



KING CITY
C A L I F O R N I A

CITY OF KING CITY

PERSONNEL RULES AND REGULATIONS

**Revised
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CHAPTER 1 GENERAL PROVISIONS

1.01 Adoption and Amendment

The following Personnel Rules and Regulations have been adopted by City Council Resolution and may be amended only by an amended resolution of the City Council. Certified resolutions of adoption are available from the City Clerk's office.

1.02 Purpose

The purpose of these rules and regulations is to provide a system of sound personnel management practices. These personnel rules and regulations set forth, in detail, the policies and procedures for employees in King City public service, and define the rights, obligations, privileges, benefits and prohibitions placed upon all employees in the classified service. Personnel Rules and Regulations are intended to promote goals of a personnel program, which can be followed in all City operating departments under the direction of the City Manager, the designated Employee Relations Officer of the City. These rules apply only to employees in the classified service, unless expressly excluded. If a provision of these rules conflicts with any provision of an applicable collective bargaining agreement entered into by the City of King (Memorandum of Understanding) and a recognized employee organization, to the extent of such conflict, the provision of the collective bargaining agreement shall prevail.

1.03 Personnel Policy

The following is declared to be the Personnel Policy of King City, and these rules and regulations shall be administered and interpreted in terms of this policy:

- (A) By law, it is the duty and obligation of the City Manager to supervise all personnel in public service at King City, and administer these rules and regulations; employees nor individual members of the City Council may interfere with that duty.
- (B) The California Fair Employment and Housing Act shall govern all City employment and employment practices as well as applicable Federal and State law.
- (C) Employment and promotion by the City shall be based upon merit and performance.
- (D) Tenure of employees covered by these rules and regulations shall be subject to satisfactory work performance, performance of work and availability of funds.
- (E) The sole reason for the existence of the City is to provide public services; therefore, all actions and activities of employees shall be viewed from that basis.

- (F) The City recognizes the need to provide quality public services to all residents of King City, therefore an effort may be made to employ individuals with consideration to bilingual skills. The City may give weight and consideration to the factor of bilingualism in the employment and promotion of individuals in positions for which bilingual skills are deemed by the City Manager to be essential.
- (G) No immediate family member shall work in a position where one is directly and immediately subordinate to the other. Immediate family is defined in Section 6.01.
- (H) The Personnel Rules and Regulations, including those pertaining to rights of appeal and disciplinary actions, do not apply to employees in the unclassified service unless otherwise specifically set forth herein. Employees in the unclassified service include temporary and part-time, seasonal employees and/or confidential employees as identified by the City Manager.

1.04 Administration and Interpretation of Rules and Regulations

The City Manager, or designee also referred to as the “appointing authority”, shall administer and interpret these rules and regulations.

1.05 Employment Constitutes Acceptance

In accepting employment with the City of King City, each employee agrees to be governed by and to comply with these Personnel Rules and Regulations, established by the City Council pursuant hereto, including any administrative regulations and directives of the department in which employed. All employees holding a position in public service on the effective date of these rules and regulations shall thereafter be subject in all respects to the provisions herein.

CHAPTER 2 DEFINITIONS

2.01 Definitions

- (A) Administrative Leave – Paid leave of absence, either voluntary or involuntary, for classified employees:
- (B) Allocation - The assignment of a position to its appropriate class in relation to duties performed.
- (C) Appeal - An application for review of an alleged grievance submitted or instituted by an employee to higher authority or the appeal of final action of suspension, demotion, reduction in pay or discharge.

- (D) Applicant - An individual who has completed and submitted an application for employment or promotion with the City.
- (E) Appointing Authority - The City Manager or designee.
- (F) Appointment - The acceptance by a person of an offer for employment to a position either on a full-time, part-time or temporary basis.
- (G) Certification - Endorsement as meeting required minimum standards for a vacant position.
- (H) Class - A group of positions which are sufficiently alike in general duties and responsibilities to warrant the use of the same title, job specifications, and pay range.
- (I) Class Specification - A written description of a class consisting of a class title, a general statement of the level of work, and of distinguishing features of work, examples of duties and the desirable qualifications for the position.
- (J) Classification - The act of grouping positions in classes with regard to: (1) duties and responsibilities; (2) requirements such as education, knowledge, experience, and ability; (3) tests of fitness; and (4) ranges of pay.
- (K) Classification Plan - The official or approved system of grouping positions into appropriate classes consisting of: (1) an index to the class specifications; (2) the class specifications; and (3) rules for administering the Classification Plan. The Classification Plan is adopted by resolution of the City Council.
- (L) Classified Service - All offices and positions in the service of City which fall within the Classification Plan. Temporary employees are not included in classified service.
- (M) Compensation - The standard rate of pay which has been established for the respective classes of work, as set forth in the Compensation Plan.
- (N) Compensation Plan - The official schedule of position classifications and pay rates assigned to these classifications, as approved by the City Council.
- (O) Compensatory Leave - Time off from work in lieu of monetary payment for overtime worked.
- (P) Demotion - Assignment of an employee from one class to another class with a lower rate of pay than the rate received by the employee immediately prior to demotion. A demotion may be for disciplinary or non-disciplinary reasons.

- (Q) Department - An organizational unit which is under the immediate charge of a department head who reports directly to the City Manager.
- (R) Department Head – An employee, designated by the City Manager, as the individual responsible for overseeing certain organizational functions, who may or may not be a management employee.
- (S) Discharge - Separation from City employment for cause.
- (T) Drug-Free Work-Place Policy - Policy to eliminate the use of drugs and other controlled substances which could impair an employee's ability to safely and effectively perform the functions of his/her job.
- (U) Eligible Person - Any person who has successfully met the required qualifications for a particular class.
- (V) Eligibility List - The ranking of eligible persons for a vacancy in order of overall qualifications.
- (W) Employee - An individual who is legally employed by City and compensated through the City payroll for services.
- (X) Examination - The process of testing, evaluating, or investigating the fitness and qualifications of applicants and employees.
- (Y) Immediate Family - Includes, spouse, mother, father, step-parent, mother-in-law, father-in-law, brother, brother-in-law, sister, sister-in-law, child, stepchild, grandparent, spouse's grandparents, or grandchild.
- (Z) Layoff - The involuntary, non-disciplinary termination of an employee.
- (AA) Leave - An approved absence from work as provided for by these Rules and/or memorandum of Understanding (MOU).
- (BB) Merit Increase - An increase in compensation established in the Compensation Plan that may be granted to an employee for meritorious service and completion of the minimum prescribed period of employment in the class.
- (CC) Part-Time Employee - An individual appointed to a position whose regular work week is less than thirty hours or who does not exceed 1000 hours in a calendar year.

- (DD) Pay Range - A specific dollar amount expressed as either an annual, monthly, or hourly rate, as shown in the Compensation Plan of the City.
- (EE) Position - Any office or employment, whether occupied or vacant, full time or part time, consisting of duties and responsibilities as assigned to an individual by the Compensation Plan of the City.
- (FF) Probationary Period - The working test or trial period of employment beginning with the date of an employee's appointment to a class, as defined within the employee's MOU, and during which termination can occur without cause.
- (GG) Promotion - Movement of an employee through a competitive process from one class to another class which has a higher maximum rate of pay.
- (HH) Public Safety Employee - A sworn member of the Police Department as defined by the Public Employee's Retirement System.
- (II) Regular Employee - An individual receiving appointment to a classified position whose regular work week is thirty hours or more per week, who has successfully completed the proscribed probationary period.
- (JJ) Suspension - An enforced leave of absence without pay for disciplinary purposes, pending investigation of charges made against an employee, or for just cause.
- (KK) Termination - The separation of an employee from City employment for disciplinary or non-disciplinary reasons.
- (LL) Transfer - Assignment of an employee from one position to another. Transfers may occur within a department, between departments or between positions of the same class.
- (MM) Work Day - Scheduled number of hours that an employee is required to work within a 24 hour period.

CHAPTER 3 CLASSIFICATION PLAN

3.01 Job Descriptions

Each position shall be assigned an appropriate classification and for each classification a description of duties and responsibilities which shall be prepared by the City Manager and approved by City Council resolution.

3.02 General Classification Policy

The policy under which the Classification Plan is to be administered is one which promotes understanding by supervisors and employees of assigned duties and responsibilities; provides a basis for compensation for work performed. Classifications are deemed to be descriptive and explanatory of the kind of work performed, not necessarily inclusive of all duties performed.

3.03 Review Implementation

The Classification Plan shall be administered by the City Manager. The Classification Plan shall be the basis upon which the City Compensation Plan is considered and approved by the City Council. Changes or amendments to the Classification Plan involving a change in the Compensation Plan shall be prepared by the City Manager and approved by City Council's resolution.

3.04 Reclassification

Positions, the duties of which have changed so materially as to necessitate reclassification, shall be assigned by the City Manager to a more appropriate class, whether new or already established. Reclassification shall not be used for the purpose of avoiding restrictions concerning demotions and promotions. Reclassifications shall be subject to approval by the City Council.

3.05 Position Allocation

Allocation of the number of positions to each classification shall be administered by the City Manager according to the Compensation Plan and budget appropriation approved by the City Council.

CHAPTER 4 EMPLOYMENT

4.01 Employment Policy

The stated employment policy of the City shall be to hire, train, promote, and retain the best qualified personnel available. The best qualified personnel shall mean those persons who can most effectively perform in the position as determined by the City Manager.

4.02 Citizenship

Employment is open to qualified applicants who are citizens of the United States, or to a non-citizen lawfully admitted for permanent residence as an alien authorized by the Immigration and Naturalization Service to work in the United States, who can provide legal proof of permission to work in the United States.

4.03 Residence Requirements

Designated Public Works, Police and Fire Department employees must be available for disaster or emergency call out situations; therefore, such employees shall, by the end of

their probationary periods, be required to establish and maintain residence in reasonable location to City Hall with no further than 60 minutes response time from City Hall.

4.04 Recruitment

Individuals shall be recruited from a geographic area as wide as necessary to ensure obtaining well qualified candidates for the various types of positions. The City shall prepare recruitment notices to publicize vacancies and to provide candidates for vacant positions. Any such publicity and public advertisement shall be used as may bring notice of City vacancies to as many qualified persons as possible. The City reserves the right to recruit internally, only from its existing employee base for promotional positions, if deemed desirable by the City Manager or as required by MOU's.

4.05 Application

All candidates for employment shall file an application with the City on an official City application form.

4.06 Selection Process

The selection process shall include review of applications; individual interviews or assessment centers; achievement tests; aptitude tests; performance tests; oral boards; evaluation of previous work performance and experience; review of work samples; references, psychological evaluation; polygraph; review and investigation of personal background; finger printing; or any combination of the aforementioned deemed by the City Manager to be necessary to evaluate an individuals qualifications and competency for a specific position.

Following selection, but before appointment, all applicants shall successfully pass an employment medical examination performed by a doctor selected by the City, and such examination fee shall be paid by the City.

Selection techniques shall be impartial and shall relate to those areas which, in the opinion of the City Manager, shall adequately and fairly indicate the relative ability and quality of candidates under consideration for the position.

Upon completion of the selection process, the City Manager shall make an appointment from those candidate(s) who appear most qualified for the position. The appointment shall become effective when the selected candidate has signed all personnel documents required by the City, and those papers bear all the appropriate signatures confirming the appointment.

4.07 Reasons for Applicants Disqualification

The City Manager may disqualify any candidate from consideration whose appointment will be deemed contrary to the best interests of the City. Reasons for ineligibility may include, but shall not be limited to, the following:

- (A) Failure to meet any of the requirements established for the position.
- (B) Failure to participate in the selection process.
- (C) Physical or mental disabilities which cannot be reasonably accommodated such as to render the applicant unfit to perform the essential duties of the position.
- (D) Conviction of a felony or conviction of a misdemeanor for grounds related to the position.
- (E) Request by applicant that his/her name be withdrawn from consideration.
- (F) Failure to reply within reasonable time to communication concerning availability for employment.
- (G) Failure to accept appointment within five (5) days after notification, or to report for duty within the time prescribed in the signed offer for employment.
- (H) Deception or fraud in completing the required City application.
- (I) Failure to meet citizenship requirements as set forth in Section 3.02.
- (J) Disqualified by reason set forth in Section 1.03 (H) regarding nepotism.
- (K) If driving is required for the position, failure to possess a valid California Drivers License, possession of a suspended license, or having a driving record deemed a to be a risk to the City for the appointed position.
- (L) Failure to pass background check, as requested for the position.
- (M) Disqualification or unsuitability for employment as specified in City Personnel Rules and Regulations.

4.08 Categories for Appointment

Regular Employees

A regular, full time employee is subject to all rules and regulations and receives all benefits and rights as provided by these Personnel Rules and Regulations. An employee becomes regular after successfully completing the prescribed probationary period, or after a regular appointment by the appointing authority, prior to the completion of probation.

A regular, part-time employee (classified, part-time) working thirty or more hours during the work week is subject to all Personnel Rules and Regulations, and shall receive all benefits and rights as provided by these Personnel Rules and Regulations. An employee becomes regular part-time (classified part-time) after successfully completing the proscribed probationary period.

Part -time Employees

All employees whose employment is less than twenty hours per week, or whose work does not exceed 1000 hours in a calendar year, or who are appointed for a limited time shall be considered part-time. Part-time shall not be entitled to City benefits such as holiday or vacation accruals, retirement plan membership, health or life insurance, or any other benefits accruing to regular employees.

4.09 Probationary Period

All appointments to regular municipal service positions shall be tentative and subject to a probationary period fixed by the City Manager at the time of appointment. Probationary periods shall be six (6) months of continuous service for miscellaneous employees, and 18 months for public safety employees. The probationary period may be extended beyond the length of time initially established if deemed necessary by the City Manager. The maximum extension of probation shall be six (6) months. The expiration of the probationary time does not constitute a release from probation. In order for an employee to be officially released, the release must be provided on a Personnel Action Form signed by the City Manager.

4.10 Objective of Probationary Period

The probationary period shall be regarded as part of the selection process. It shall be utilized for observing the employee's work performance, and for ensuring the most effective adjustment of a new employee to their work responsibilities and duties.

4.11 Probationary Employee Performance Reports

The department head shall complete a performance report for each probationary employee, according to the procedures established by the City Manager. The performance evaluation report shall be filed by the department head each 30 days during the probationary period, or as often as may be deemed necessary by the department head.

In those cases where the probationary period is extended, an employee performance evaluation report shall be required from the department head at the conclusion of each three (3) month interval, or as often as deemed necessary, with the final report given at the end of probation prior to release of probation officially.

4.12 Rejection of Probationer

During the probationary period an employee may be suspended, demoted or terminated at any time by the department head, upon approval by the City Manager, without cause and without the right of appeal or grievance.

A public safety officer who is rejected during probation shall be entitled to an administrative appeal under Government Code Section 3304 (b).

4.13 Re-Employment

An employee who has been subject to a Reduction in Force (RIF) shall be entitled to reinstatement in accordance with the terms and conditions of the employee's respective Memorandum of Understanding.

The provisions of this section shall not apply to the re-employment of an employee who has been discharged or whose employment was terminated by reason of absence without leave for more than three (3) consecutive days. Re-appointments after termination will be considered as new employment subject to the established requirements for a probationary period.

4.14 Continued Employment

Continued employment with the City shall be subject to satisfactory work performance, necessity for the performance of work, and availability of funds.

CHAPTER 5 SEPARATION FROM SERVICE

5.01 Type of Separation

The separation of an employee from a City service shall be accomplished in the manner indicated below:

Resignation. An employee may voluntarily resign by submitting, in writing, the reasons for said resignation and the effective date thereof to the appropriate department head. Such resignation should be submitted a minimum of two (2) weeks in advance of the effective date.

Reduction in Force (RIF). The City Council may implement a Reduction in Force (RIF) due to a material change in the organization, shortage of work or financial constraints. RIF's shall be implemented in accordance with the terms and conditions of employee's respective MOU.

Disability. An employee may be separated for disability when that employee cannot perform the essential functions of the position because of a physical and/or mental impairment and that impairment cannot be reasonably accommodated. Action may be initiated by the employee, his/her legal representative, or the City, but in all cases it

must be supported by medical evidence acceptable to the City. The City may require an examination, at its expense, to be performed by a physician of its choice when such an examination is job-related and consistent with business necessity.

No person shall be separated for disability until a determination has been made that it is an undue hardship to make reasonable accommodation in the duties of the position to permit the incumbent to continue in such position.

No person shall be separated for disability that is eligible for disability retirement.

Death. All compensation due an employee shall become effective as of the official date of death. All compensation due in accordance with these rules shall be paid to the estate of the employee, except for those sums by law which must be paid to the surviving spouse, surviving dependent or designated beneficiary.

Retirement. When an employee meets the conditions set forth in retirement plan regulations, that employee may elect to retire and receive all benefits earned under the applicable retirement plan.

Discharge. Any employee in City service may be discharged at any time by the City Manager. The discharge of a non-probationary classified employee must be accompanied with a written statement specifying cause, and in conformance with the employee's MOU.

Unauthorized Absence. As outlined in Section 10.02.

CHAPTER 6 COMPENSATION AND HOURS

6.01 City Classification and Compensation Plan

A City Classification and Compensation Plan shall be established. Each class in the Classification Plan shall be assigned a salary range at rates set forth in the Compensation Plan. The Compensation Plan shall provide salary schedules, salary rates, salary ranges, including steps and time intervals for merit increases. All persons employed by the City shall be compensated in accordance with the Compensation Plan then in effect.

6.02 Administration and Review of Compensation Plan

Annually, during the budget adoption process, the City Manager shall recommend to the City Council an appropriate salary range for each class. All employees whose positions are allocated to this class shall be adjusted to the corresponding step in the new range, in accordance with the revised Classification and Compensation Plan.

6.03 Application and Use of Salary Ranges and Rates

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

An employee shall be considered for salary advancement in accordance with the time intervals established in the City Classification and Compensation Plan and the applicable MOU.

6.04 Step Increases for Regular Full Time Employees

- (A) Advancement to Step B in the salary range shall be automatic and effective on the first day of the payroll period in which the probationary period has been satisfied.
- (B) Advancements beyond Step B in the salary range shall be granted for continued improvement and efficient service by the employee in the performance of his/her duties. Advancement shall not be automatic. Merit advancement shall be made upon the recommendation of the employee's department head, upon approval by the City Manager.
- (C) An employee who has completed one (1) full year of service at Step B or higher, may be considered for advancement to the next higher step. Each employee eligible for advancement shall be annually evaluated and notified, in writing, by his/her department head. The employee shall participate with their supervisor in such evaluation and shall be afforded the opportunity for self-evaluation with respect to work performance and job improvement goals.
- (D) For outstanding job performance, an employee may be granted a merit advancement by the City Manager prior to the merit increase date outlined in the foregoing provisions of this section.

6.05 Standard Work Hours

The basic work period for all employees shall be forty (40) hours per work week. The work week shall consist of seven consecutive days starting at midnight on Saturday and ending at midnight of the following Saturday.

6.06 Exceptions to Standard Work Periods

The City Manager may designate work periods and working hours for employees when, in his/her opinion, the best interest of the City may be served by such adjustment of the standard work periods and hours. The procedures for making adjustments in the standard work periods and hours shall be consistent with prevailing laws, MOU's and City Council policy direction.

6.07 Attendance

An employee shall be in attendance at regular work hours in accordance with these Rules and general department regulations. All departments shall keep daily attendance records of its employees, which shall be reported on a City time sheet at the end of each pay period.

6.08 Pay Periods

Pay period for all employees shall be biweekly. The City Manager may alter the payroll calendar, when deemed necessary to facilitate City operation.

Except for employees being terminated, salaries shall be paid only on regular pay-days. Employees leaving municipal service shall be issued their final check on the date of termination, and upon written clearance with the department concerned that said employee has returned all City tools, clothing, keys, equipment, and any other properly related to employment.

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

6.09 Computation of Salary

Salary rates for all authorized City positions are set forth in the City's Classification and Compensation Plan. In the conversion of monthly salaries, hourly rates shall be computed as follows:

12 times the monthly salary divided by 2,080 hours per year.

6.10 Overtime Policy

It is the policy of the City that overtime work shall be kept to a minimum, without risk to protection of life, property, and the efficient operation of the departments and activities of the City.

6.11 Overtime Procedures

No overtime may be worked by any employee unless approved in advance by the employee's department head, or in the case of unusual circumstances, when prior approval of overtime is impractical, authorization for overtime credit shall be sought no later than the end of the following workday. In the absence of the department head, all requests for overtime shall be directed to the employee's immediate supervisor. If the

employee's immediate supervisor is an absent department head, the request shall be directed to the City Manager.

6.12 Rate of Pay

The rate of pay shall be at the prevailing rate as set forth in the Classification and Compensation Plan for all hours of employment up to forty (40) hours during a given work week, including holidays which fall within the assigned work period. An employee who is required (as outlined in Section 6.12 of these rules) to work more than forty (40) work hours in a work week, shall be paid one and one-half (1 1/2) times the employee's regular rate of pay for all such hours worked.

Public Safety Employees (Police).

Compensation measures and procedures for holiday pay, overtime, compensatory time, court time, call back pay, business leave, specialty pay and other items as appropriate shall be in accordance with provisions set forth in the employee's applicable MOU.

Part-time Employees

Part-time employees working more than twenty (20) but less than forty (40) hours per week, on a regular basis shall be paid in accordance with the pay range for the appropriate class on a prorated basis for the hours worked.

Regular Miscellaneous Employees

Compensation measures and procedures for overtime, compensatory time, standby pay, call back pay, steward leave and other items as appropriate shall be in accordance with provisions as set forth in the applicable MOU.

Salary Adjustments for Promotion, Demotion or Transfer

When an employee is promoted, demoted or transferred, that employee's rate of pay shall be established in accordance with the following:

- (A) Promotion. When an employee is promoted, that employee's salary shall be advanced to the step in the new pay range which provides at least 5% increase in the range from which the employee was promoted.
- (B) Demotion. When an employee is demoted voluntarily, that employee's salary shall be set at the step in the new pay range which provides the least decrease in pay. When an employee is demoted for cause, that employee's salary shall be set at a step in the new pay range as recommended by the department head and approved by the City Manager.

- (C) Transfer. When an employee is transferred (as defined herein), that employee's salary shall remain at the same step and rate of pay.

All actions involving changes in the rate of pay shall be subject to the written approval of the City Manager on a Personnel Action Form. Such written approval shall be retained in the employee's personnel file. Regular employees may receive special, certified, or other salary adjustments as approved by the City Council in accordance with the applicable MOU.

6.13 Deductions

Deductions from employees' pay shall be made in accordance with prevailing law, MOU's and Administrative Rules and Procedures as established by the City Manager.

6.14 Uniform & Equipment Allowance

Clothing allowances, as prescribed, shall be payable to employees who are required to wear uniforms. Uniform allowances shall be set forth in the appropriate MOU or as may be determined by the City Manager.

Uniforms of any officer damaged beyond repair while acting in the course of his/her employment shall be replaced by the City as set forth in the appropriate MOU.

Each full time sworn officer shall be provided at City expense, an approved side arm weapon and holster as selected by the Police Chief, upon approval of the City Manager.

Reserve Officers may be provided equipment and supplies at City expense, subject to approval by the City Manager.

6.15 Severance Pay

At the time an employee terminates his/her employment with the City, he/she shall be compensated for all accumulated vacation and accumulated compensatory time.

Accumulated sick leave shall be paid in accordance with Chapter 7 of this policy. In addition, when deemed appropriate (e.g. employee lay-off or death of an employee), the City Manager may provide a maximum of two weeks severance pay at the employee's current rate of pay.

6.16 Health Insurance

Regular and probationary employees working 30 hours or more per week may be eligible to participate in the City health insurance plan. Regular employees shall be eligible to receive a City contribution toward the monthly cost of coverage as defined in the appropriate MOU approved by the City Council.

In accordance with COBRA requirements, retired or terminated regular employees shall be given the opportunity to continue participation in the City's current health insurance

plan, if available through the existing program. The participant shall pay 102% of coverage cost unless other provisions apply.

6.17 Group Term Life Insurance

Each regular and probationary employee shall be a participant in the City's Group Term Life Insurance Plan. Premiums for said plan shall be paid by the City. The limits and terms of coverage shall be established by the City Council and may, from time to time, be adjusted as the City Council may deem advisable. The extent of continued coverage shall be dependent upon the financial ability of the City to contribute toward said insurance benefit and said benefit shall terminate when employee terminates employment.

6.18 Long-Term Disability Insurance

Each regular and probationary employee shall be a participant in the City paid Long-Term Disability Insurance Program. Premiums for said program shall be paid by the City. The limits and terms of coverage shall be established by the City Council and may, from time to time, be adjusted by the City Council as it may deem advisable. The extent of continued coverage shall be dependent upon the financial ability of the City to contribute toward said benefit. Employees who are discharged, retire, or resign for reasons other than disability retirement shall not be eligible to participate in the program.

6.19 City Retirement Plan

All regular and probationary employees working 30 hours or more per week shall participate in the City retirement plan under the State of California Public Employees Retirement System provisions for public safety and miscellaneous employees as approved by the City Council.

Employees working less than 30 hours per week shall be excluded from PERS until such time as the employee works 1000 hours in a fiscal year.

CHAPTER 7 SICK LEAVE

7.01 Statement of Policy

The purpose of sick leave is to provide an employee time off without loss of pay due to illness. It is provided in recognition of the fact that a sick employee is not fully productive and that time off to rest will allow such an employee to recuperate more rapidly. Additionally, sick leave is provided so that employees, who have illnesses that may be contagious, will not expose other employees or members of the public. Sick leave shall not be considered a privilege which an employee may use at his/her own discretion. Sick leave shall be allowed and used only in the case of necessity and actual personal sickness or disability, medical or dental treatment. In the case of any illness or injury of a spouse, parent or child, one half of the employee's annual accrual

of sick leave may be used. An employee on leave of absence due to an illness in the immediate family may receive compensation only for accumulated sick leave and vacation and shall continue to receive benefits including sick leave and vacation accumulation, health insurance, and seniority credit.

7.02 Eligibility

In order to receive compensation while absent on sick leave, the employee shall notify his/her department head before or within 30 minutes of his/her absence. When an employee is absent due to illness or injury for more than three workdays, a physician's certificate or personal affidavit may be required. Prior to the resumption of normal duties the employee may be required by his/her department head to file a physician's certificate or personal affidavit stating the cause of the absence and attesting to the employee's ability to resume work. The City reserves the right to require the employee to obtain medical certification before granting sick leave.

7.03 Accrual

Sick leave shall be accrued monthly, beginning with the first month of employment, provided the employee has been in pay status for 50% or more of the first month or any month thereafter. Sick leave shall be accrued at the rate of eight (8) hours per month for all City employees. Sick leave for permanent part time employees working 30 or more hours per week shall be accrued according to the number of hours worked per week.

7.04 Unused Sick Leave

Unused sick leave earned by an employee on a pro-rated basis prior to July 1, 1972, may be carried forward into succeeding years as accumulated sick leave in a special sick leave account.

Sick leave earned subsequent to July 1, 1972, may be accumulated to a maximum of 1,200 hours. Upon termination of employment with the City of King each employee shall be compensated at the rate of 50% of his/her daily rate, pro-rated from his/her current monthly salary at termination for each hour of unused sick leave balance up to 960 hours (less any previous payments under the alternate sick leave incentive program as outlined in the respective MOU's) that has accumulated to the employee's sick leave balance. Provided, however, no employee shall be compensated for unused sick leave until the employee has completed one full year of continuous service with the City of King.

Sick leave taken by an employee subsequent to July 1, 1972, shall be subtracted from the amount of sick leave accumulated by the employee subsequent to July 1, 1972. After all such sick leave has been utilized; an employee may draw against the unused sick leave accumulated prior to July 1, 1972, in his/her special sick leave account.

7.05 Advance of Sick Leave

Additional leave of absence with pay may be granted to regular personnel who are medically unable to discharge their City duties. This grant of leave of absence with pay will be conditioned upon the exhaustion of any accumulated sick leave, provided the disability is caused by circumstances completely beyond the control of the employee.

When recommended by the department head, the City Manager may advance one day of sick leave for every year completed as a regular employee to those employees who are ill or disabled and have exhausted their accumulation of sick and vacation leave. These advances are in effect loans, and must be repaid from future accumulations of sick leave and vacation leave. In the event of termination prior to the accumulation of sufficient credits, these credits shall be deducted to the City in cash from the final check of the employee.

7.06 Worker's Compensation: Public Safety Employees

An employee of the Police or Fire Department who is entitled to benefits of Labor Code Section 4850, who is absent from work by reason of an injury or illness covered by Worker's Compensation, shall be allowed up to one year leave of absence, as required by his/her condition, with the City supplying the difference between the amount granted pursuant to such Worker's Compensation and the employee's regular rate of pay. The following conditions apply:

- (A) A safety employee of the Police or Fire Department who is absent from work by reason of an injury or illness covered by Worker's Compensation shall continue to accrue sick leave and vacation benefits and consideration for normal salary increases as though he were not on leave of absence; but shall not receive credit for holidays or paid days in lieu of holidays.
- (B) Whenever such disability of an employee continues for a period beyond one year, the leave of absence may continue until the expiration of his/her accrued sick leave, vacation and previously accrued compensating time off for overtime and paid days in lieu of holidays, calculated to the nearest one-half day, with compensation at the employee's regular rate of pay.
- (C) When it appears the employee cannot return to work by the expiration of such allowances, disability retirement shall be requested by the City to become effective at the expiration of these allowances unless the employee applies for or consents to his/her retirement as of an earlier date at which time he may be compensated for his/her accrued benefits at his/her regular rate of pay.
- (D) No safety employee of the Police or Fire Department shall be paid any disability indemnity under Worker's Compensation concurrently with wages or salary payment made by the City amounting to more than his/her regular rate of pay at any time during his/her leave of absence.

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

7.07 Worker's Compensation: Miscellaneous Employees

Any employee, other than Police or Fire Department personnel, who is absent from work by reason of an injury or illness covered by Worker's Compensation shall continue in pay status under the following provisions:

An employee who is eligible for time loss payments under the Workers' Compensation Laws shall for the duration of such payments up to but not exceeding ninety (90) days, receive only that portion of his/her regular salary which, together with the time loss payment, will equal the employee's regular salary. In order not to work an undue hardship on the employee caused by the time lag involved in obtaining loss payments for an industrial injury, the employee shall receive his/her or her full salary pending receipt of time loss payments by reason of said injury; upon receipt of such time loss payments the employee shall endorse the payment checks and transmit them to the City. In such case, the employee shall not be charged with, nor shall he/she accrue sick leave or vacation leave for this period.

Employees on leave receiving Worker's Compensation Benefits have 90 days to return to their City position or their position with the City will be lost in accordance with Worker's Compensation requirements.

CHAPTER 8 VACATION LEAVE

8.01 Statement of Policy

The purpose of annual vacation leave is to enable each regular employee to rest from work and return mentally refreshed. For this reason, it is the intention of the City that vacations be taken, insofar as possible, in periods of one week or more.

8.02 Vacation Accrual

Vacation will be accrued and credited on a biweekly basis when an employee is in pay status for 50% or more of the workdays in a given month. Vacation accrual rates are contained in the appropriate MOU on employment agreement.

8.03 Use of Vacation

The time in which an employee may use accrued vacation leave and the amount to be taken at any one time shall be determined by the department head with particular regard for the needs of the City, but also insofar as possible considering the wishes of the employee. Employees shall not work for the City during their vacation in order to earn double compensation.

8.04 Holidays Falling During Vacation

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

8.05 Vacation at Termination

Employees leaving the municipal service after six months of continuous service who have accumulated vacation leave shall be paid the amounts of accrued vacation to the date of termination. An employee whose service is terminated for the convenience of the City, shall also be paid for accrued vacation.

8.06 Effect of Extended Military Service

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

CHAPTER 9 HOLIDAYS

9.01 Statement of Policy

The recognized municipal holidays for pay purposes for all regular employees are contained in the employee's MOU.

Any other days appointed by the President, or Governor for a public holiday, when so declared by the City Council, shall be extended to all regular employees.

9.02 Compensation for Work on Paid Holidays

Regular employees, full and part time, assigned to work on holidays shall receive pay for having worked on an hour for hour basis as provided in the approved salary schedule in addition to holiday pay.

CHAPTER 10 OTHER LEAVES OF ABSENCE

10.01 Leave of Absence Without Pay

Leave of absence without pay may be granted in cases of emergency or where such absence would not be contrary to the best interests of the City. Such leave is not a right but a privilege. Leave of absence without pay must be approved on a City Personnel Action Form.

Employees on authorized leave of absence without pay may not extend such leave without the written approval of the City Manager on a City Personnel Action Form. No

vacation or sick leave benefits shall be used for illness occurring during such leave nor shall any such benefits accrue.

PERS contributions shall not be made by the City for an employee on leave of absence without pay. Employee shall file a Leave of Absence Membership form with PERS (Form ACC-167) at the time such leave commences. Upon return from leave of absence employee shall file a Return from Leave Membership form with PERS.

Leave of absence without pay for one week or less may be granted by the department head, depending upon the merit of the individual case.

Leave of absence without pay in excess of one week duration may be granted by the City Manager on the merit of the case, but such leave shall not exceed twelve months duration.

Insurance payments will not be paid by the City when a leave of absence exceeds 30 days. Employees can continue coverage by making their premium payments to the City directly.

10.02 Unauthorized Absence

An employee who is absent from his/her assigned work location or schedule without official leave approval from supervisory personnel for three or more days shall be considered absent without authorized leave. In such cases, the City shall regard the job as abandoned and the employee automatically terminated, unless the employee can provide the City with acceptable and verifiable evidence of extenuating circumstances.

Employees who are absent without notice or authorization for less than three days, and who subsequently report to work, shall provide a detailed written reason for such absence and, regardless of stated reasons, may be subject to disciplinary action including termination.

Unauthorized leave or unexcused absence will not be compensated in any form by the City, including City sponsored employment benefits.

10.03 Leave of Absence for Death Outside the Immediate Family

Leave without pay may be granted a regular employee by the department head in the event of death to family members other than one of the immediate family, such leave granted in accordance with Section 10.01.

10.04 Leave of Absence for Death Within the Immediate Family

Leave of absence with pay for a period not to exceed five (5) days may be granted to a regular employee by the department head in the event of death to an immediate family member. Beyond that time, an employee may use accumulated sick leave.

For purposes of this paragraph, an immediate family member is defined as a spouse, mother, father, step-parent, mother-in-law, father-in-law, brother, brother-in-law, sister, sister-in-law, child, step-child, grandparent spouse's grandparents, or grandchild. Other requirements for the administration of this leave may be outlined in the respective MOU.

10.05 Military Leave of Absence

State and other applicable laws shall govern the granting of military leaves of absence and the rights of employees returning from such absence.

10.06 Voting Leave

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

10.07 Jury Duty

Employees required to report for jury duty shall be granted a leave of absence with pay from their assigned duties until released by the Court, provided the employee remits to the City all fees received for such duties other than mileage and subsistence allowance within thirty days from the termination of his/her jury services in accordance with the terms and conditions of the employee's MOU.

10.08 Subpoenas

Regular employees, who are subpoenaed to appear as witnesses in criminal or civil cases, may be granted leave of absences with pay from their assigned duties until released. The employee shall remit all fees for such appearances to the City within thirty days of the termination of his/her services. Compensation for mileage and subsistence allowances shall not be considered a fee, and shall be retained by the employee.

10.09 Worker's Compensation Hearings

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

10.10 Maternity Leave

A pregnant employee shall be entitled to a leave of absence without pay for up to four (4) months so long as the employee's attending physician certifies that she is physically unable to work due to pregnancy, childbirth or related medical condition. During said

leave of absence without pay, the employee has the option to use accumulated sick leave, compensatory time and/or vacation credits.

Upon expiration of the approved leave, the employee shall be reinstated to her former position or to a comparable one. If the former position is abolished during the period of leave and the employee would otherwise not have been laid off. The comparable position is one having similar terms of pay, location, job content and promotional opportunities. Prior to the employee being reinstated, the department head may require a statement from the attending physician that the employee is physically capable of resuming the regular duties of her position.

Failure to return to work after the authorized four month leave period causes the employee to have no reinstatement rights. An employee who plans to take such a leave shall provide reasonable notice of the date the leave shall commence, and the estimated duration of the leave.

10.11 Family Care and Medical Leave

Should an employee meet the eligibility requirements of the Federal Family and Medical Leave Act of 1993, the employee shall be extended the benefits and provisions of said act.

Policy

To the extent not already provided under current leave policies and provisions, including but not limited to the employee's MOU, the City shall provide family and medical care leave for eligible employees as required by State and Federal law. The following provisions set forth certain of the rights and obligations with respect to such leave. Rights and obligations which are not specifically set forth below are set forth in the Department of Labor regulations implementing the Federal Family and Medical Leave Act of 1993 ("FMLA"), and the regulations of the California Family Rights Act ("CFRA"). Unless otherwise provided by this article, "leave" under this article shall mean leave pursuant to the FMLA and CFRA.

Definitions

- A. **"12-Month Period"** means a rolling 12-month period measured backward from the date leave is taken and continues with each additional leave day taken.
- B. **"Child"** means a child under the age of 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee's child is one for whom the employee has actual day-to-day responsibility for care and includes, a biological, adopted, foster or step-child, legal ward, or a child of a person standing in loco parentis.

A child is “incapable of self care” if he/she requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living or instrumental activities of daily living—such as, caring for grooming and hygiene, bathing, dressing and eating, cooking, cleaning shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, etc.

- C. **“Parent”** means the biological parent of an employee or an individual who stands or stood *in loco parentis* (in place of a parent) to an employee when the employee was a child. This term does not include parents-in-law.
- D. **“Spouse”** means a husband or wife as defined or recognized under California State law for purposes of marriage.
- E. **“Serious health condition”** means an illness, injury impairment, or physical or mental condition that involves:
 - 1) Inpatient Care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (i.e., inability to work, or perform other regular daily activities due to the serious health condition, treatment involved, or recovery therefrom); or
 - 2) Continuing treatment by a health care provider: A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:
 - a) A period of incapacity (i.e., inability to work, or perform other regular daily activities due to serious health condition of more than three consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
 - i) Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision by a health care provider, or by a provider of health care services (e.g., a physical therapist) under orders of, or on referral by a health care provider; or
 - ii) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider. This includes for example, a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition. If the medication is over the counter,

and can be initiated without a visit to a health care provider, it does not constitute a regimen of continuing treatment.

- b) Any period of incapacity due to pregnancy or for prenatal care. (This entitles the employee to FMLA leave, but not CFRA leave. Under California law, an employee disabled by pregnancy is entitled to pregnancy disability leave.)
- c) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
 - i) Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
 - ii) Continues over an extended period of time (including recurring episodes of a single underlying condition); and
 - iii) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.). Absences for such incapacity qualify for leave even if the absence lasts only one day.
- d) A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by a health care provider.
- e) Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.

F. **“Health Care Provider”** means:

- 1) A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State of California;
- 2) Individuals duly licensed as a physician, surgeon, or osteopathic physician or surgeon in another state or jurisdiction, including another

country, who directly treats or supervises treatment of a serious health condition;

- 3) Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in California and performing within the scope of their practice as defined under California State law;
- 4) Nurse practitioners and nurse-midwives and clinical social workers who are authorized to practice under California State law and who are performing within the scope of their practice as defined under California State law;
- 5) Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; and
- 6) Any health care provider from whom an employer or group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits.

Reasons for Leave

Leave is only permitted for the following reasons:

1. The birth of a child or to care for a newborn of an employee;
2. The placement of a child with an employee in connection with the adoption or foster care of a child;
3. To care for a child, parent or a spouse who has a serious health condition;
or
4. Because of a serious health condition that makes the employee unable to perform the functions of his/her position.

Employees Eligible for Leave

An employee is eligible for leave if the employee:

1. Has been employed for at least 12 months; and
2. Has been employed for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave.

Amount of Leave

Eligible employees are entitled to a total of 12 workweeks of leave during any 12-month period.

A. Minimum Duration of Leave

If leave is requested for the birth, adoption or foster care placement of a child of the employee, leave must be concluded within one year of the birth or placement of the child. In addition, the basic minimum duration of such leave is two weeks. However, an employee is entitled to leave for one of these purposes (e.g., bonding with a newborn) for at least one day, but less than two weeks duration on any two occasions.

If leave is requested to care for a child, parent, spouse or the employee him/herself with a serious health condition, there is no minimum amount of leave that must be taken. However, the notice and medical certification provisions of this policy must be complied with.

B. Spouses Both Employed By The City

In any case in which a husband and wife both employed by the City are entitled to leave, the aggregate number of workweeks of leave to which both may be entitled may be limited to 12 workweeks during any 12-month period if leave is taken for the birth or placement for adoption or foster care of the employees' child (i.e., bonding leave). This limitation does not apply to any other type of leave under this policy.

Employee Benefits While on Leave

Leave under this policy is unpaid. While on leave, employees shall continue to be covered by the City's group health insurance to the same extent that coverage is provided while the employee is on the job. However, employees will not continue to be covered under other insurance plans.

Employees may make the appropriate contributions for continued coverage under the preceding non-health benefit plans by payroll deductions or direct payments made to these plans. Depending on the particular plan the City shall inform the employee whether the premiums should be paid to the carrier or to the City. Coverage on a particular plan may be dropped if the employee is more than 30 days late in making a premium payment. However, the employee shall receive a notice at least 15 days before coverage is to cease, advising the employee that coverage shall be dropped if the employee's premium payment is not paid by a certain date. Employee contribution rates are subject to any change in rates that occurs while the employee is on leave.

If an employee fails to return to work after his/her leave entitlement has been exhausted or expires, the City shall have the right to recover its share of health plan premiums for the entire leave period, unless the employee does not return because of the continuation, recurrence, or onset of a serious health condition of the employee or his/her family member which would entitle the employee to leave, or because of circumstances beyond the employee's control. The City shall have the right to recover premiums through deduction from any sums due the City (e.g. unpaid wages, vacation pay, etc.).

Substitution of Paid Accrued Leaves

While on leave under this policy, as set forth herein, an employee may elect to concurrently use paid accrued leaves. Similarly, the City may require an employee to concurrently use paid accrued leaves after requesting FMLA and/or CFRA leave, and may also require an employee to use Family and Medical Care Leave concurrently with a non-FMLA/CFRA leave which is FMLA/CFRA-qualifying.

A. Employee's Right To Use Paid Accrued Leaves Concurrently With Family Leave

Where an employee has earned or accrued paid vacation, administrative leave, compensatory time, or personal or family leave (if applicable), that paid leave may be substituted for all or part of any (otherwise) unpaid leave under this policy.

As for sick leave, an employee is entitled to use sick leave concurrently with leave under this policy if:

- 1) The leave is for the employee's own serious health condition; or
- 2) The leave is needed to care for a parent, spouse or child with a serious health condition, and would be permitted as sick leave under the City's sick leave policy.

B. City's Right To Require An Employee To Use Paid Leave When Using FMLA/CFRA Leave

Employees must exhaust their accrued leaves concurrently with FMLA/CFRA leave to the same extent that employees have the right to use their accrued leaves concurrently with FMLA/CFRA leave with two exceptions:

- 1) Employees are not required to use accrued compensatory time earned in lieu of overtime earned pursuant to the Fair Labor Standards Act; and

- 2) Employees shall only be required to use sick leave concurrently with FMLA/CFRA leave if the leave is for the employee's own serious health condition.

C. City's Right To Require An Employee To Exhaust FMLA/CFRA Leave Concurrently With Other Leaves

If an employee takes a leave of absence for any reason which is FMLA/CFRA qualifying, the City may designate that non-FMLA/CFRA leave as running concurrently with the employee's 12-week FMLA/CFRA leave entitlement. The only exception is for peace officers who are on leave pursuant to Labor Code § 4850.

D. City's and Employee's Rights If An Employee Requests Accrued Leave Without Mentioning Either the FMLA or CFRA

If an employee requests to utilize accrued vacation leave or other accrued paid time off without reference to a FMLA/CFRA qualifying purpose, the City may not ask the employee if the leave is for a FMLA/CFRA qualifying purpose. However, if the City denies the employee's request and the employee provides information that the requested time off is for a FMLA/CFRA qualifying purpose, the City may inquire further into the reason for the absence. If the reason is FMLA/CFRA qualifying, the City may require the employee to exhaust accrued leave as described above.

Medical Certification

Employees who request leave for their own serious health condition or to care for a child, parent or a spouse who has a serious health condition must provide written certification from the health care provider of the individual requiring care if requested by the City.

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

A. Time To Provide A Certification

When an employee's leave is foreseeable and at least 30 days notice has been provided, if a medical certification is requested, the employee must provide it before the leave begins. When this is not possible, the employee must provide the requested certification to the City within the time frame requested by the City (which must allow at least 15 calendar days after the employer's request), unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.

B. Consequences For Failure To Provide An Adequate Or Timely Certification

If an employee provides an incomplete medical certification, the employee will be given a reasonable opportunity to cure any such deficiency. However, if an employee fails to provide a medical certification within the time frame established by this policy, the City may delay the taking of FMLA/CFRA leave until the required certification is provided.

C. Recertification

If the City has reason to doubt the validity of a certification, the City may require a medical opinion of a second health care provider chosen and paid for by the City. If the second opinion is different from the first, the City may require the opinion of a third provider jointly approved by the City and the employee, but paid for by the City. The opinion of the third provider will be binding. An employee may request a copy of the health care provider's opinions when there is a recertification.

D. Intermittent Leave Or Leave On A Reduced Leave Schedule

If an employee requests leave intermittently (a few days or hours at a time) or on a reduced leave schedule to care for an immediate family member with a serious health condition, the employee must provide medical certification that such leave is medically necessary. "Medically necessary" means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule.

Employee Notice of Leave

Although the City recognizes that emergencies arise which may require employees to request immediate leave, employees are required to give as much notice as possible of their need for leave. If leave is foreseeable, at least 30 days notice is required. In addition, if an employee knows that he/she will need leave in the future, but does not know the exact date(s) (e.g. for the birth of a child or to take care of a newborn), the employee shall inform his/her supervisor as soon as possible that such leave will be needed. Such notice may be orally given. If the City determines that an employee's notice is inadequate or the employee knew about the requested leave in advance of the request, the City may delay the granting of the leave until it can, in its discretion, adequately cover the position with a substitute.

Reinstatement Upon Return from Leave

A. Right To Reinstatement

Upon expiration of leave, an employee is entitled to be reinstated to the position of employment held when the leave commenced, or to an equivalent position with

equivalent employment benefits, pay, and other terms and conditions of employment. Employees have no greater rights to reinstatement, benefits and other conditions of employment than if the employee had been continuously employed during the FMLA/CFRA period. If a definite date of reinstatement has been agreed upon at the beginning of the leave, the employee will be reinstated on the date agreed upon. If the reinstatement date differs from the original agreement of the employee and City the employee will be reinstated within two business days, where feasible, after the employee notifies the employer of his/her readiness to return.

B. Employee's Obligation To Periodically Report On His/Her Condition

Employees may be required to periodically report on their status and intent to return to work. This will avoid any delays to reinstatement when the employee is ready to return.

C. Fitness For Duty Certification

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

D. Reinstatement Of "Key" Employees

The City may deny reinstatement to a "key" employee (i.e., an employee who is among the highest paid 10 percent of all employed by the City) if such denial is necessary to prevent substantial and grievous economic injury to the operations of the City, and the employee is notified of the City's intent to deny reinstatement on such basis at the time the employer determines that such injury would occur.

Required Forms

Employees must fill out the following applicable forms in connection with leave under this policy:

1. "Request For Family or Medical Leave Form" prepared by the City to be eligible for leave.
2. Medical certification - either for the employee's own serious health condition or for the serious health condition of a child, parent or spouse;
3. Authorization for payroll deductions for benefit plan coverage continuation; and

4. Fitness to return to duty form.

10.12 Catastrophic Leave

Employees may donate leave time to be used by other employees stricken with a catastrophic illness. A catastrophic illness is defined as one which is long term or fatal. Donor employees may transfer up to twenty-five percent (25%) of the employee's accrued vacation or comp time or eight (8) hours of sick leave. An employee shall be eligible for a donation after the employee has exhausted all of his or her sick leave and paid time off.

Donations shall be made to the catastrophic illness bank once each year. All donations are irrevocable. The City Manager may establish additional procedures to implement the donation of catastrophic leave.

CHAPTER 11 TRANSFER, PROMOTION, DEMOTION, SUSPENSION AND ADMINISTRATIVE LEAVE

11.01 Transfer

No person shall be transferred to a position for which such person does not possess the minimum qualifications. Upon approval of the City Manager, an employee may be transferred at any time from one position to another position in the same class.

If the transfer involves a change from one department to another, both department heads must consent thereto unless the City Manager orders the transfer for purposes of economy, efficiency or if such transfer is in the best interest of the City. Transfers shall not be used to effectuate a promotion, demotion, advancement, or reduction, each of which may be accomplished only as provided in these rules.

11.02 Promotion

Insofar as consistent with the best interests of the service, all vacancies in the classified service shall be filled by promotion from within the classified service, after a promotional examination has been given, and a promotional list established. If an existing employee is promoted, he/she shall serve a probationary period as set forth in Section 4.09 through 4.12 of these rules.

If, in the opinion of the City Manager, a position can be better filled by an open competitive examination, the City shall arrange for an open competitive examination and for the preparation and certification of an open competitive employment list.

11.03 Voluntary Demotion

Upon request of the employee, and with the consent of the City Manager, a voluntary demotion may be made to a vacant position. No employee shall be demoted to a position for which he or she does not possess minimum qualifications.

11.04 Suspension - Non-Disciplinary Failure to Meet Job Requirements

There may be occasions where an employee is not able to meet minimum job requirements for a temporary period of time (temporary loss of driver's license, etc.). Under such conditions the employee may be granted a non-disciplinary suspension without pay in lieu of termination for not meeting job requirements. In such case, the non-disciplinary suspension is a privilege not a right and is extended at the discretion of the City Manager. In no case shall the non-disciplinary suspension exceed 90 calendar days. The suspension is granted so that the employee may have time to take vigorous action to place him/her in a position to be able to meet job requirements. Once the employee is able to meet job requirements the non-disciplinary suspension will be removed and the employee will return to his/her previous duties. If the employee is unable to meet job requirements within said suspension, the employee will be subject to termination for not meeting minimum job requirements.

11.05 Administrative Leave

Upon approval of the City Manager, any regular or probationary employee may be placed on administrative leave pending some additional action or decision. Such administrative leave shall be with full pay and is not disciplinary.

CHAPTER 12 DISCIPLINARY ACTION

12.01 Disciplinary Policy Statement

Whenever an employee's performance, attitude, work habits, or personal conduct at any time falls below a desirable level, supervisors should inform employee promptly and specifically of such lapses. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating disciplinary action. In some instances, a specific incident may justify severe disciplinary action in and of itself; the action to be taken depends on the seriousness of the incident and the employee's past performance and conduct. Any instance of disciplinary action shall be documented in the employee's personnel file. If a provision of the disciplinary rules conflicts with the Public Safety Officers Bill of Rights, the Public Safety Officers Bill of Rights shall prevail.

12.02 Employee to Give City Notice - Employee Alleged Violation of the Law

It is the responsibility of employees to give notice to the City when they are convicted of alleged criminal violations of law and/or when they receive any citation that may affect the status of their driver's license if they are required to drive. Such notice shall be provided in writing within the next business day after the conviction or citation.

12.03 Kinds of Disciplinary Action

The following disciplinary action may be taken against any employee either by the City Manager or authorized management or supervisorial personnel. In all cases, disciplinary action may be taken only upon approval by the City Manager.

Reprimand - An oral or written notice of substandard performance or misconduct. The purpose of a reprimand is to provide a direct means of employee performance improvement. A reprimand may be extended to the employee by his/her supervisor at any time. A reprimand is neither appealable nor grievable. The employee will however have the opportunity to review the reprimand with his/her supervisor. The employee may submit a written response to the reprimand within ten days of receipt.

Suspension - An involuntary absence without pay.

Salary Reduction - A reduction in pay from the employee's current step within a pay range to any lower step within that same range, as such range is recorded in the City's current Compensation Plan.

Demotion - Reduction from a position in one classification to a position in another classification having a lower salary range for disciplinary purposes, or, from one step to a lower step in the salary range for the same position. (Demotions resulting from employee's inability to perform required duties resulting from a disability, organizational changes, and layoffs are not disciplinary.)

Dismissal - Discharge from the City service.

12.04 Causes for Disciplinary Action

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

- (A) Failure to meet prescribed standards of work, morality, and ethics to an extent that makes an employee unsuitable for employment in the City service;
- (B) Theft, dishonesty, misrepresentations, theft from the City in any form, untruthfulness to avoid discipline or during an investigation preparatory to discipline;
- (C) Incompetency, inefficiency, repeated negligence and low productivity in the performance of duty;
- (D) Insubordination;
- (E) Criminal conduct, conviction of or plea of guilty or no contest to a felony; or misdemeanor which is job related;
- (F) Notoriously disgraceful personal conduct, immorality, conviction of or plea of guilty or no contest to a misdemeanor involving moral turpitude;
- (G) Unauthorized absences or abuse of leave privileges;

- (H) Tardiness, neglect of duty;
- (I) Acceptance of any valuable consideration which was given with the expectation of influencing the employee in the performance of his/her duties;
- (J) Fraud, falsification of records;
- (K) Use of official position for personal advantage;
- (L) Misuse of City property or equipment;
- (M) Engaging in unsafe work practices; malicious destruction of City property;
- (N) Use of alcohol or drunkenness on duty;
- (O) Unlawful use, sale or possession of narcotics or habit forming drugs;
- (P) Discourteous treatment of the public or other employees;
- (Q) Assault on Supervisor; fighting between employees;
- (R) Improper political activity as defined by State laws;
- (S) Violation of any of the provisions of these Rules and Regulations or departmental rules and regulations;
- (T) Refusal to take or subscribe to any oath or affirmation which is required by law in connection with his/her employment;
- (U) Engaging in outside employment without prior approval;
- (V) Working overtime without authorization;
- (W) Other failure of good behavior, either during or outside of duty hours which is of such a nature that causes discredit to the City.

12.05 Administration of Disciplinary Action

The City Manager may propose and subsequently take disciplinary action against an employee under his/her control for one or more of the causes for discipline specified in this Chapter or in other applicable City policies or procedures. The employee will be served with a notice of proposed discipline which will outline the proposed discipline and the employee's right to a Skelly Hearing prior to the imposition of discipline. The notice of proposed discipline may include the following:

- (A) A statement of the proposed disciplinary action;
- (B) The effective date of the proposed discipline;
- (C) Summary of the causes upon which the proposed discipline is based;
- (D) A factual summary supporting the causes for proposed discipline;
- (E) A copy of all written materials upon which the charges are based;
- (F) A statement advising the employee of his/her right to a Skelly Hearing to respond to the notice prior to the imposition of the proposed discipline;
- (G) Any other information pertinent to the proposed discipline.

12.06 Skelly Hearing

When the City determines the need to suspend, reduce in salary, demote or to dismiss a classified regular employee pursuant to these rules, the City will provide a "Skelly" Pre-Discipline Hearing. Prior to the hearing, the employee will receive a notice of the proposed action, as set forth in 12.05.

The employee shall have 10 working days to request a pre-discipline hearing with his/her department head. Failure to request the hearing within 10 working days shall result in the employee's waiver of his/her procedural rights. The hearing is not intended to be a full evidentiary hearing. The hearing is to be an informal opportunity for the employee to tell his/her side of the story.

Upon the completion of the Skelly Hearing, the City Manager shall then notify the employee of the discipline to be imposed, if any, in a Notice of Disciplinary Action. This notice shall inform the employee of the following: (a) the discipline action taken, (b) the effective date, (c) the specific charges on which the action is based, (d) a factual summary of the facts upon which the charges are based, (e) the written materials upon which the charges are based, and (f) the employee's right to appeal.

12.07 Appeal of Disciplinary Action

All appeals of suspensions, demotions, reductions in pay and dismissal shall be considered by the City's Personnel Appeal Board. The Appeal Board shall consist of three members appointed by the Mayor upon recommendation from the City Manager. One member shall be appointed from the City Council, one member shall be an employee of the City from a department other than that of the appellant and one member shall be appointed from the general public.

Request for Hearing

Within seven (7) working days after final notice of suspension, reduction in pay, demotion or dismissal, the employee or the employee's representative may file an appeal in writing to the City Manager. If, within the seven (7) working day appeal period, the employee does not file said appeal, unless good cause for the failure is shown, the action of the City shall be considered conclusive and shall take effect as prescribed. The appeal shall include the following:

1. An admission or denial of each charge with an explanation why the charge is admitted or denied.
2. A statement of any affirmative defenses.
3. A statement that the employee disagrees with the penalty with an explanation of the employee's position.
4. The employee's current address.
5. A request for a hearing.

Failure to provide this information shall result in the appeal not being processed.

Scheduling of Hearing

Upon receipt of the request for an appeal, the City Manager shall schedule a hearing before the Appeals Board. At this time, the City Manager will send the employee a copy of this rule. The appeal hearing shall be set not less than twenty (20) working days nor more than sixty (60) working days from the date of the filing of the appeal. All interested parties shall be notified in writing of the date, time, and place of the hearing at least ten (10) working days prior to the hearing.

Private or Public Hearings

All hearings shall be private, provided that the employee may request a hearing open to the public. Any request for an open hearing shall be submitted at least five (5) working days prior to the hearing date or the hearing will be closed.

Pre-Hearing Procedure

1. Subpoenas

The Appeals Board is authorized to issue subpoenas at the request of either party prior to the commencement of the hearing. After the commencement of the hearing,

subpoenas shall be issued by the Board only for good cause. The City Manager's office will prepare subpoenas for all witnesses, however, it will only serve subpoenas for current city employees. It will be the responsibility of the employee or the City to serve subpoenas on individuals who are not currently employed by the City. It will be the responsibility of the employee and the city to submit the names of current city employees to be subpoenaed at least ten (10) working days before the date of the hearing in which they are requesting the witnesses to appear.

2. Exhibits and Witness Lists

At least five (5) working days prior to the date set for the hearing, each party shall serve upon the other party and submit to the City Manager's office a list of all witnesses and a list and copy of all exhibits. An original and nine (9) copies of the exhibits shall be presented to the Personnel Department in 3 hole notebooks which are tabbed down the side with the exhibit numbers. The employer's exhibits shall be designated by number. The employee's exhibits shall be designated by alphabetical letter. Neither party will be permitted to call during the hearing, a witness not identified pursuant to this section nor use any exhibit not provided pursuant to this section unless that party can show that they could not reasonably have anticipated the prior need for such witness or such exhibit.

Submission to the Appeals Board

At least five (5) working days prior to the date set for hearing, the City Manager's office shall present each member of the Appeals Board with a copy of the jurisdictional documents. Those documents include the notice of intent to take disciplinary action, the final notice of disciplinary action and any response from the employee to these documents. The Board shall not be provided with copies of the exhibits.

Record of Proceedings and Costs

1. Court Reporter

All disciplinary appeal hearings may, at the discretion of either party or the Board, be recorded by a court reporter. Any hearing which does not utilize a court reporter shall be recorded by audiotapes. If a court reporter is requested by either party, that party shall pay the cost of the court reporter. If both parties request a court reporter the cost will be split equally. If the Board requests the court reporter, the City shall pay the cost of the reporter.

2. Employee Witness Compensation

Employees of the City who are subpoenaed to testify during working hours will be released with pay to appear at the hearing. The Board may direct that these employees

remain on call until called to testify. Employees who are subpoenaed to testify during non-working hours will be compensated for the time they actually testify, unless the City agrees to a different arrangement.

Conduct of the Hearing

1. The hearing need not be conducted in accordance with technical rules relating to evidence and witnesses but hearings shall be conducted in a manner most conducive to determination of the truth.
2. Any relevant evidence may be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rules which might make improper the admission of such evidence over objection in civil actions.
3. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence that shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.
4. The rules dealing with privileges shall be effective to the same extent that they are now or hereafter may be recognized in civil actions.
5. Irrelevant and unduly repetitious evidence may be excluded.
6. The Appeal Board shall determine relevancy, weight and credibility of testimony and evidence. Decisions made by the Board shall not be invalidated by any informality in the proceedings.
7. During examination of a witness, all other witnesses, except the parties, shall be excluded from the hearing upon motion of either party.

Burden of Proof

In a disciplinary appeal the employer has the burden of proof by preponderance of the evidence.

Proceed with Hearing or Request for Continuance

Each side should be asked if it is ready to proceed. If either side is not ready and wishes a continuance, good cause must be stated.

Testimony under Oath

All witnesses shall be sworn in for the record prior to offering testimony at the hearing. The chairperson will request the witnesses to raise their right hand and respond to the following:

“Do you swear that the testimony you are about to give at this hearing is the truth, the whole truth and nothing but the truth?”

Presentation of the Case

The hearing shall proceed in the following order unless the Appeals Board for special reason, directs otherwise:

- a. The party imposing discipline (department) shall be permitted to make an opening statement.
- b. The appealing party (employee) shall be permitted to make an opening statement, or reserve an opening statement until presentation of their case.
- c. The party imposing disciplinary action (department) shall produce its evidence.
- d. The party appealing from such disciplinary action (employee) may then offer his/her evidence.
- e. The party imposing discipline (department) followed by the appealing party (employee) may offer rebutting evidence.
- f. Closing arguments shall be permitted at the discretion of the Personnel Appeal Board. The party with the burden of proof shall have the right to go first and to close the hearing by making the last argument. The Board may place a time limit on closing arguments. The Board or the parties may request the submission of written briefs. After the request for submittal of written briefs, the Board will determine whether to allow the parties to submit written briefs and determine the number of pages of said briefs.

Procedure for the Parties

The party representing the department and the party representing the employee will address their remarks, including objections, to the Chair of the Board. Objections may be ruled upon summarily or argument may be permitted. The Chair reserves the right to

terminate argument at any time and issue a ruling regarding an objection or any other matter, and thereafter the representative shall continue with the presentation of his/her case.

Right to Control Proceedings

While the parties are generally free to present their case in the order that they prefer, the Chair has the right to control the proceedings, including, but not limited to, altering the order of witnesses, limiting redundant or irrelevant testimony, or by the direct questioning of witnesses.

Hearing Demeanor and Behavior

All parties and their attorneys or representatives shall not, by written submission or oral presentation, disparage the intelligence, ethics, morals, integrity or personal behavior of their adversaries or members of the Board.

Deliberation Upon the Case

The Board may choose to either deliberate the case in public or adjourn to closed session to deliberate. The Board will consider all oral and documentary evidence, the credibility of the witnesses, and other appropriate factors in reaching its decision. The Board may deliberate at the close of the hearing or at a later fixed date and time.

Written Findings and Recommended Decision

The Appeals Board shall render its findings and recommended decisions as soon after the conclusion of the hearing as possible, and in no event, later than fifteen (15) working days after concluding the hearing, unless otherwise stipulated to by the parties. A finding must be made by the Board on each material issue.

The Appeals Board may sustain or reject any or all of the charges filed against the employee. The Board may sustain, reject or modify the disciplinary action invoked against the employee. If the Board overrules the suspension or termination, the employee is only entitled to back pay minus the sum the employee has earned during the period of absence. If a dismissal is not sustained, the decision shall set forth an effective date the employee is to be reinstated.

Judicial Review

- a. Petition for Writ of Mandate

Judicial review of any decision of the Appeals Board may be had pursuant to Section 1094.5 of the California Code of Civil Procedure only if the petition for writ of mandate pursuant to such section is filed within the time limits specified in this section.

b. 90 Days from Final Decision

Pursuant to Code of Civil Procedure 1094.6 any such petition shall be filed not later than the ninetieth (90th) day following the date on which the Appeals Board gives written notice of the final decision. The Appeal Board shall give notice in the written findings of the procedures of Code of Civil Procedure 1094.6.

12.08 Failure of Employee to Appear at Hearing

Failure of the appellant or his/her representative to appear shall be deemed a withdrawal of his/her appeal and the action of the City Manager shall be final.

12.09 Effect of Certain Disciplinary Actions

- (A) Oral Reprimand - Employees receiving an oral reprimand may have it noted in their departmental record by the department head.
- (B) Written Reprimand - Employees receiving a written reprimand shall have a copy of their reprimand filed in their permanent record. Each employee's permanent record is in his/her personnel file maintained by the City.
- (C) Suspension - Employees suspended from the municipal service shall forfeit all rights, privileges, and salary while on such suspension with the exception of group health and life insurance benefits.
- (D) Discharge - Employees terminated for disciplinary reasons shall be paid salary accumulated to the effective date of termination, plus payment due for accumulated vacation and 50% sick leave. Terminated employees will be given the right to extended Cobra Health Coverage according to Section 6.18 of these Rules.

12.10 Confidential Information

Personnel actions and issues shall be handled in a confidential manner.

The following policy shall prevail regarding the release of information to the news media on personnel actions unless the law requires otherwise.

- (A) No information shall be released without prior approval of the City Manager.
- (B) No information shall be released until final action has been determined and taken.

- (C) Even after final disposition of the matter, no details shall be released other than the exact nature of the action taken.
- (D) The City Manager shall be custodian of all background investigation material. Such information shall be released as authorized by the City Manager.

CHAPTER 13 GRIEVANCE PROCEDURE

13.01 Purpose

The purposes of the grievance procedures are set forth as follows:

- (A) To promote improved employer-employee relations by providing a prompt and effective means of resolving employee grievances at the lowest possible level in the organization and in order to provide a means of communication through which an employee may express a complaint or dissatisfaction.
- (B) To afford employees, individually or through qualified employee organizations, a systematic means of obtaining further consideration of problems after every other reasonable effort has failed to resolve them through discussions.
- (C) To provide that grievances shall be heard and settled as informally as possible.

13.02 Matters Subject to Grievance Procedures

Any employee shall have the right to grieve an alleged violation, misinterpretation or inequitable application of the Personnel Rules and Regulations, applicable portions of a Memorandum of Understanding under which his/her classification is represented, or any other written policy, ordinance or directive affecting employee relations.

Matters not subject to grievance include those for which an alternate procedure, such as disciplinary action, have been defined in these Rules and/or City rights and responsibilities as afforded by law and the following:

- (A) The content of employee evaluations;
- (B) To challenge a reclassification, layoff, transfer or denial of a merit increase;
- (C) To challenge examinations or appointment to positions; and
- (D) Disciplinary action pursuant to Chapter 12.

13.03 Grievance Procedure

- (A) An employee who has a grievance shall first discuss the matter informally with his/her immediate supervisor or department head. If, after such discussion, the

problem has not been resolved to the employee's satisfaction, the employee may file his/her grievance in writing to his/her department head, who shall render his/her decision and comments in writing and furnish them to the employee within fifteen (15) calendar days after receiving the written statement of grievance.

- (B) If the employee does not agree with the written decision of his/her department head, or if no written decision has been rendered within fifteen (15) calendar days after the filing of the grievance report with the department head, the employee may file a written appeal with the City Manager. The failure of the employee to file such appeal within ten (10) calendar days after receipt of the decision rendered, or after fifteen (15) calendar days from the filing of the grievance if no decision has been rendered, will constitute a withdrawal of the grievance.
- (C) Upon receiving an appeal, the City Manager shall review it, discuss it with the employee and with the employee's department head, and make such other investigation as he/she shall deem necessary. Within fifteen (15) calendar days after receiving the appeal he/she shall render his/her decision and comments in writing and deliver a copy of the same to the employee. The City Manager's decision shall be final.

13.04 Conduct of Grievance Procedure

The time limit specified above may be extended to a definite date by mutual agreement of the employee and reviewer concerned. The employee may request the assistance of another person of the employee's choosing in preparing and presenting the grievance at any level of review. The employee and the employee's representative, if any, may use a reasonable amount of work time as determined by the appropriate department head in conferring about and presenting the appeal.

13.05 Nondiscrimination Protection

This grievance procedure shall be available to every employee without fear of reprisal and regardless of his/her membership or non-membership in an employee organization.

CHAPTER 14 SAFETY PROGRAM

14.01 General Policy

The City's Safety Program has one objective: eliminate accidents and ensure a safe working environment. The following principles of safety are listed to place the City's objective of accident prevention in proper perspective:

- (A) Accidents and injuries can and must be prevented.

- (B) The causes of accidents, unsafe acts by employees and hazardous working conditions, are aspects of the job which are under the direct control of the department heads and supervisors.
- (C) Prevention of accidents is an integral part of each employee's responsibility. Safety is not something extra or apart from the requirements of the job.
- (D) Every employee must understand it is to his/her advantage as well as the City's to work safely. To that end his/her cooperation is expected. There is no justification for willful disregard of known safety practices.
- (E) Accident prevention is good business. In the long run, following prescribed safety practices and procedures reduces the time and expense in getting the job done.

14.02 Responsibility for Safety

Responsibility for the City Safety Program shall be as follows:

- (A) Department Heads - Every effort shall be made to resolve safety problems at the departmental level. The department head has primary responsibility for providing an accident-free service. Each department shall have a definite plan whereby the City's Safety Program shall reach every employee in every position.

It shall be the responsibility of each department head to:

- (1) Develop and post in each departmental work area a set of safety standards for employees to follow in performing their duties.
- (2) Enforce the maintenance of safe working conditions.
- (3) Encourage the development and observance of safe working habits.
- (4) Encourage constant inspection of departmental work areas to detect unsafe conditions and expedite action to implement the correction of unsafe conditions.
- (5) Participate in the City-wide Safety Committee as provided in Section 14.04.
- (6) Utilize the recommendations of the City-wide Safety Committee and further analyze all accidents affecting the department and take proper action to prevent any recurrence.

- (7) Utilize the services of the Worker's Compensation carrier to assist in the departmental Safety Program.
 - (8) Transmit all accident reports promptly as required.
 - (9) Conduct continual education of employees regarding safe work practices.
 - (10) Enforce the wearing of protective equipment where special hazards exist.
- (B) Supervisors - The term "supervisor", as used in his/her section, shall mean any employee who directs and/or evaluates the work performance of another employee.

Administration of the City's Safety Program is an essential part of the supervisor's job. It shall be the responsibility of each supervisor to:

- (1) Detect and correct unsafe working conditions and practices. Problems of safety beyond the supervisor's control shall be reported to his/her superior.
 - (2) Educate and motivate his/her employees in the City's Safety Policy and correct work procedures.
 - (3) Be sure that each employee knows and follows the safety rules pertaining to his/her work.
 - (4) Encourage safety suggestions and discussions. See that sound safety suggestions are used and that all safety questions receive answers.
 - (5) Ensure that all accidents are reported promptly and properly.
 - (6) Remain informed on safety subjects through reading, training courses, and discussions with other supervisors and safety advisors.
 - (7) Enforce safety rules. If an employee fails to observe safety regulations, the supervisor shall warn the employee that such failure to do so is grounds for disciplinary action.
 - (8) Require proper safety equipment for employees.
- (C) Employees - Each employee shall:
- (1) Observe all safety regulations and requirements given verbally or in writing.

- (2) Guard his/her own safety and, in addition do everything possible to safeguard his/her fellow workers, City property, and other people affected by his/her work.
- (3) Report immediately to his/her supervisor any accident occurring to himself/herself.
- (4) Report to his/her supervisor any apparent unsafe conditions.

14.03 Administration of Safety Program

The City Manager shall be responsible for coordinating the development, establishment, improvement and administration of the City Safety Program. Department heads and their supervisory personnel are responsible for developing, installing, and operating the safety program in their respective departments.

14.04 City-Wide Safety Committee

- (A) Function. - The City-wide Safety Committee shall be advisory only so as not to conflict with the department head's direct responsibility for employee safety. The Safety Committee shall fulfill its advisory role by: recommending the adoption of overall safety policies; participating in developing safety training programs; reviewing accident statistics and injury reports in order to identify accident trends and make recommendations for correction; and reviewing specific injury case histories where warranted.
- (B) Membership. - The City-wide Safety Committee shall include the City Manager, each department heads, and a non-supervisory employee from the Police and Public Works Departments selected by the department head.
- (C) Meetings. - The City-wide Safety Committee shall meet at least once per calendar year on call of the City Manager.

14.05 Accident Reporting Procedures

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

- (A) Employee Injury - When an employee becomes injured on the job it shall be his/her responsibility to complete an Accident Report form to promptly seek out adequate medical treatment as indicated by the following guidelines:

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

When it is determined that a physician's care is necessary, the injured employee shall be referred to a physician designated by the City.

- (2) An employee involved in an accident causing a serious injury shall be referred immediately by the employee himself/herself or a fellow employee to the duty physician at the nearest hospital.

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

During the hours from 8:00 A.M. to 5:00 P.M., Monday through Friday, injured employees needing a physician's attention shall be referred to a doctor designated by the City for the first 30 days after an injury or illness is reported. Each employee shall have the right to request a change of treating physician to one of his/her own choice after 30 days of treatment by the City's selected physician or may designate in advance in writing his/her choice of treating physician.

- (3) Police Department employees who develop conditions that are presumed to be caused on the job, shall notify their supervisor immediately after receiving such a diagnosis from their physician. After receiving such notification the supervisor shall report the employee's condition to the City Manager.
- (4) Accidents involving City-owned mobile equipment. Such accidents will be reported to the Police Department immediately regardless of the seriousness of the traffic accident. No equipment is to be moved if at all possible until the Police arrive. The Police Department shall conduct an investigation of such traffic accidents.

After the Police investigation report is completed, copies shall be sent to the following: One copy to the department(s) involved; one copy to the City Manager for filing after the case has been reviewed.

- (5) It shall be the responsibility of the department head to promptly report in writing, details of all accidents involving injury. Such reports shall be given to the City Manager or designee whose responsibility it shall be to keep

records required by Worker's Compensation or the California Occupational Safety and Health Act of 1973 (OSHA).

CHAPTER 15 EMPLOYEE DEVELOPMENT

15.01 Statement of Policy

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

15.02 Eligibility for Education Cost Reimbursement

To qualify for educational reimbursement, the employee must receive prior approval and the employee's department must have sufficient unappropriated funds available in the current departmental budget. The appropriate department head and the City Manager shall mutually agree that the requested course is directly related to the employee's present duties or eligibility for career advancement with the City, and that the benefit to the City is sufficient to warrant the expenditure of City monies. The request must then be approved by the City Manager. The approved Personnel Action Form in use shall be completed outlining the application, and approval shall be dependent upon execution by the City Manager.

The employee must be a regular employee and the course selected must be of such a nature that it benefits the City and better prepares the employee to carry out the duties for which he was hired or may pursue. Employees seeking college degrees shall be eligible for reimbursement only for courses that are directly related to their current duties.

An employee whose education is subsidized by another agency or bargaining unit, either government or private, is not eligible for City support.

Each employee desiring to qualify must attend the courses on his/her own time and complete the course satisfactorily with a passing grade of "C", or it's numerical equivalent or better.

15.03 Procedures for Obtaining Payment

The tuition reimbursement policy covers courses taken at accredited colleges and universities and approved correspondence courses, including POST courses. The policy also covers the cost of textbooks and other required course materials.

Immediately upon completion of a pre-approved course, verification of the grade received must be sent to the City. This verification may be either in the form of a

transcript, a letter from the class instructor or other responsible member of the school staff, or a certificate of satisfactory completion in the case of correspondence courses.

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

Upon completion of the course all textbooks and materials shall become the property of the respective department and be a part of each department's library. A memorandum shall be required from the department head certifying that the textbooks have been returned to the departmental library prior to payment of the reimbursement.

15.04 Performance Evaluations

The City Manager shall establish a system of evaluation ratings based on standards of performance. The standards shall have reference to the quality and quantity of work, the manner in which the service is rendered, and the attentiveness of the employees to their duties. Evaluation ratings shall be confidential between the department head, City Manager, and the employee. All evaluation ratings shall be reviewed with employees and shall be signed by the employee indicating that he/she has seen it and received a copy. Evaluations shall be conducted as needed but in no event less frequent than once every twelve (12) months for regular employees. Evaluations are neither subject to the grievance procedures herein nor appealable.

CHAPTER 16 MISCELLANEOUS

16.01 Outside Employment

Any regular employee desiring to engage in outside employment shall first obtain non-City conflict job approval from his/her department head. The employee shall submit a statement to his/her department head naming the prospective employer (inclusive of self-employment), address and telephone number, and outlining the proposed duties and the hours of work. Approval may be denied or rescinded if, in the opinion of the department head, such outside employment is in conflict or incompatible with the proper discharge of the employee's official duties. All such approvals shall be subject to review and approval by the City Manager, and shall be re-submitted prior to January 10th of each year to maintain a valid, continuous authorization.

An employee's outside employment, activity, or enterprise may but is not limited to being prohibited if it: (1) involves the use of private gain or advantage of his or her local agency time, equipment and supplies; or the badge, uniform, prestige, or influence of his or her local agency office or, (2) involves receipt or acceptance by the officer or employee of any money or other consideration from anyone other than his or her local agency for the performance of an act which the officer or employee, if not performing such act, would be required or expected to render in the regular course or hours of his or her local agency employment or as a part of his or her duties as a local agency

officer or employee or, (3) involves the performance of an act in other than his or her capacity as a local agency officer or employee which act may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other officer or employee or the agency by which he or she is employed, or (4) involves the time demands as would render performance of his or her duties as a local agency officer or employee less efficient.

16.02 Conflicts of Interest

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

16.03 Records

Personnel records, except as provided for by prevailing law, are confidential records. Any portion of a personnel record deemed public information by law shall be open for public inspection during office hours and at reasonable times in accordance with established procedures.

16.04 Administrative Personnel

Nothing in these rules and regulations shall be construed to prevent the City Manager from making special provision for administrative personnel which report directly to the City Manager, or for confidential or other employees not represented by a recognized employee organization.

16.05 Drug Free Work-Place Policy

Purpose

The purpose of this Policy is to comply with the Public Law 100-690, Subtitle D - Drug-Free Work-place Act of 1988. The law enacted by the Federal Government requires all federal government grant recipients to take specific steps to insure a drug-free work-place. It is the responsibility of each department head to distribute this policy to all department employees and to uphold this policy. This policy is applicable to all City employees regardless of their employment status (i.e., temporary, regular, etc.).

Objectives of Policy

1. To eliminate the use of drugs and other controlled substances which could impair an employee's ability to safely and effectively perform the functions of his/her job. The use of such controlled substances also threatens the safety of co-workers.
2. To encourage employees who have a substance abuse problem to seek assistance from an appropriate health care provider.

3. To emphasize that employees who demonstrate job performance problems as a result of use of drugs or other controlled substances will be subject to appropriate disciplinary action.

Policy

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

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

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

Employees must, as a condition of employment, abide by the terms of the above policy and report any conviction under a criminal drug statute for violations occurring on or off City premises while conducting City business. A report of conviction must be made within the next business day after the conviction of an employee for illegal drug activity in the work-place.

The violation by an employee of any portion of this policy shall result in the City taking appropriate disciplinary action up to and including termination.

16.06 Anti-Harassment Policy

Purpose

The City is committed to providing a work environment free of discriminatory harassment. This Policy defines discriminatory harassment, and sets forth a procedure for the investigation and resolution of complaints of such harassment by or against any employee or applicant or from a person providing services pursuant to a contract.

Policy

Discriminatory harassment violates this Policy¹, and shall not be tolerated. Discriminatory harassment of an applicant or employee or person providing services

¹ A violation of this policy does not constitute a violation of State and/or Federal law, although discriminatory harassment is prohibited by both.

pursuant to a contract, is harassment based on actual or perceived race, religion, creed, sex, national origin, ancestry, disability, medical condition, marital status, age or sexual orientation. It is also improper to retaliate against any individual for making a complaint of discriminatory harassment or for participating in a harassment investigation. Retaliation constitutes a violation of this Policy.

This Policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities and compensation.

Employees who violate this Policy may be subject to disciplinary action up to and including termination.

Definition

Harassment can consist of virtually any form or combination of verbal, physical, visual or environmental conduct. It need not be explicit, nor even specifically directed at the victim. Sexually harassing conduct can occur between people of the same or different genders.

Harassment includes, but is not limited to the following misconduct:

Verbal: Inappropriate or offensive remarks, slurs, jokes or innuendoes based on actual or perceived sex, religious creed, national origin, ancestry, disability, medical condition, marital status, age or sexual orientation. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status, pregnancy or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation of a sexual nature; or sexist, patronizing or ridiculing statements that convey derogatory attitudes about a particular gender.

Physical: Inappropriate or offensive touching, assault, or physical interference with free movement when directed at an individual on the basis of actual or perceived sex, religion, creed, national origin, ancestry, disability, medical condition, marital status, age or sexual orientation. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, massaging, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or sexual gestures.

Visual or Written: The display or circulation of offensive or derogatory visual or written material related to sex, religion, creed, national origin, ancestry, disability, medical condition, marital status, age or sexual orientation. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.

Environmental: A work environment that is permeated with sexually-oriented talk, innuendo, insults or abuse not relevant to the subject matter of the job. A hostile environment may arise from an unwarranted focus on sexual topics or sexually suggestive statements. An environment may be hostile if unwelcome sexual behavior is directed specifically at an individual or if the individual merely witnesses unlawful harassment in his or her immediate surroundings. The determination of whether an environment is hostile is based on the totality of the circumstances. By definition, sexual harassment is not within the course and scope of an individual's employment with the City.

Behavior Prohibited By All Persons

No supervisor, manager, or any other person in this City shall create a hostile or offensive work environment for any other person by engaging in any discriminatory harassment or by tolerating it on the part of any employee.

No supervisor, manager, or any other person in the City shall assist any individual in doing any act which constitutes discriminatory harassment against any employee of the City.

Obligations of All Employees

All employees shall report any conduct which fits the definition of discriminatory harassment to their immediate supervisor or appropriate authority figure. This includes conduct of non-employees, such as sales representatives or service vendors or harassing conduct toward such contractors.

All employees shall cooperate with any investigation of any alleged act of discriminatory harassment discrimination conducted by the City.

Investigative/Corrective Action

All persons shall immediately report any evidence of discriminatory harassment or complaints regarding sexual harassment made to them to their supervisor, manager, or to the City Manager. Any supervisor or manager who receives a complaint regarding discriminatory harassment shall immediately report it to the City Manager. Under no circumstances shall an employee of the City who believes that he or she has been the victim of discriminatory harassment be required to first report that harassment to a supervisor or other authority figure if that person or authority figure is the individual who has done the harassing.

The City Manager shall authorize the investigation or conduct the investigation of any incident of alleged discriminatory harassment reported to him/her. The investigation

shall be conducted in a manner which ensures, to the extent feasible, the privacy of the parties involved.

The person designated to investigate shall report in writing the results of any investigation to the City Manager within 90 calendar days, or extended by the City Manager for just cause. The City Manager shall communicate the results of the investigation to the complainant within 10 working days of the date of the report, or extended by the City Manager for just cause.

All persons shall report to their supervisor, manager or the City Manager any instances of discriminatory harassment which they have directly observed, whether or not reported by the employee who is the object of the harassment.

Disciplinary action taken by any supervisor or manager shall be decided in accordance with City rules.

CHAPTER 17 APPENDIX

17.01 Resolution No. 05-4119

Adopted October 11, 2005, Resolution No. 05-4119 a Resolution of the City Council the City of King Governing Employer-Employee Relations Between the City and Its Employee Groups, Establishing Standards for Employee Unit Recognition and Other Related Employer and Employee Rights and Obligations Under Section 3507 of the Government Code, Amending Resolution 1638 to set forth the procedures for Employee/Employer relations, Employee Group Representation and Recognition Process.