary employee's work site, the part-time or

temporary employee shall notify the employee's immediate supervisor before leaving the work site or as soon as practicable.

- When a part-time or temporary employee has advance notice of the need for paid sick leave, such as when scheduling non-emergency medical and dental appointments, the part-time or temporary employee is required to notify the employee's supervisor at least three (3) days in advance of the employee's need for paid sick leave. Part-time and temporary employees are encouraged to schedule medical and dental appointments outside normal working hours if possible.
 - A part-time or temporary employee is not responsible for searching for or finding another employee to cover the employee's shift in order to use paid sick leave.
- l. Any employee absent for more than five (5) consecutive work days due to illness or accident may, at the discretion of their supervisor and in coordination with human resources, be required to provide a medical certificate from the employee's medical provider indicating the day(s) of the illness/injury and that the illness/injury prevented the employee from being able to work.
 - m. Unused Paid Sick Leave. No part-time or temporary employee shall be compensated for or allowed to exhaust any accrued paid sick leave upon resignation, including retirement, termination, layoff, or death.
 - n. Reinstatement of Unused Paid Sick Leave. Unused accrued paid sick leave for part-time or temporary employees at termination shall be reinstated upon return to active status occurring within no more than twelve (12) months of termination. For part-time or temporary employees who return to the City within twelve (12) months from their previous separation, days worked prior to the previous separation will count toward the ninety (90) day qualification period.
 - o. Paid Sick Leave Accrual Upon Promotion to Full-Time Employee Status. If a part-time or temporary employee is promoted to full-time employee, the employee's accrued unpaid sick leave shall be converted to CAL time.
 - p. Records Documenting Hours Worked and Paid Sick Leave Accrued and Used. The City shall keep records documenting the hours worked and paid sick leave accrued and used by a part-time or temporary employee for three (3) years.
 - q. Employee Inspection of Records Pertaining to Paid Sick Leave. Upon reasonable request to the City's Human Resources Department, and within twenty-one (21) calendar days after the request, the City shall afford

current and former part-time and temporary employees the right to inspect or copy records pertaining to their hours worked and paid sick leave accrued and used.

F. Bereavement Leave.

1. Eligibility and Available Leave. An employee is eligible to receive leave under this section if the employee has been employed by the City for at least thirty (30) days prior to commencement of leave. If an employee loses an immediate family member, as defined in this section below, the employee will be allowed to take up to five (5) days of leave per death. Leave days under this section need not be consecutive but shall be completed within three months of the date of death of the immediate family member. The City may request verification of death as permitted under the law.
2. Pay While on Leave. Each employee is eligible to receive up to 40 hours of pay per rolling 12-month period while on bereavement leave as provided in this section. These 40 hours of pay for bereavement leave shall not be chargeable to any other leave balance. Once an employee exhausts available pay under this section, such employee may use other available accrued paid leave to receive pay during additional bereavement leave.
3. Immediate Family Member. For purposes of this section, immediate family shall mean father, father-in-law, mother, mother-in-law, stepparent, brother, half-brother, brother-in-law, stepbrother, half-sister, sister-in-law, stepsister, spouse, domestic partner, child, stepchild, grandparent, grandchild, legal guardian or legal ward.

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

H. Victims of Qualifying Act of Violence. Employees who are victims of, or an immediate family member of a victim of crime, abuse, or qualifying act of violence may take time off to obtain or attempt to obtain any relief. Relief includes, but is not limited to, a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the employee or their child.

Employees who are victims of, or an immediate family member of a victim of crime, abuse, or qualifying act of violence may take time off to seek medical attention for injuries caused by crime or abuse; to obtain services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency as a result of the crime or abuse; to obtain psychological counseling or mental health services related to an experience of crime or abuse; or to participate in safety

planning and take other actions to increase safety from future crime or abuse, including temporary or permanent relocation.

Time taken off for this purpose is unpaid, however, you may use any available leave balances.

I. Jury Duty.

An employee summoned for jury duty will immediately notify the employee's department head. While serving on a jury, an employee will be given a leave of absence with pay for the duration of the employee's jury duty. Such leave of absence with pay is conditional upon the employee returning to work upon their dismissal each day to complete their normal workday, as required at the employee's department head's sole discretion. Employees who fail to return to work, as required by their department head, are required to use other accrued paid leaves for that period of the employee's absence. Such leave is also conditional upon the employee's conveyance to the City of any compensation received as a juror, not including any travel allowance received.

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

K. Family Care and Medical Leave. Employees shall be granted family care or medical leave in accordance with the Family Medical Leave Act and the California Family Rights Act. The full provisions governing such leave will be set forth in an administrative policy.

L. Reproductive Loss Leave. Upon completion of thirty (30) days of employment with the City, all employees are eligible to receive reproductive loss leave as provided in this section.

1. Definitions applicable to this section.

- a. Reproductive loss event: means the day or, for a multiple-day event, the final day of a failed adoption, failed surrogacy, miscarriage, stillbirth, or an unsuccessful assisted reproduction.
- b. Failed adoption: means the dissolution or breach of an adoption agreement with the birth mother or legal guardian, or an adoption that is not finalized because it is contested by another party. This event applies to any person who would have been the parent if the adoption was completed.
- c. Failed surrogacy: means the dissolution or breach of a surrogacy agreement, or a failed embryo transfer to the surrogate. This event applies

to any person who would have been the parent if the child was born as a result of the surrogacy.

- d. Miscarriage: means a miscarriage by a person, by the person's current spouse or domestic partner, or by another individual if the person would have been a parent of a child born as a result of the pregnancy.
 - e. Stillbirth: means a stillbirth resulting from a person's pregnancy, the pregnancy of a person's current spouse or domestic partner, or another individual, if the person would have been a parent of a child born as a result of the pregnancy that ended in stillbirth.
 - f. Unsuccessful assisted reproduction: means an unsuccessful round of intrauterine insemination or of an assisted reproductive technology procedure. This event applies to a person, the person's current spouse or domestic partner, or another individual, if the person would have been a parent of a child born as a result of the pregnancy.
- 2. Leave Entitlement. An employee is entitled to receive up to five (5) days of unpaid leave under this section following a reproductive loss event. If an employee experiences more than one reproductive loss event within a twelve (12)-month period, the City will grant additional reproductive loss leave, under this section, up to twenty (20) days within a twelve (12) month period. An employee may use leave entitlement under this section nonconsecutively. Except as otherwise provided in subsection 3 "Impact of Other Leave" below, leave under this section shall be completed within three (3) months of the reproductive loss event.
 - 3. Impact of Other Leave. If prior to or immediately following a reproductive loss event, an employee is on or chooses to go on leave under Rules XIII(J) or XIII(K), or any other leave entitlement under state or federal law, the employee shall complete leave under this section within three (3) months of the end date of the other leave.
 - 4. Use of Accrued Paid Leave. An employee may use CAL leave, sick leave, or other leave that is otherwise available to the employee to receive compensation while on leave under this section.
 - 5. Nonretaliation. Noninterference. The City will not retaliate against an employee, including imposing any disciplinary action, because of the employee's exercise of the right for leave under this section or an employee giving information or testimony as to their own reproductive loss leave, or another person's reproductive loss leave. Further, the City will not interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right provided under this section.

6. Confidentiality Provision. The City will maintain the confidentiality of any employee requesting leave under this section. Any information provided to the City pursuant to this section will be maintained as confidential and will not be disclosed except, as necessary, to internal personnel, legal counsel, or as may otherwise be required by law.
- M. Leave of Absence Without Pay. In accordance with the procedures in this section, a temporary unpaid leave of absence for a defined period may be considered because of illness or disability not protected by law, or for other reason deemed acceptable at the City's sole discretion. The department director may approve up to two weeks of leave without pay. Any amount of leave without pay beyond two weeks must be approved by the City Manager or their designee. This section does not govern leave protected by the law.
1. Exhaustion of Paid Leaves.
 - a. Non-medical Leave of Absence Without Pay. An employee requesting leave under this section for nonmedical reasons is required to fully exhaust all of their paid leaves, except sick leave, in order to be eligible to receive a leave of absence without pay.
 - b. Medical Leave of Absence Without Pay. An employee requesting leave under this section for medical reasons is required to fully exhaust all of their paid leaves, including sick leave, in order to be eligible to receive a leave of absence without pay.
 2. Accrual of Benefits. Leave of absence without pay shall not be construed as a break in service or employment, and rights accrued at the time leave is granted shall be retained by the employee; however, CAL time, sick leave (where applicable), increases in salary, health benefit allotments, allowances and other similar benefits shall not accrue to a person granted such leave during the period of absence. An employee reinstated after leave of absence without pay shall receive the same step in the salary range the employee received when they began their leave of absence. Time spent on such leave without pay shall not count toward service for increases within the salary range, and the employee's salary anniversary date shall be set forward by an amount equal to the days of unpaid leave taken by the employee.
- Failure of the employee to return to their employment upon the termination of any authorized leave of absence shall constitute an automatic termination from City service of that employee, unless such leave is extended.
- N. Administrative Leave. As compensation for the unique nature of their jobs, including after-hours meetings or work, the City provides Administrative Leave as described below to Executive, Management and General positions classified as exempt on the City's Pay Plan. Administrative Leave amounts are subject to modification from time to time at the City's sole discretion, as follows:

1. Employees in the Executive classification shall receive 80 hours of Administrative Leave per fiscal year.
2. Employees in the Management classification shall receive 60 hours of Administrative Leave per fiscal year.
3. Employees in the General classification which are classified as exempt shall receive 20 hours of Administrative Leave per fiscal year.

The City Manager shall have the authority to grant Administrative Leave to any employee in recognition of additional hours worked, extraordinary service, or to otherwise meet City needs.

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

Administrative Leave cannot be carried forward from year to year, and any unused leave will be cashed out on June 30th of each year. At separation of employment for any reason, the City shall compensate the employee for the employee's accumulated, but unused, Administrative Leave at the employee's base rate of pay at the time of separation.

O. Fitness for Duty Leave.

1. Purpose/Policy. Employees are expected to report to work fit for duty, which means able to perform their job duties in a safe, appropriate, and effective manner, free from adverse effects of physical, mental, emotional, and/or personal problems. This Rule is intended to provide a safe environment and protect the health and welfare of employees and the public. If an employee feels unfit to perform their duties, the employee must notify their supervisor immediately.
2. Reasons for Fitness for Duty Leave. In the discretion of the City, an employee may be placed on a paid Fitness for Duty Leave and a fitness for duty examination may be ordered in any of the following situations:
 - a. An employee returns from a medical leave of absence of more than five working days.
 - b. An employee is involved in the interactive process with the City under Rule III.C.
 - c. Supervisor observes or receives a reliable report of an employee's possible lack of fitness for duty. Observations and reports may be based on, but are not limited to, employee's own self-report of potential unfitness,

dexterity, coordination, alertness, speech, vision acuity, concentration, response to criticism, interactions with the public, co-workers, and supervisors.

- d. Fitness for duty examinations based on a reasonable suspicion that an employee is under the influence of illegal drugs or alcohol shall be conducted in accordance with the City's Drug-Free Workplace Policy.
3. Procedures for Ordering a Fitness for Duty Examination. When a supervisor becomes aware of or observes behavior that makes the supervisor reasonably suspect that an employee may not be fit for duty, the supervisor shall confer with the Personnel Officer to discuss the supervisor's basis for the reasonable suspicion that the employee may not be fit for duty. After such conference between the supervisor and the Personnel Officer, the Personnel Officer may request the supervisor to refer the employee to the Personnel Officer who will determine whether a fitness for duty examination is necessary and should be scheduled. If the circumstances warrant it, the Personnel Officer may place the employee on a paid or unpaid leave pending the results of the employee's fitness for duty examination. The examination shall be paid for by the City. If the employee is placed on Fitness for Duty leave while at work, under no circumstances is the employee to drive themselves to any secondary location, whether that is to the employee's home, an examination facility, or elsewhere.
4. Procedure Following Receipt of Examination Results. The doctor examining the employee shall be limited to finding the employee "fit for duty" or "fit for duty with restrictions" or "unfit for duty." In the case of finding an employee fit for duty, the doctor may issue work restrictions. In no case shall the doctor reveal the underlying cause of the fit or unfitness for duty without the employee's permission.
 - a. Fit for Duty. If the doctor finds the employee is fit for duty, the employee shall return to work immediately and perform all duties of their position.
 - b. Fit for Duty with Restrictions. If the doctor finds the employee is fit for duty with restrictions, the doctor shall specifically list what restrictions are necessary and for how long those restrictions are necessary. If the employee's restrictions are based on a disability as defined by the ADA and/or FEHA, the City shall engage in the interactive process as set forth in Rule III.C. The City shall then evaluate those restrictions and determine if the restrictions can be reasonably accommodated.
 - c. Unfit for Duty. If the employee is found to be unfit for duty, the employee shall not be permitted to work. The Employee may request a leave of absence in accordance with the appropriate subsection of this Rule. If the employee can provide certification of fitness for duty prior to the exhaustion of all paid and unpaid leave that the employee is entitled to

under these Rules, the employee shall be returned to work. However, if such certification is from the employee's own health care provider, the City may request a second opinion from a doctor of its choosing and at its cost to evaluate the employee under the requirements of this section. If the two certifications conflict, a third opinion will be sought from a doctor chosen by the City and the employee, at the expense of the City. The opinion of fit or unfit rendered by the third doctor shall be binding. If the employee's restrictions are based on a disability or a medical condition as defined by the ADA and/or FEHA, the City shall engage in the interactive process as set forth in Rule III.C.

- P. Voting Leave. The City encourages eligible employees to register and vote in all federal, state and local elections. Employees of the City are expected to vote prior to or following their assigned working hours. In accordance with the *Election Code*, Sections 14000 and 14001, if a registered voter employee does not have sufficient time outside regular working hours within which to vote at statewide elections, the employee may take off such working time as will enable the employee to vote. A maximum of two hours may be taken with pay. To receive time off for voting, the employee must notify the employee's Department Head in advance. Employees who need Voting Leave, must take such leave at the beginning or end of the employee's work shift, based on the needs of the Department and the employee's schedule. The exact amount of time off work and the scheduling of time off shall be decided between the employee and the employee's Department Head. Employees who use Voting Leave are required to present a voter's receipt to their Department Heads.
- Q. Subpoenaed Absence. An employee who is subpoenaed or otherwise required under a court order to provide testimony as a witness, may receive the employee's regular pay during the employee's absence, whether such subpoena is related or unrelated to City business. An employee who receives a "Summons or Subpoena to Appear" for witness duty, must provide reasonable advance notice to the employee's supervisor and human resources and provide a copy of the original summons to human resources.
- R. Personnel Action Leave. The City has the right to place an employee on leave at any time with full pay. An employee may be placed on personnel action leave pending investigation of misconduct, potential disciplinary action, or other reasons that the City Manager, in the City Manager's discretion, believes warrant such leave. If the City Manager is to be placed on personnel action leave, it will be done so at the discretion of the majority vote of the City Council. A personnel action leave shall not have any negative effect on the employee's benefits. Personnel action leave may also be referred to as "Relief of Duty." An employee assigned to personnel action leave shall be required to be available by phone during the employee's regular working hours. In addition, employees on a personnel action leave are prohibited from entering City facilities or property or communicating with City employees, except to the extent that non-employees may access City facilities, property, or

employees. The City Manager may place other reasonable restrictions on an employee during the period of personnel action leave.

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

1. Permissible Purposes:

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

2. An employee may take up to 40 hours of leave per calendar year, but no more than eight or ten hours, based on their normal daily hours scheduled, in one calendar month. However, no limit shall be placed on the amount of leave taken under Section (S)(1)(d) of this rule. If more than one City employee requests leave in connection with the same child, only the first employee to provide notice is entitled to receive leave. The second employee may also be permitted to take a simultaneous leave of absence if the second employee obtains written supervisory approval. The amount of leave available is fixed at a maximum of 40 hours per calendar year, regardless of the number of children, grandchildren, or wards that an employee may have.
3. An employee must provide reasonable advance notice of the need for leave and must make all reasonable efforts to schedule the leave so as not to unduly disrupt the operations of the City. If an emergency makes such notice impossible, the employee shall notify the employee's Department Head as

soon as possible. Employees returning from leave may be required to provide written verification from the school or childcare provider of the employee's need for leave at the specific time and date. If an employee fails to provide sufficient verification, the City may determine that the leave time was unauthorized.

4. Leave under this section is unpaid. However, an employee may choose to use any accrued leave, including CAL time when taking leave under this section.

- T. Workers' Compensation. Workers' compensation applies to all employees who experience an injury or illness that arises out of the course and scope of employment. Employees must immediately report all injuries or illnesses related to the scope of their employment to their supervisor or human resources. If an employee is incapacitated and unable to immediately report their injury or illness, they must report their injury or illness as soon as they are reasonably able to do so.

Employees seeking immediate medical attention at the direction of their supervisor, or in emergency situations, shall receive payment for time spent waiting for and receiving treatment, through the end of their scheduled shift on the date of injury or the date which their supervisor sends them for treatment, only. Subsequent appointments are dictated by the doctor, and therefore time spent at the appointments are not paid for through temporary disability insurance. Employees attending follow-up appointments may use their supplemental leave accruals for appointments for which they are unable to attend outside of working hours.

Before the start of benefits, injured employees shall serve a waiting period of three-calendar days. The waiting period need not be consecutive days. Partial days of absence for doctor appointments or authorized periods of disability may be accumulated to equal full days and charged to the waiting period. For the purpose of calculating the waiting period, the day of the injury shall be included unless the employee was paid full wages for that day. The waiting period is waived if the:

- Injury was caused by a criminal act of violence, or
- Employee is disabled more than 14 calendar days, or
- Employee is hospitalized as an inpatient for treatment required by the injury or illness.

RULE XIV. ATTENDANCE

- A. Attendance. Employees will be in attendance on time at their workstation or location in accordance with the rules regarding hours of work, holidays, and leaves. Employees will make every effort to schedule personal appointments outside their working hours. Employee adherence to the rules governing attendance, leaves of absence and tardiness will be reviewed and evaluated during the employee's annual

performance evaluation. All supervisors/managers will keep track of employee attendance records, which will be reported to Administrative Services by approval of electronic timesheets.

- B. Tardiness. It is the responsibility of the employee to arrive at work on or before the assigned time each day. If for some reason beyond the control of the employee, it is not possible for the employee to come to work on time, arrangements in advance with the Department Head must be made at the earliest possible time. In no case will repeat tardiness be tolerated.
- C. General Absences. Pre-authorized time off, authorized paid/unpaid leaves of absence due to bona fide illness or injury, jury duty, bereavement, or other City leaves are the only types of absences permitted. All others will be considered a violation of these Rules.
- D. Unauthorized Absences. An employee who is absent for a full shift without notification or authorization may be subject to disciplinary action, up to and including, termination of employment.
- E. Remote Work. All employees are expected to perform their duties on-site unless an alternative arrangement is expressly authorized by the City Manager, at the City Manager's sole discretion. Remote work is not a right and may be rescinded at any time based on the operational needs or performance considerations.

RULE XV. LAYOFF/SEPARATION/RETIREMENT

- A. Layoff. Whenever, in the judgment of the City Council, it becomes necessary to abolish any position or employment, the employee holding such position or employment, may be laid off without disciplinary action and without the right of appeal, unless otherwise required by law. The City Manager shall determine the class and number of positions within each class to be affected, as well as the effective date of the layoff.
 - 1. Notification. Employees to be laid off shall be given, whenever possible, at least 14 days prior notice.
 - 2. Order of Layoff. In each class of position, employees shall be laid off according to the needs of the service as determined by the Department Head and the Personnel Officer.
 - 3. Reemployment List. The names of persons laid off or demoted in accordance with this section shall be entered upon a reemployment list. Lists from different departments or at different times for the same class of position shall be combined into a single list. Such list shall be used by every Department Head when a vacancy arises in the same or lower class of position before certification is made from an eligible list or starting a recruitment. Names of

persons laid off shall be carried on a reemployment list for one year, except that of persons appointed to a position of the same level as that which laid off, shall, upon such appointment, be dropped from the list. Persons who refuse reemployment shall be dropped from the list. Persons reemployed in a lower class, or on a temporary basis, shall be continued on the list for the higher position until a full year lapses following the layoff or demotion under this section.

- B. Resignations. Employees may resign at any time. However, the City requests that resigning employees file a written resignation stating the effective date and reason(s) at least two weeks prior to leaving the City's service. The resignation date should be the last day the employee actually worked.
- C. Terminations. The City may terminate any employee at any time with or without cause and with or without notice.
- D. Retirement/Disability Retirement. In accordance with the City's contract with the California Public Employees' Retirement System (CalPERS), employees who meet the age and service credit minimums may qualify for a service retirement from CalPERS. Under CalPERS laws, an employee who is unable to perform their job because of an illness or injury which is expected to be permanent or last indefinitely, may be entitled to receive a disability retirement.

RULE XVI. ETHICAL STANDARDS

- A. Outside Employment, Enterprise, or Activity. In accordance with California Government Code section 1125 et seq., no employees may engage in any outside employment, enterprise, or activity that is inconsistent, incompatible, in conflict with, or adverse to the employee's employment, their ability to perform their duties and responsibilities, including performance of overtime work and emergency duties, or any other aspect of City operations. Employees are required to request prior approval from the City before engaging in any outside employment.
 - 1. Employees are required to notify their Department Head in writing of all outside employment in which they are engaged, regardless of when that outside employment began, so that the City may assess whether such outside employment conflicts with the employee's City employment. Outside employment conflicts with the City's employment when it interferes with the performance of the employees' City duties, presents a conflict of interest, or discredits the City. An employee's outside employment, enterprise, or activity will be prohibited when any of the following are present:
 - a. It involves the use for private gain or advantage of their City time, facilities, equipment and/or supplies; or the badge, uniform, prestige, or influence of their City employment;

- b. It involves the receipt or acceptance by the employee of any money or other consideration from anyone other than the City for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of their City employment or as part of their duties as a City employee;
 - c. It involves the performance of an act, in other than their capacity as a City employee, which may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other officer or employee of the City; or
 - d. It involves the time demands as would render performance of their duties as a City employee less efficient. To better determine whether the outside employment renders employees' performance of their duties less efficient, the City will evaluate the employees' outside employment's nature of job duties, hours, or conditions of outside employment. Employees are required to disclose any change to the nature of their job duties, hours, or conditions of outside employment.
 - 2. When outside employment is reported to a Department Head, the Department Head, in consultation with the Human Resources and Risk Manager, shall determine whether the employee's outside employment conflicts with the performance of their duties and shall advise the employee of their determination in writing. An employee who is unsatisfied with the decision of the Department Head may appeal the decision to the City Manager. An employee wishing to appeal this determination must file a written appeal to the City Manager within 10 days of receipt of the Department Head's decision. The City Manager shall meet with the employee and determine whether the employee's outside employment conflicts with the performance of their duties as a City employee. The City Manager shall advise the employee and the Department Head of the City Manager's determination in writing within 15 days of meeting with the employee. The City's Manager determination shall be final and binding on all parties.
 - 3. If, after providing approval for outside employment under this Rule, the City Manager, at their discretion, later determines that the outside employment is in conflict with the City's employment, then the City Manager may revoke such approval for outside employment. Failure of the employee to cease outside employment consistent with the timeline then provided by the City Manager, may result in disciplinary action, up to and including, termination of employment.
- B. Political Activities. Consistent with the provisions of California Government Code section 3201 et seq., employees may not engage in political activity during working hours, while on City property on which members of the public would not be entitled to engage in political activities, while acting in an official capacity during work hours, or while in uniform. This includes, but is not limited to, campaigning for or against a

candidate or ballot measure; wearing or displaying political buttons, signs, or clothing in the workplace; and/or soliciting political contributions from other employees during work hours.

1. Use of City Resources Prohibited. The use of City resources are prohibited for the use of political activity, including, but not limited to, City funds, facilities, equipment (including printers), vehicles, electronic devices, or communication platforms.
 2. Presentation of Views. Employees may not imply that their political views or activities represent the official position of the City. The use of official titles or City affiliations in political endorsements or campaigns is prohibited.
 3. No Retaliation. Employees shall not be retaliated against for lawful political activity conducted on their own time and without the use of City resources.
- C. Solicitation of Political Contributions. Consistent with the provisions of California Government Code section 3201 et seq., no City employee may knowingly, directly or indirectly, solicit a political contribution from a City employee, City officer, or person on an employment list. However, this does not prohibit City employees from requesting political contributions if the solicitation is part of a solicitation made to a significant segment of the public, which may include City employees. This also does not prohibit a City employee from soliciting or receiving political funds or contributions to promote the passage of or defeat of a ballot measure which would affect the rate of pay, hours of work, retirement, civil service, or other working conditions of City employees, provided that such solicitation cannot occur during working hours or while on City property. For purposes of this section, "contribution" means a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment except to the extent that full and adequate consideration is received, unless it is clear from the surrounding circumstances that it is not made for political purposes.
- D. Contracts and Conflicts of Interest. In accordance with California Government Code section 1090 et seq., no City employee can be financially interested in any contract made by the employee in the employee's official capacity, or by any body or board of which the employee is a member.
- E. Conduct During the Workday. During the workday, employees are expected to devote their full time to the performance of their assigned duties. Any approved outside work, hobbies, or personal business must be performed during off-duty hours.
- F. Employees with Access to Confidential Information. In performing their duties, employees may have access to confidential information, including, but not limited to, employees' personnel files and the personal or financial information of other City employees or persons who do business with the City. In addition, some City employees will be involved in some communications with the City Attorney's Office,

which can be protected by the attorney-client privilege. Employees with such access are required to keep such information confidential.

RULE XVII. DISCIPLINARY ACTIONS

- A. Reason for Disciplinary Action. While the City maintains an at-will employment environment and may terminate any employee at any time with or without cause, the City also reserves the right to take disciplinary actions against any employee. Disciplinary measures may be taken for any good and sufficient cause. Cause may include, but is not limited to, any of the following:
1. Violation of the personnel ordinance or of these personnel rules.
 2. Violation of any policies, procedures, personnel rules and/or regulations of the employee's department.
 3. Any act of insubordination.
 4. Act detrimental to the public service.
 5. Refusal or inability to comply with the duties of the position occupied by the employee.
 6. Any type of misfeasance, malfeasance or nonfeasance relating to their duties, office or position.
 7. Fraud in securing employment or making a false statement on an application for employment or on any supporting documents furnished with or made a part of any application.
 8. Dishonesty.
 9. Incompetence, such as failure to comply with the minimum standards for an employee's position.
 10. Absence from the job during working hours without permission from the employee's supervisor or Department Head.
 11. Conviction of a misdemeanor relating to the employee's fitness to perform assigned duties, or conviction of a felony.
 12. Discourtesy to the public, employees, or other persons with whom the City maintains a relationship; or engaging in treatment that does not foster cooperation.

13. Harmful gossip and/or spreading rumors; engaging in behavior designed to create discord and lack of harmony; interfering with another employee on the job; or willfully restricting work output or encouraging others to do the same.
14. Misuse or abuse of City property or equipment.
15. Substandard job performance.
16. Failure to maintain any employment qualification.
17. Discrimination and/or harassment of employees or applicants based on a protected characteristic, as set forth in the City's Harassment, Discrimination and Retaliation Prevention Policy.
18. Failure or refusal to properly or satisfactorily perform assigned duties.
19. Theft or harm to City property or the personal property of another.
20. Inattention to duty, indolence, carelessness or negligence in the care or handling of City property.
21. Assault, battery, horseplay, or fighting while on duty or under the guise of office.
22. Gambling on City property or during working hours.
23. Sleeping on the job.
24. Improper use of City funds.
25. Acceptance or solicitation of bribes or extortion.
26. Abuse of CAL time or sick leave, repeated tardiness, or excessive absenteeism of any kind.
27. Acceptance from any source of any emolument, reward, gift or other form of remuneration in addition to the employee's regular compensation, as a personal benefit to the employee for actions performed in the normal course of the employee's assigned duties.
28. Refusal or failure to report to work in a disaster or an emergency.
29. Falsification of any City report or record, or of any report or record required to be filed by the employee.
30. Use of influence of position with the City for private gain or advantage, or the use of time, facilities, equipment or supplies for private gain or advantage.

31. Disclosure of confidential or proprietary City information to unauthorized persons, employees, or organizations.
32. Use of City tools, equipment, or other property for private, personal, unauthorized, or inappropriate purposes.
33. Use of City documents, software, or other information for personal use or for use other than City business.

B. Types of Disciplinary Actions. The City employs a disciplinary system, which includes a variety of levels of disciplinary actions, up to and including termination of employment. However, nothing in this disciplinary policy should be interpreted in any way that would affect the employee's at-will employment status. Notwithstanding any provision of this policy, all employees may be terminated at any time, with or without notice, and with or without cause. The City may take any of the following types of disciplinary actions against its employees:

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

C. Authority for Disciplinary Actions.

1. The Department Heads and/or City Manager shall have authority to take disciplinary action and they may delegate to certain of their subordinate supervisory employees the authority to make verbal or written reprimands.

2. The Human Resources and Risk Manager or designee shall be notified of any contemplated disciplinary action prior to the time it is taken.
- D. Notice of Disciplinary Action. When disciplinary action, other than verbal or written reprimand, is to be taken against an employee, the Department Head or City Manager shall notify the employee in writing of the disciplinary action to be taken, the reasons for the disciplinary action, and the effective date of such disciplinary action, if applicable. Because all employees are at-will, there is no right to appeal or challenge disciplinary action. However, in certain circumstances, the employee may be entitled to a name-clearing hearing before the Personnel Officer consistent with Rule XVII.E. below. If the employee does not meet the criteria set forth in Rule XVII.E.1., then the employee is not entitled to any hearing, appeal, or waiting time before the disciplinary action is imposed on the employee, and such disciplinary action may be effective immediately.
- E. Name-Clearing Hearing. In certain circumstances, an employee may be entitled to a name-clearing hearing before the disciplinary action is imposed by the City. In such circumstances, the employee will be entitled to a name-clearing hearing in accordance with this section.
1. Criteria for Entitlement to a Name-Clearing Hearing. In accordance with state and federal law, when the following three elements are present, the employee is entitled to a name-clearing hearing:
 - a. A stigmatizing charge; and
 - b. The employee's denial of the stigmatizing charge; and
 - c. Public disclosure of the stigmatizing charge.
 2. Name-Clearing Hearing. If the employee has satisfied all three criteria set forth in Rule XVII.E.1., based on the employee's Department Head or City Manager's determination, then the employee is entitled to a hearing in order to clear the employee's name. Under this limited circumstance, the City shall provide the employee with at least five days' notice of its intent to discipline the employee. During those five days, the employee may request a name-clearing hearing. If the employee desires a name-clearing hearing, the employee must file a written request with the Personnel Officer or designee within five days of receiving notice from the City of its intent to impose disciplinary action.

If the employee does not timely request a name-clearing hearing, then the employee will have been deemed to have waived their right to said hearing. If the employee requests a hearing then the Personnel Officer or designee will make all necessary arrangements for the hearing prior to imposing the disciplinary action. The hearing shall be before the Personnel Officer or designee. The employee is not entitled to a full evidentiary hearing but is only

entitled to the opportunity to clear their name of the stigmatizing charge(s). All name-clearing hearings shall be held in private unless the employee requests a public hearing in writing.

RULE XVIII. GRIEVANCE PROCEDURE

A. Purpose of the Grievance Procedure. The grievance procedure shall be used to resolve employee complaints regarding an alleged violation or interpretation of the City's personnel ordinance or these personnel rules. Specifically excluded from the grievance procedure are:

1. Performance evaluations, or performance improvement plans;
2. Deferred or denied merit salary increases;
3. All salary decisions;
4. Verbal counseling, including all disciplinary actions;
5. Classifications and work assignments;
6. Policy decisions of the City Council;
7. Any disciplinary actions under Rule XVII.B, or procedure imposing such disciplinary action;
8. Transfer to another position without a loss of pay;
9. Any aspect of the employment examination or selection process;
10. Any matter covered by law or external administrative procedure; and
11. Matters for which there is a separate appeal.

B. Grievance Procedure.

Step 1 The employee shall inform, in writing, the employee's immediate supervisor of their grievance and relevant facts within seven days after the employee knew, or in the exercise of reasonable diligence should have known, of the events giving rise to the grievance. The grievance must include a statement of the event causing the grievance; the personnel rule or provision of the personnel ordinance alleged to have been violated; the relief sought by the employee; and any potential witnesses. Failure to provide complete grievance details may result in a delay in processing the grievance. At least one conference shall be held between the employee and their immediate supervisor after the employee has expressed their

grievance. The supervisor shall advise the employee of their decision within 14 days following notification of the grievance.

Step 2. If the grievance is not satisfactorily resolved in Step 1, the grievant may, within seven days after receipt of their supervisor's response, submit the grievance to their Department Head. Such submittal shall be on the City's designated grievance form and shall include details of the original grievance. The grievance must include a statement of the event causing the grievance; the personnel rule or provision of the personnel ordinance alleged to have been violated; the relief sought by the employee; and any potential witnesses. After receipt of the grievance form, the Department Head will meet with the grievant within seven days of receiving the grievance form and make such investigation as is required. Within seven days of their meeting with the grievant, the Department Head shall return the original of the grievance form to the employee along with their written decision on the grievance.

Step 3. If the grievance is not satisfactorily resolved in Step 2, the grievant may, within seven days of receipt of the Department Head's decision, submit the grievance for consideration by the City Manager or designee. Such submittal shall be on the grievance form, and shall include details of the original grievance; a statement of the event causing the grievance; the personnel rule or provision of the personnel ordinance alleged to have been violated; the relief sought by the employee; any potential witnesses; a written statement of any issues which are still in dispute; and the specific basis upon which the grievant takes issues with the position of their Department Head. The City Manager or designee shall take such review and investigative action as they deem necessary and inform the grievant of their decision within 14 days of receipt of the grievance. The decision of the City Manager is final and binding and no further appeal may be had by the employee.

C. General Provisions.

1. No retribution or prejudice shall be suffered by employees making good faith use of the grievance procedure. All parties will act in good faith while attempting to reach a solution at the earliest possible step of the procedure. The employee will have the assurance that filing a grievance will not result in reprisal of any nature. The City will not retaliate against any employee because of the employee's good faith use of the grievance procedure.
2. Failure by management at any step of this procedure to communicate the decision of the grievance within the specified time limits shall permit the grievant to proceed to the next step. The grievant shall be entitled to be present at all steps of the procedure.

3. Failure at any step of this procedure to appeal a decision on a grievance within specified time limits shall be deemed acceptance of the decision rendered, and the grievant waives all further appeal of the matter.
4. The time limits specified at any step in this procedure may be extended by mutual written agreement.
5. The original of the grievance form shall accompany all requests for institution of the next step in the grievance procedure and shall be maintained in the employee's personnel file at the completion of the grievance procedure.
6. Communication with grievant shall be processed by personal signed receipt of document, certified mail, registered mail, or email with a read receipt returned.

RULE XIX. EMPLOYMENT BENEFITS

- A. Health Benefits. Accident, health, hospital, dental and vision insurance to cover non-occupational injuries and sickness for full-time employees will be provided by the City, as set forth in the benefits flyer/schedule.
 1. Any employee who does not use their full allotment for medical, dental and vision benefits may apply the remaining amount to cover the costs of other insurances, such as supplemental insurance plans, as allowed by IRS Code 125.
 2. The City does not permit employees to take a "cash out" or "cash in lieu" of the medical, dental or vision insurance allotment.
 3. The City contributes directly to the cost of health care premiums in accordance with Resolution 2010-48, or as may be subsequently amended.
 4. The City reserves the right to modify the contribution amount or to terminate its participation in the Public Employees' Medical & Hospital Care Act program (PEMHCA) at any time in accordance with the CalPERS rules.
- B. Retirement Benefits. The City has contracted with the California Public Employees' Retirement System (CalPERS) for retirement benefits. Eligible Employees receive retirement benefits in accordance with CalPERS calculations and the Public Employees' Retirement Law (PERL).

RULE XX. EDUCATIONAL ASSISTANCE

A. Educational Reimbursement for Training and Advancement.

The responsibility for developing training programs for employees is with the City Manager and Department Heads, jointly. When an educational course to be taken by an employee will benefit the City, the City Manager may authorize reimbursement by the City of tuition charges and books. An "educational course" may include courses that are in furtherance of a degree, other college-credit courses, or training. In order to be eligible for educational reimbursement, the employee must obtain written approval of the City Manager prior to enrolling in any courses. Failure to receive written approval may result in funds not being available. Educational reimbursement shall not exceed \$1,500.00 in any fiscal year and is not compensation reportable for retirement purposes.

Employee's may qualify for reimbursement provided that:

1. The employee has not received any evaluations indicating their overall rating is unsatisfactory or needs improvement;
2. The class or classes did not commence until after the employee's hire date; and
3. The employee receives a grade of "C" or better, or a "pass" or "credit" for those classes where a pass/fail or credit/no credit grading system is used.

In order to receive reimbursement, the employee must submit a copy of their signed Tuition Reimbursement Request form, a copy of their grade (an unofficial transcript is acceptable) and receipts for their tuition and/or required materials. Any required materials must be described in a document provided by the instructor.

B. Licenses and Certification Assistance.

1. In cases of enrollment for any certification which is a condition of employment, the City shall pay required application fees in advance.
2. The cost of licensing fees, renewal fees, and test fees for all levels of certification related to the position currently held or for advancement within the City are reimbursable, upon receipt of the certification or license. To obtain reimbursement after successful completion of the test/renewal/license process, the employee is responsible for submitting proof of payment for test fees, renewal fees, and license fees, along with proof of the certification or license, to the City Manager or designee. In unusual circumstances, the City Manager may authorize the payment of the test/renewal/license fees in advance.

RULE XXI. WORKPLACE VIOLENCE PREVENTION

The City maintains a standalone administrative policy for workplace violence prevention: the City of Wildomar Workplace Violence Prevention Plan. Employees should refer to the stand-alone policy for details regarding the prevention of workplace violence.

RULE XXII. DRUG- and ALCOHOL-FREE WORKPLACE POLICY

The City of Wildomar maintains a drug- and alcohol-free workplace. It is the desire of the City that all work environments of employees be safe and productive and free of the influence of drugs and alcohol. The City is concerned with the physical safety of all employees, potential damage to property and equipment, mental and physical health of employees, productivity and work quality, medical insurance costs, and the harm done to employees and their families by drug and alcohol abuse.

For additional details, employees should refer to the City's policy regarding drugs and alcohol in the workplace will be set forth in an administrative policy.

RULE XXIII. ELECTRONIC COMMUNICATIONS POLICY

The City provides its employees with certain electronic communications devices. All technology systems, including email, internet and mobile devices, are City property and should be used for official purposes. Limited personal use may be allowed if it does not conflict with any other Personnel Rules and Regulations, City policies, or interfere with job performance or City operations. Employees shall have no expectation of privacy when using City systems, software or hardware. Employees should be aware that no computer usage, including messages transmitted or received on the computer system are private or confidential. Misuse may result in discipline up to and including termination.

The City's full policy regarding the use of electronic communications equipment will be set forth in an administrative policy.

RULE XXIV. SOCIAL MEDIA POLICY

Employees shall not post confidential, defamatory, or inappropriate content related to City business on social media platforms. Employees may not represent their views as those of the City. Management employees and public-facing staff must exercise heightened caution due to their visibility

For additional details, employees should refer to the City's stand-alone Social Media Policy.

RULE XXV. UNIFORMS AND EQUIPMENT

- A. Uniforms. Certain employees are required to wear a uniform in the performance of their job duties. All uniforms are expected to be clean and in good repair. Some uniforms consist of specific City-issued polo shirts and pants; in these circumstances the employee will wash their own uniforms, however replacements will be provided by the City, as needed. Uniforms provided to the Facilities Contract Specialist, Senior Facilities Maintenance Worker, Maintenance Workers and Senior Maintenance Workers will be furnished to employees at the City's expense. The City is also responsible for the maintenance, cleaning, and replacement of these uniforms, at the City's expense.

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

- B. Equipment. The City shall provide employees with the essential equipment to perform the duties of their positions. Employees are responsible for requesting training on equipment that they are unfamiliar with. Also, employees are responsible for the proper operation and maintenance of all equipment.
- C. Safety Equipment and Protective Clothing. Certain employees will be required to wear approved safety shoes and other safety equipment and protective clothing. Employees failing or refusing to wear such safety equipment and protective clothing as appropriate will be subject to disciplinary action up to and including termination. If any employee is unable to wear such safety equipment and protective clothing for medical reasons, the employee must submit to the City a healthcare provider's statement covering the reasons. Upon receiving such statement, the City will engage the employee in the interactive process as may be required by law and these Rules to determine whether a reasonable accommodation is available.

RULE XXVI. EMPLOYEE REIMBURSEMENTS AND ALLOWANCES

- A. Reimbursement.
1. Electronic and Mileage Reimbursement. Employees who are required to use their personal electronic devices and/or personal automobiles during the course of their employment, and are not receiving an allowance for such item(s), will be entitled to receive reimbursement for the costs of actual expenses incurred in the performance of their duties or at the IRS Standard Mileage Rate for mileage reimbursement. Employees are required to submit receipts in support of their claimed expenses.
 2. Safety Shoe Reimbursement. Employees required to wear safety shoes shall be reimbursed for the purchase of such shoes, so long as they meet the appropriate

requirements. Employees will be provided reimbursement for safety shoes up to \$250 each fiscal year, on an as-needed basis for regular wear and tear. Employees may purchase more than one pair of safety shoes each fiscal year, as needed, within the annual \$250 maximum. Any remaining balance will not carryover to the next fiscal year.

In order to receive reimbursement, the employee must submit original receipts as proof of purchase, as well as verification that the shoes purchased meet the required safety standards to the department's designee to confirm the safety requirements are met. Verification of the safety standards can include any document showing the shoe and its safety rating, which would match the shoe on the receipt. The department's designee will then send the reimbursement request to Finance for reimbursement. If during the course of work, an employee's safety shoes are destroyed due to unforeseen or accidental circumstances while working and the employee has used their maximum allowance, a supervisor may authorize one replacement pair of safety shoes up to \$100 per fiscal year.

Safety shoes must meet the ANSI Z41-1999 and ASTM F2412-05 standards. The ANZI Z41-1999 is the standard on Protective footwear from 1999, and the ASTM is the American Society for Testing and Materials Foot Protection testing method from 2005. Most shoes show ASTM F2413—18, a standard that complies with ASTM F2312-05.

Below is a list of classifications authorized for reimbursement of safety shoes. Any classification not specifically listed below is not authorized by the Personnel Rules for reimbursement of safety shoes and must be approved on a case-by-case basis by the department director.

City of Wildomar Positions Designated for the Safety Shoes Reimbursement
Facilities Contract Specialist
Senior Facilities Maintenance Worker
Maintenance Worker I/II
Senior Maintenance Worker
Field Supervisor
Maintenance Manager
Public Works Inspector I/II
Associate Engineer

Senior Engineer
Engineering Division Manager
Principal Engineer
Building Inspector I/II
Senior Building Inspector
Building Inspection Supervisor
Chief Building Official
Code Enforcement Technician
Code Enforcement Officer I/II
Senior Code Enforcement Officer
Code Enforcement Supervisor
Code Enforcement Manager

- B. Allowance. Certain employees may be provided with a monthly allowance to compensate the employee for the use of their personal electronic devices and/or personal automobile during the course of their employment. The City Manager, in their sole discretion will have the ability to determine which employees are eligible for such an allowance. If an employee receives an allowance under this section, the employee is not eligible for reimbursement under Section A.1 of this Rule, unless the employee provides receipts establishing that the allowance was insufficient to compensate the employee for all work-related use of their personal device and/or automobile. Allowances are not provided for voluntary benefits, such as voluntary remote work.

When eligible for an allowance, the following amounts may be provided:

1. Personal Cell Phone: \$60/month
2. Personal Home/Mobile Internet: \$60/month
3. Automobile: up to \$500/month (varies per position and usage)

RULE XXVII. DISASTER AND EMERGENCY SERVICE WORKERS

- A. Employees Designated as Disaster Workers. The protection of the health and safety, and the preservation of lives and property from the effects of natural, man-made, or war-caused emergencies which result in conditions of disaster or extreme

peril to life, property, and resources, is paramount to the City. When a disaster strikes, the Wildomar community looks to City employees for leadership and assistance in mitigating its effects. The assistance of City employees is vital to ensuring that this community recovers from a disaster as quickly as possible. It is important that all City employees be available to assist in responding to disasters, regardless of the position they hold. As such, in accordance with the provisions of Government Code sections 3100 et seq., all City employees are declared to be disaster service workers.

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

are expected to report to work at their normally scheduled time after ensuring the safety and security of their own families.

2. On-Duty Procedures.

- a. Remain On Duty. All employees are expected to remain on duty at their normal work location or at a disaster location, unless dismissed by the proper authority. Every attempt possible will be made by the City to assist each employee in communicating with the pertinent employee's family.
- b. Ongoing Disasters. For disasters extending beyond the normal workday, employees are required to follow the direction and order of the proper authority.

3. Employees Physically Unable to Report to Work. In the event that an employee is unable to return to work because road and transit conditions prevent travel by automobile, public transit, or other conveyance, the employee has the option to become a disaster service worker in the City where the employee resides or is located at the time of the emergency. Any employee who cannot return to the City and serves as a disaster worker for another municipality is required to contact the personnel department of that municipality for further instructions and to obtain written documentation of the employee's assignment. The employee is required to notify the employee's own immediate supervisor of the employee's status of working in the other municipality.

- a. Compensation for Work Performed at Another Municipality. Employees who are unable to report to work during a disaster will be entitled to receive compensation from the City for the service performed at another municipality, provided that the employee provide written proof from the other municipality of the amount of time the employee worked there. That information should be logged onto the employee's timesheet and submitted through the normal payroll process. Alternatively, the employee may present written proof from the other municipality that the employee offered the employee's services, but that the other municipality rejected the employee's assistance.
- b. Returning to Wildomar. Employees are required to communicate with their supervisor as soon as possible and are required to return to their normal or disaster duties at the City as soon as travel, by any reasonable means, to the City is possible.

4. Timekeeping Requirements. All employees are required to complete special timekeeping forms daily, which will keep a record of the following information:

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

EMPLOYEE ACKNOWLEDGMENT OF RECEIPT OF

CITY OF WILDOMAR

PERSONNEL RULES AND REGULATIONS

This acknowledges that I have received my copy of the City of Wildomar ("City") Personnel Rules and Regulations ("Rules"). I recognize that the Rules supersede any related Personnel Rules, Employee Handbook, policy statements, manuals, and/or administrative policies previously issued by the City. I have read and agree to abide by all provisions set forth in the Rules and associated personnel policies. I understand that if any part of the Rules is unclear, it is my responsibility to seek clarification from my supervisor, director, Human Resources, or City Manager.

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

PRINT FULL NAME _____

SIGNED _____

DATE _____

[RETAIN IN EMPLOYEE PERSONNEL FILE]