



CITY OF HUGHSON PERSONNEL MANUAL

**ADOPTED OCTOBER 23, 2023
RESOLUTION NO. 2023-50**

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**CITY OF HUGHSON
PERSONNEL POLICY MANUAL
EMPLOYEE ACKNOWLEDGMENT**

I have received my copy of the City of Hughson Personnel Policy Manual. I understand that I am responsible for familiarizing myself with information in this manual and understand that it describes the general personnel policies of the City that governs my employment.

Since the information, policies, and benefits described in this booklet are necessarily subject to change, I understand and agree that any such changes can be made unilaterally by the City in its sole and absolute discretion, and that material changes will be made known to employees through the usual channels of communication within a reasonable period of time.

Date: _____

Signature: _____

Print Name: _____

**CITY OF HUGHSON
PERSONNEL POLICY MANUAL
STATEMENT OF PURPOSE**

The personnel rules and procedures outlined in this document apply to all employees regardless of union or association affiliation, except as noted herein. The purpose of these rules and procedures is to establish a high degree of understanding, cooperation, efficiency, and unity for employees in the City service, and to establish systematic and uniform procedures for the handling of personnel matters, and to implement the provisions of Hughson Municipal Code § 2.08.070, which state: “The city manager shall have the power and shall be required to appoint, and, when necessary for the good of the service, remove any employee of the City, subject to the personnel rules, except the city attorney, city treasurer, commissioners and elected officials.”

The fundamental objectives of this document are to:

1. Maintain and promote economy and efficiency in the City service.
2. Maintain a uniform job classification and a compensation plan based upon the relative duties of each classification.
3. Provide fair and equal opportunity to all persons who apply for City employment through nondiscriminatory and practical methods of selection.
4. Promote high morale among employees by providing good working conditions, opportunity for advancement, consideration for employees’ welfare, and a basis for understanding the conditions of City employment.
5. Develop a program of recruitment and advancement that will make City service employment equitable and attractive as a career and encourage each employee to give his or her best service to the City.
6. Carry out the personnel policies of the City Council.

This Personnel Manual shall not apply to any employees in a represented employee’s organization unit to the extent to which this policy is inconsistent with the terms of an agreement or memorandum of understanding covering such employees. If this policy is contrary to or inconsistent with the terms of an agreement or memorandum of understanding, the language in the agreement or memorandum of understanding will control.

This Personnel Manual supersedes and replaces all previous personnel policies, practices, and guidelines. The City Council reserves full discretion to add to, modify, or delete provisions of this Personnel Manual, at any time without advance notice.

SECTION 1 GENERAL PROVISIONS

1.01. Title. This manual shall be known and may be cited as the “Personnel Manual.”

1.02. Purpose. The purpose and objectives of the Personnel Manual are described in the Statement of Purpose on page 1.

1.03. Non-Discrimination/Equal Employment Opportunity. The City of Hughson is committed to a policy of equal employment opportunity for applicants and employees. Employment decisions will comply with all applicable laws prohibiting discrimination in employment, including Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Immigration and Nationality Act, the California Fair Employment and Housing Act (California Government Code section 12940), and all applicable local, state and federal laws.

Furthermore, the City believes that all persons are entitled to equal employment opportunity and does not unlawfully discriminate against its employees or applicant because of race, religious creed, color, national origin, ancestry, citizenship, religion (including religious dress and grooming practices), sex (including pregnancy, perceived pregnancy, childbirth, breastfeeding or related medical condition), gender identity, gender expression, reproductive health decision-making, age, physical or mental disability, legally protected medical condition, or information, family status, caregiver status, marital status, domestic partner status, sexual orientation, genetic information, military status, veteran status, or any other basis protected by local, state or federal laws. An equal employment opportunity will be extended to all persons in all aspects of the employer-employee relationship, including recruitment, hiring, upgrading, training, promotion, transfer, discipline, layoff, recall, and termination.

1.04. Reasonable Accommodation Policy. To carry out the City of Hughson’s commitment to providing equal employment opportunity for, and inclusion of all applicants and employees, the City will provide reasonable accommodations, including as required under applicable laws, in accordance with this policy.

Reasonable Accommodations Related to Disability and Religion: The City will provide reasonable accommodations for (i) applicants with disabilities and employees with disabilities unless they cause undue hardship or result in a direct threat to the health and safety of others, in accordance with the Americans with Disabilities Act, Fair Employment and Housing Act, and other applicable laws, and (ii) applicants and employees based on their sincerely-held religious beliefs, practices, or observances unless the accommodation would cause undue hardship in accordance with Title VII of the Civil Rights Act, the Fair Employment and Housing Act and other applicable laws. Employees seeking such accommodation should promptly notify the Director of Finance and Administrative Services.

Pregnancy-Related Reasonable Accommodations: The City will provide reasonable accommodations to employees who are affected by a pregnancy, childbirth, or related medical conditions, as medically advisable. Such accommodations may consist of: (i) Modified work duties or a modified schedule to permit earlier or later hours or more

frequent breaks; stools, chairs or other furniture; modified or acquired equipment or devices; reduced work hours; or other accommodations; (ii) A temporary transfer to a less strenuous or less hazardous position if such transfer can be reasonably accommodated, or (iii) a “Pregnancy-Related Disability Leave” if the employee is disabled by pregnancy as described in Section 9.12.

NOTE: Employees seeking accommodation related to lactation, should refer to the separate Lactation Accommodation Policy described in Section 9.04.

Employees seeking a pregnancy-related accommodation, including transfer, under this policy should notify the Director of Finance and Administrative Services. Notice must be timely and provided by employees in advance when the need for reasonable accommodation is foreseeable; in all other circumstances, notice must be provided as soon as practicable. Failure to give advance notice when the need is foreseeable may delay the reasonable accommodation or transfer until thirty (30) days after the date the employee provides notice (unless such delay would endanger the health of the employee, her pregnancy, or her coworkers).

1.05. Policy Against Discrimination, Harassment and Retaliation. The City of Hughson is committed to providing a work environment that is free of unlawful discrimination, harassment, and retaliation. In keeping with this commitment, the City maintains a strict policy prohibiting unlawful discrimination or harassment, on the basis of race, color, national origin, ancestry, citizenship, religion (including religious dress and grooming practices), sex (including pregnancy, perceived pregnancy, childbirth, breastfeeding or related medical condition, gender, identity, gender expression, reproductive health decision-making, age, physical or mental disability, legally protected medical condition or information, family status, caregiver status, marital status, domestic partner status, sexual orientation, genetic information, military status, veteran status, or any other basis protected by local, State or federal laws. The City also prohibits retaliation, including the discharge, expulsion or other adverse acts, against any person because he or she has opposed any unlawful practices or because the person has filed a complaint, testified, or assisted in any investigation of such practices.

Unlawful discrimination, harassment of or retaliation against an applicant or employee by a supervisor, management employee or coworker on the bases listed above will not be tolerated. Similarly, the City will not tolerate unlawful conduct by its employees directed toward non-employees with whom the City employees have a business, service, or professional relationship (such as independent contractors, vendors, volunteers, or interns.) The City will also attempt to protect employees from such prohibited conduct by non-employees in the workplace.

Disciplinary action up to and including termination will be taken for behavior described in the following definitions of discrimination and harassment.

Unlawful discrimination, when based on the employee’s protected status described above, includes: refusing to hire or employ a person or to refuse to select the person for a training program leading to employment or to bar or discharge a person from employment or from a training program leading to employment or to discriminate against

the person in compensation or in terms, conditions, or privileges of employment (i.e. benefits, promotions, transfers, disciplinary action, etc.).

Unlawful harassment includes, but is not limited to:

1.05.01. Verbal Harassment. For example, epithets, derogatory comments, or slurs on any of the bases listed above.

1.05.02. Physical Harassment. For example, assault, impeding or blocking movement, or any physical interference with normal work or movement when directed at an individual on any of the bases listed above.

1.05.03. Visual Forms of Harassment. For example, derogatory posters, notices, bulletins, cartoons, or drawings on any of the bases listed above.

1.05.04. Sexual Harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature which is conditioned upon an employment benefit, unreasonably interferes with an individual's work performance, or creates an offensive work environment. Sexually harassing conduct can be by a person of either the same or opposite sex. Sexually harassing conduct need not be motivated by sexual desire to violate this policy.

1.05.05. Reporting and Investigation Procedure. Any individual (employee or applicant) who believes that he or she has been discriminated against, retaliated against or harassed, on any of the bases listed above should file a complaint of the incident and the name(s) of the individual(s) involved to the supervisor and/or Department Head nearest them in the chain of command who is not involved in the harassment.

Supervisors and/or Department Heads shall immediately report any incident of harassment to the City Manager. In the event that the City Manager is the person of whom the complaint is made, the supervisor and/or Department Head shall immediately report any incident of harassment to the Mayor.

Within one business day of receiving such a report (or as soon as possible thereafter), the City Manager or the City Manager's designated representative or an independent investigator shall interview the complainant. If, in the interviewing party's opinion, there are grounds to investigate further, the interviewing party(ies) shall promptly thereafter interview the person of whom complaint is made, and other persons who may be considered necessary, such as percipient witnesses. If, in the opinion of the investigators, the matter can then be resolved by appropriate warnings, correction action short of the imposition of discipline, or conciliation between the parties, they shall do so.

The interviews and investigations shall be restricted to the harassment issue under investigation; a record, including tape recordings, may be kept, and the City Manager or City Manager's designated representative shall maintain a confidential holding file documenting any investigations made, and the resolutions thereof.

Parties interviewed shall not be placed under oath, and non-union employees may be interviewed without representation.

If the matter cannot be resolved by appropriate warnings, corrective action short of the imposition of discipline or conciliation, and the investigators feel that the imposition of discipline is required, such discipline shall be imposed pursuant to the procedures established in this Personnel Manual.

In the event the imposition of discipline is required, all rights to representation, hearings, and appeal granted by the City's Municipal Code, Personnel Manual, and applicable state or federal law shall be observed.

All investigations will remain confidential to the extent allowed by law. The City Manager (or designated representative), will notify the employee who lodged the complaint of progress during the investigation, including documentation where applicable and tracking for reasonable progress and timely notification of the results of the investigation. The investigation will be conducted in a fair, timely, and thorough manner (e.g. parties will receive appropriate due process, the City will reach reasonable conclusions based on evidence collected, etc.), but the City may not be able to provide complete confidentiality. Employees making complaints are expected to cooperate fully with the person(s) designed to investigate the complaint.

There will be no retaliation for the making of a complaint, but the making of a knowingly false complaint of harassment may be grounds for discipline.

All employees, supervisors, and managers shall be sent copies of this Policy and this Policy shall be posted in appropriate places.

Discrimination, harassment, and retaliation as defined above, violates Title VII of the Civil Rights Act of 1964, the California Fair Employment Commission ("EEOC"), and the California Civil Rights Department ("CRD") (formerly the Department of Fair Employment and Housing.) In addition to notifying the City about discrimination, harassment or retaliation complaints, affected employees may also direct their complaints to the CRD or EEOC, which have the authority to conduct investigations of the facts. The deadline for filing complaints with the CRD is three years from the date of the alleged unlawful conduct, and the deadline to file complaints with the EEOC is three hundred (300) days from the date of the alleged unlawful conduct. Employees can contact CRD or EEOC office at the locations listed in the City's CRD/EEOC poster or by checking the State Government listings in the local telephone directory.

Violation of this policy may constitute cause for discipline, up to and including termination.

1.06. Abusive Conduct Prevention/Anti-Bullying Policy. The City also prohibits and will not tolerate any form of workplace bullying by and against the City's employees, supervisors, managers, applicants for employment, and others in the workplace environment, including customers and vendors. Every employee is responsible for maintaining and contributing to an environment that is free from bullying. All employees

(including supervisors and managers) are expected to conduct themselves in a manner that demonstrates professional conduct and mutual respect for others. Supervisors and managers must make every reasonable effort to establish and maintain a workplace free of bullying and abusive conduct.

For purposes of this policy, abusive conduct is conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests. Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person's work performance. However, a single act shall not constitute abusive conduct, unless especially severe and egregious.

This description above is illustrative only and not exhaustive. No form of workplace bullying or abusive conduct will be tolerated.

1.07. Anti-Harassment Training. Every City employee is required to undergo training regarding the prohibition on harassment, discrimination, and retaliation within his or her first six months of assumption to a position and at least once every two years thereafter. Supervisory employees are required to undergo 2-hours of training and all other employees are required to undergo 1-hour of training. An employee who fails to comply with this section may be subject to disciplinary action, up to and including termination of employment.

1.08. Immigration Law Compliance. The City is committed to full compliance with the federal immigration laws. These laws require that all individuals pass an employment verification procedure before they are permitted to work. This procedure has been established by law and requires that every individual provide satisfactory evidence of his or her identity and legal authority to work in the United States no later than three business days after he or she begins work. Accordingly, all newly hired employees must go through this procedure.

1.09. Age Requirements. The minimum age requirement for regular employment by the City of Hughson is eighteen (18) years of age. Persons younger than eighteen (18), but who are at least sixteen (16) years of age may be eligible to participate in the City's Volunteer and Internship Program. All minors under the age of eighteen (18) must have written approval of a parent and/or guardian to participate in the program.

1.10. Fair Employment Practices. Any technique or procedure used in recruitment and selection of employees shall be designed to measure only the job-related qualifications of applicants. No questions in any tests, or in any application forms, or by any department manager shall be so framed as to attempt to elicit information concerning the prohibited bases of discrimination set forth in Section 1.03 above, or political opinion or affiliation. Nothing herein contained shall be construed to preclude the execution of loyalty oaths as is permitted by law.

1.11. Dissemination of the Personnel Policy. Copies of the Personnel Policy shall be provided to all employees. Copies shall be on file in the Personnel Department and in

each department manager's office. Where departmental rules and regulations are in force, copies of such rules will also be available to employees of that department.

1.12. City Rights. The City Manager and other persons such as the City Council may authorize, has the exclusive right, in accordance with applicable laws and regulations, to take certain actions including, but not limited to, the following:

- A. Directing of employees in the performance of their duties;
- B. Hiring, promoting, transferring, classifying, and assigning employees;
- C. Disciplining or dismissing employees;
- D. Determining the City's purpose, budget, and organization; and
- E. Determining and effectuating methods of implementing the foregoing.

1.13. Personnel Management Responsibilities. The City Manager is responsible to the City Council, pursuant to the Hughson Municipal Code Section 2.08.070, to appoint, and when necessary for the good of the City, to remove any employee of the City, subject to the Personnel Manual, except the city attorney, city treasurer, commissioners, and elected officials.

1.14. Administration of Rules. The City Manager, subject to the direction of the City Council, is responsible for the administration of the rules set forth in this Personnel Manual.

1.15. Delegability of Powers by the City Manager. The City Manager, in his or her absence or disability, may delegate any of his or her authority set forth in these rules as he or she may deem appropriate and necessary.

1.16. Employee Organizations. Employees of the City shall have the right to form, join and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations including but not limited to wages, hours, and other terms and conditions of employment. Employees of the City also shall have the right to refuse to join or participate in the activities of employee's organizations and shall have the right to represent themselves individually in their employment relations with the City. No employee shall be interfered with, intimidated, restrained, coerced, or discriminated against by the City or by any employee organization because of his or her exercise of these rights.

In the event provisions of these rules contradict those included in a Memorandum of Understanding accepted by the City Council and in effect between the City and formally recognized employee organizations, the terms of the Memorandum of Understanding shall prevail.

1.17. Driving Record. The following policy shall be applicable to each City employee. (Refer to section 8.17 for mileage reimbursement for use of personal vehicles for city business.) The City will obtain a driver's record report from the State Department of Motor

Vehicles for each existing and new employee(s) as driving may be a regular part of every City employee's business duties. The City may from time to time obtain updated reports. Any employee subject to this policy shall cooperate with the City in obtaining such reports.

Each employee shall maintain a safe and careful driving record.

1.18. Employment of Relatives. Relatives of present employees may be hired by the City only if (1) individuals concerned will not work in a direct supervisory relationship, and (2) the present employee is not in a position classified as "confidential," and (3) the employment will not pose difficulties for supervision, safety, security, or morale. "Relatives" are defined to include spouses, registered domestic partners, children, sisters, brothers, mothers or fathers, or children-in-law, sisters-in-law, mothers-in-law, brothers-in-law, or fathers-in-law.

In the event that a change in status occurs (as by marriage, promotion, job assignment, demotion, adoption) with respect to present employees then the present employees will be permitted to continue employment with the City only if they do not work in a direct supervisory relationship with one another, and neither is in a "confidential" position, and they do not pose difficulties for supervision, security, safety, or morale. If employees whose status changes do work in a direct supervisory relationship with one another, or one is in a confidential position, or the relationship poses difficulties for supervisors, safety, security, or morale, then the City will attempt to reassign one of the employees to another position for which he or she is qualified, if such a position is available. If no such position is available, then one of the employees will be required to leave the City employment. The decision as to which employee will leave is left solely to the affected employees.

This policy shall be effective for all employees hired after the date of the resolution of the City Council adopting these Rules.

1.19. Safety. Every employee is responsible for safety. To achieve our goal of providing a completely safe workplace, everyone must be safety-conscious, and employees are expected to abide by safety policies and practices that are available from each area superintendent or the City Clerk's office. Please report any unsafe or hazardous condition directly to your supervisor immediately. Every effort will be made to remedy problems as quickly as possible.

In case of an accident involving a personal injury, which is work-related, regardless of how serious, please notify your supervisor and the employee performing the Risk Management function immediately. Failure to report accidents can result in a violation of legal requirements and can lead to difficulties in processing insurance and benefit claims.

If an employee is injured on the job, he or she will be entitled to benefits under the Worker's Compensation laws in most cases. The City carries Worker's Compensation insurance and will assist employees to obtain all benefits to which they are legally entitled.

1.20. Personnel Records. The Director of Finance and Administrative Services shall maintain electronic records, and personnel files for each employee, showing his or her name, title, department, salary, changes in employment status, leave record, and other

pertinent information. Personnel files shall also be maintained for each employee, to include the employment application, copies of personnel actions, accident reports, training courses completed, commendations, reprimands, and other pertinent documents.

All personnel records including applications, examination papers, eligible lists, etc., shall be considered confidential and shall be made available only to the employee or to a department head and concerned; except that an employee may inspect his or her personnel records at reasonable intervals and at reasonable times upon written request. A candidate in an examination may review only his or her own test papers when test material is open for inspection. A candidate shall not have the ability to review any confidential portions of any background investigation in order to maintain the integrity of receiving truthful information from respondents.

All employees, including those on leave of absence, shall keep the Personnel Office informed as to their current home address at all times.

SECTION 2 DEFINITIONS

2.01. Administrative Leave. Administrative leave may be provided to management and mid-management employees who do not incur overtime. The amount of time off will be governed by the current memorandum of understanding which is in effect.

2.02. Allocation. The official determination of the class to which a position belongs or the approved number of positions in an appropriate class.

2.03. Anniversary Date. The date the employee began a current continuous service.

2.04. Appointing Power. The officers of the City, who in their individual capacities, or the City Council, have the final authority to make the appointment to the position to be filled.

2.05. Authorized Position. A specific work position, within a job classification, which is or may be held by an employee, and has been expressly approved by the City Council by inclusion within the budget.

2.06. Bereavement Leave. A period of time allowed with or without pay to a regular employee in the event of death of a family member as defined by applicable law. (California Government Code section 12945.7).

2.07. City. City means the City of Hughson, a municipal corporation, and where appropriate herein, "City" refers to the City Council, the governing body of said city, or any duly authorized management employee as herein defined.

2.08. Class. All positions sufficiently similar in duties, authority, responsibility, and working conditions to permit grouping under a common title and the application with equity of common standards of selection, transfer, promotion, and salary.

- 2.09. Compensation. The salary, wage allowance and all other forms of valuable consideration earned by or paid to any employee by reason of his service in a position, but not to include any compensation for expenses incurred incidental to employment.
- 2.10. Compensatory Time (Comp. Time). Accumulated time which an employee can bank in lieu of overtime payment.
- 2.11. Continuous Employment. City employment which is uninterrupted except by authorized absences.
- 2.12. Continuous Examination. An open competitive examination which is administered periodically.
- 2.13. Demotion. A disciplinary change in job classification to a lower salary or salary range.
- 2.14. Department. A major administrative branch of the City, involving a general line of work, with one or more employees under the charge of a designated department head.
- 2.15. Disciplinary Action. The written reprimand, dismissal, demotion, reduction in pay, suspension or termination of an employee for punitive reasons and not for any non-punitive reasons.
- 2.16. Dismissal or Termination. Involuntary termination of employment with the City.
- 2.17. Eligible. A person who was successful in the examination process.
- 2.18. Eligible Applicant Pool. That list of individuals who have successfully passed all employment tests for an authorized position but have not been hired.
- 2.19. Employee. A person who is legally occupying a position in City service or who is on an authorized leave of absence from the position. Employees are separated into different employment categories as set forth in Section 5 of this Personnel Manual.
- 2.20. Employee Organization. Any organization which includes employees of the City and which has as one of its primary purposes representing such employees in their employment relations with the City.
- 2.21. Good Standing. Being currently employed, and not under disciplinary action, by the City.
- 2.22. Grievance. Any good faith or reasonable complaint of one or more employees or a dispute between the City and one or more employees involving the terms and conditions of his or her employment, but not involving imposition of discipline.
- 2.23. Job Classification. Descriptive title of a certain type of job performed by a City employee. Inherent in each classification are certain duties, responsibilities, and degrees of authority.

- 2.24. Jury Duty. Time off to serve as required by law on an inquest or trial jury, or to appear in court as a witness.
- 2.25. Leave of Absence. An authorized absence from duty without pay of any regular employee pursuant to Subsection 9.05 of this Personnel Manual.
- 2.26. Merit Increase. A step increase in an employee's designated salary range.
- 2.27. Military Leave. Time off for employees to serve in the armed forces of the federal government, or for military training, or for members of the reserve component of the armed forces who are called to active duty.
- 2.28. Overtime. Hours worked by a non-exempt employee in excess of forty (40) in a workweek. Fair Labor Standards Act, 29 U.S.C section 207(a)(1).
- 2.29. Performance Evaluation. A review and evaluation of an employee's performance and capabilities in his or her authorized position by his or her immediate supervisor.
- 2.30. Personnel Manual/Rules. This group of rules and procedures concerning City employment.
- 2.31. Personnel Officer. That person charged with the responsibility and given commensurate authority to enforce these rules and regulations. In the absence of another person so designated, the City Manager is the personnel officer.
- 2.32. Probationary Period. A period to be considered an integral part of the examination process during which an employee is required to demonstrate fitness for the position to which the employee is appointed by actual performance of the duties of the position, and during which the employee may be terminated with or without cause, and with or without notice.
- 2.33. Retirement. As used in this manual, the term "retirement" has the same meaning as it is used by the California Public Employees' Retirement System (CalPERS).
- 2.34. Salary Range. Categories which determine the minimum and maximum salary payable for each employment classification.
- 2.35. Salary Step. A level of salary payable in each salary range.
- 2.36. Sick Leave. A paid absence from duty by an employee for preventative care or the diagnosis, care, or treatment of an existing illness, injury, or medical condition (including doctor's appointments), for the employee or the employee's family member or designated person and for other uses allowed by law. (See California Labor Code section 246.5(a)).
- 2.37. Suspension. The temporary separation from service of an employee, without pay, for disciplinary purposes.
- 2.38. Termination. The conclusion or cessation of employment with the City, whether initiated by the City or the employee.

2.39. Vacancy. An unfilled authorized position with the City.

SECTION 3 GENERAL INFORMATION OF THE CITY ORGANIZATION

3.01. Governing Body. The City Council, elected to the office by the people, is the governing body of the City of Hughson. It is their duty and responsibility to enact municipal laws and to formulate the general policies of City government for the general welfare of the people. It is also their duty to interpret these policies when in need of clarification.

3.02. Administration. The City of Hughson is a general law city and operates under the council-manager form of government. Under this form of government the City Council appoints an administrator of City Government who is referred to as the City Manager. He or she is responsible to the City Council for managing the administrative affairs of the City, and assuring that the City functions properly and in the best interest of the people. He or she is assisted in accomplishing this by working through various department heads and assistant staff.

SECTION 4 CLASSIFICATION OF PERSONNEL

4.01. Personnel Organization. The City is organized into several departments. Each department includes one or more job classifications. Each job classification has one or more authorized positions.

4.02. Determination of Personnel Classification. The City Manager or a delegated individual or individuals shall ascertain and record the duties and responsibilities of all positions in the City service, except City Manager, City Treasurer, and City Attorney, and shall recommend a classification for such positions.

The classifications shall consist of classes of positions in the City service defined by class specifications, including the title. The classifications shall be so developed and maintained that all positions substantially similar with respect to duties, responsibilities, authority, and character of work are included within the same class.

4.03. Adoption, Amendment, and Revision of Personnel Classification. The classifications shall be adopted by the City Council and may be amended from time to time. During the process of consideration, any recognized employee organization affected shall be advised. Amendments and revisions of the plan may be suggested by an interested party, including any recognized employee organization.

4.04. Allocation of Positions. Following the adoption of the personnel classification and after consultation with any recognized employee organization affected, the City Manager shall allocate every position in the City's employ (except City Manager, City Treasurer, and City Attorney) to one of the established classes. The allocation shall be reflected in the City's salary schedule.

4.05. New Positions. A new position shall not be created and filled until the classification has been amended to provide thereof and an appropriate employment list established for such position.

4.06. Reclassification. Positions, the assigned duties of which have been materially changed by the City so as to necessitate reclassification, whether new or already created, may be allocated by the City Manager to a more appropriate class.

SECTION 5 EMPLOYMENT CATEGORIES

In order to determine eligibility for various benefits, the following employment categories have been established.

5.01. Probationary Employees. Employees are hired by the City on a probationary basis for a period of twelve (12) months for miscellaneous personnel, for the purpose of assessing their ability to perform assigned tasks. Such employment may be terminated at any time during the probationary period if such action is deemed appropriate by the employee or the City, with or without cause, and with or without notice. The probationary period may be extended by the City, in its sole discretion, if it determines that such an extension is desirable or appropriate, for up to an additional full period. A new probationary period shall commence upon assignment to a different position.

5.02. Regular Full-Time Employees. A regular full-time employee is an employee of the City who is regularly assigned to work forty (40) or more hours per week in an authorized position, which position exists continuously, and who has completed his or her probationary period.

5.03. Temporary Employees. A temporary employee is any employee who is not a regular employee, as defined in Subsection 5.02 of this Personnel Manual, or a probationary employee, as defined in Subsection 5.01 of this Personnel Manual, or an elected or appointed employee as defined in Subsections 5.05 and 5.06 of this Personnel Manual, or a part-time employee as defined in Subsection 5.04. of this Personnel Manual. Thus, employees who work in a position which exists only seasonally, or employees who hold a job of limited duration arising out of special projects, abnormal workload, or emergencies (regardless of the number of hours worked) are temporary employees. These employees are not eligible for City provided benefits, except as provided by applicable law. Temporary employees can be terminated with or without notice, and with or without cause, at any time, by the employee or City. An employee will not change from temporary status to another status unless specifically informed of such a change, in writing, by the City Manager, and Section 7 shall apply to such change.

5.04. Part-Time Employees. A part-time employee is an employee who has been appointed to an authorized position, which position exists continuously, in which the employee will be regularly scheduled to work fewer than 40 hours per week.

Part-time employees are generally not entitled to the benefits and rights provided in this Personnel Manual unless it is expressly stated or required by law (for example: Paid Sick Leave as provided in section 8.04). However, Part-time employees shall become eligible

to receive partial (a pro-rated amount proportional to employees working 40 hours per week) vacation leave and holiday pay, provided that they: (1) have current membership in the Public Employees Retirement System (PERS); (2) that they have worked twelve consecutive months of regularly scheduled halftime employment (e.g., 20 hours per week) or more; and (3) that they meet the City of Hughson's requirements for the PERS system.

5.05. Rehired Employees. Regular employees who are rehired following a break in service in excess of thirty (30) days (other than an approved leave of absence) must serve a new probationary period whether or not such a period was previously completed. Such employees are considered new employees from the effective date of their reemployment for all purposes, including for purposes of measuring benefits and seniority.

5.06. Emergency Employees. To meet the immediate requirements of an emergency condition, such as extraordinary fire, flood or earthquake, which threatens public life or property, any legally competent officer or employee, with the approval of the City Manager may employ such persons as may be needed for the duration of the emergency without regard to the rules affecting appointments.

5.07. Appointed Employees. The City of Hughson has three positions which are filled directly by the City Council, and to which the Personnel rules do not apply. These are the City Manager, City Treasurer, and the City Attorney, who serve solely at the pleasure of the City Council, subject to applicable provisions of law.

SECTION 6 FAIR LABOR STANDARDS ACT EMPLOYEE CATEGORIES

6.01. Non-Exempt Personnel. Non-Exempt personnel include all employees who are covered by the overtime provisions of the Federal Fair Labor Standards Act (FLSA) or any applicable state laws. Employees in this category are generally entitled to overtime pay for work in excess of forty (40) hours in a work week.

6.02. Exempt Personnel. This category includes all employees who are classified exempt from the overtime provisions of the Federal Fair Labor Standards Act (FLSA) and any applicable state laws. Such employees include employees who qualify as exempt department managers and mid-management personnel and elected officials.

SECTION 7 RECRUITMENT PROCESS

7.01. Announcement. All recruiting for regular (full-time and part-time) positions shall be conducted in accordance with this Section 7.

All examinations for classes for regular (full-time or part-time) positions in the City service shall be publicized by such methods as the City Manager or his or her designee deems appropriate. Recruiting for temporary employees may be conducted and/or advertised in such manner as the City Manager deems appropriate. Special recruiting may be conducted, if necessary, to ensure that all segments of the community are aware of the forthcoming examinations. The announcements shall specify the title and pay of the class

for which the examination is announced; the nature of the work to be performed; preparation desirable for the performance of the work of the class; the manner of making application, the form or forms of examination which may be used, and other pertinent information.

7.02. Application Forms. Applications shall be made as prescribed on the examination announcement. Application forms shall require information covering training, experience, and other pertinent information, and may include certificates of one or more examining physicians and references. All applications must be signed by the person applying.

7.03. Disqualification. The City Manager or his or her designee may reject any application which indicates that the applicant does not possess the minimum qualifications required for the position. Applications may be rejected if the applicant has made any false statement of any material fact or practiced deception or fraud in an application.

7.04. Examination Process. The selection techniques used in the examination process shall be impartial and relate to those subjects which fairly measure the relative capacities of the persons examined to execute the duties and responsibilities of the class to which they seek to be appointed. Examinations shall consist of selection techniques which will test fairly the qualifications of candidates such as, but not necessarily limited to, achievement and aptitude tests, other written tests, personal interview, performance tests, physical agility tests, evaluation of daily work performance, work samples, medical tests, psychological tests, successful completion of prescribed training, or any combination of these or other prescribed training or any combination of these or other tests. The probationary period shall be considered as a portion of the examination process. Examinations shall be designed to provide equal opportunity to all candidates by being based on an analysis of the essential requirements of the class, covering only factors related to such requirements. No medical or psychological exam or inquiry of an applicant will be conducted before they are extended an employment offer. However, offers may be conditioned on the applicant passing medical or psychological examinations or inquiries used to determine fitness for the job.

7.05. Promotional Examinations. Promotional examinations may be conducted whenever the needs of the City require. Promotional examinations may include any of the selection techniques approved by the City. Only regular or probationary employees who meet the requirements set forth in the promotional examination announcements may compete in promotional examinations.

All job openings shall be posted for a period of sixteen (16) working days on the City's website. If applicable, the job posting shall include the name of the validated test(s) to be used.

It is the City's policy to give qualified employees preference to other applicants when filling vacancies within the organization. However, because of legal requirements and because of the levels of education and other qualifications required for many positions, promotions from within are not always possible. An employee's past performance, qualifications, potential, abilities, and job experiences are important factors that are considered in the selection of employees for promotion. Any employee who meets minimum qualifications

for the position is guaranteed entrance to the first examination, written or oral. If all applicants are equal in qualifications at the final interview stage, then a qualified employee will receive the position in preference to a qualified nonemployee.

7.06. Continuous Examinations. Open-competitive examinations may be administered periodically for a single class as the needs of the service require. Applications will be kept on file by the department affected, for as long as that department head or the City Manager deems appropriate.

7.06.01. Notification of Examination Results and Review. Each candidate of an examination shall be given notice of the results thereof, and if successful, of the final earned score and/or whether or not they have been placed on the employment list.

All candidates shall have the right to inspect their own test answer sheet within five (5) working days after the notifications of examination results have been postmarked. Any error in computation, if called to the attention of the Personnel Department within this period, will be corrected. However, such corrections shall not require invalidation of appointments previously made.

7.06.02. Background Checks. In accordance with applicable law, background checks will also be conducted for all applicant positions prior to appointment, as well as when the City Manager deems appropriate.

The City will not consider an applicant's criminal conviction history until a conditional offer of employment has been extended. After making an offer, the City will conduct a background check, which will include the applicant's criminal history. The City may revoke the offer based on the applicant's criminal history based on an individualized assessment that justifies denial. Applicants will be notified of the City's intent to revoke the offer and the applicant will have a chance to provide additional information in response before the City makes a final decision. This procedure is not applicable to positions where a local, state or federal law or regulation requires the City to reject an applicant based on their criminal history.

7.06.03. Medical Examinations. A medical examination, including drug and alcohol testing, at City expense is required before appointment for all city employees. Such medical examination will be required only after a conditional offer of employment has been made. Such examination shall be performed by a licensed physician of the City's choice and the scope of the examination will be job-related and consistent with business necessity. Documents indicating that the employee has received a medical clearance shall be received by the City Manager and Director of Finance and be made part of his or her personnel file, but all information obtained as a result of the examination shall be kept in a separate file, in accordance with the Americans with Disabilities Act and state regulations. The City Manager may establish job-related physical standards for each job classification.

Only a conditional appointment will be offered to an applicant who has not yet submitted to an authorized examination. Employment will be contingent on a

satisfactory examination. Except in the case of a test for current illegal drug use, any individual who would be disqualified by the results of the exam will be allowed to submit independent medical opinions before a final decision is made.

7.06.04. Appointment. The position of City Manager, City Treasurer, and City Attorney shall be filled by City Council appointment. All other positions shall be filled by appointment by the City Manager. All appointments shall be as a regular employee, temporary employee, part-time employee, emergency employee or probationary employee.

7.06.05. Probationary Periods. All new employees shall serve a probationary period as outlined in Subsection 5.01 of this manual. The employee shall be eligible for sick leave benefits as of the date of hire.

The City can extend the duration of the probationary period one or more times if, in its sole and absolute discretion, it determines that such an extension is appropriate, pursuant to Subsection 5.01. A new probationary period will begin upon assignment of an employee to a new position; if the assignment to the new position is a result of promotion, Section 7.06.08 will apply. The probationary period does not alter the at-will nature of employment. If an employee is at-will, the employee is not guaranteed to complete the probationary period nor is any length of employment guaranteed by successful completion of the probationary period. The at-will nature of employment remains in effect, meaning that the employment relationship can be terminated by the employee or the City at any time during or after a probationary period with or without cause, and with or without notice, and without compliance with Section 10 of this Manual.

7.06.06. Reports on Probationers. Department heads shall be responsible for the preparation and submission of performance evaluations as required by the City Manager. The department head shall recommend retention or rejection of the probationer prior to the expiration of the probationary period.

7.06.07. Release Following Promotion. An employee released during probationary period following promotion shall be reinstated at his/her former salary step to his/her former position or a position in the class from which he/she was promoted, unless the reason for his/her release is cause for dismissal. "Release" in this section means failure of the probationary period. If no vacancy exists in this class, the employee with the least amount of time in this class shall be demoted to the most recent class in which he/she has satisfactorily served. If any employee is caused to be released by such action, he/she shall be placed on a reemployment register for the classification from which he/she was released. Any employee who is released during a probationary period following promotion shall retain his/her rights to appeal the dismissal from the City, but not the right to appeal his/her release from the position from which demoted.

7.06.08. Seniority. Upon completion of his or her probationary period, an employee's seniority shall be established. The seniority date begins at the original date of hire in a regular position.

SECTION 8 SALARY AND COMPENSATION PLAN ADMINISTRATION

8.01. Salary Ranges. The City has adopted certain salary ranges for fulltime City employees. These ranges may be changed from time to time by City Council action or in accordance with approved agreements, or memoranda of understanding with recognized employee organizations.

8.02. Salary Organization. There shall be a salary range for each authorized position. Each salary range shall include salary steps (A step, B step, C step, D step, and E step) respectively.

8.03. Administration of Salaries. The City has a salary schedule which denotes the steps in the pay ranges of the City salary plan.

Except as otherwise provided by the City Manager or this manual, employees and candidates shall be employed or appointed at the entry level of the salary range for their particular class. Advancement within a salary range shall not be automatic, but shall be given only upon approval of the City Manager. An employee may be considered for increases in salary according to the following schedule, but all advances or increases will be based on merit and performance:

Step A shall be paid upon initial appointment to City service for a period of six (6) months, except when another step is indicated as the beginning pay step.

After satisfactory completion of at least six (6) months' service at Entry Level, (step A) employees may be considered for merit increase to B Level. Employees appointed at other than Step A may be considered for an increase to the next higher step upon the satisfactory completion of at least twelve (12) months' service.

New positions or promotions for any position shall not exceed one step per service year and shall include a complete written personnel evaluation prior to any step increase.

Longevity Bonus. A regular employee who has ten (10) years of service with the City of Hughson shall be eligible for a longevity pay bonus of five percent (5%) and will receive an additional two and one-half percent (2.5%) bonus when they have fifteen (15) years of service with the City of Hughson and will receive an additional two and one-half percent (2.5%) bonus when they have twenty (20) years of service with the City of Hughson.

Years of service will be based on total hours of completed continuous service with the City; provided, however, that employees on the date of City Council approval of the MOU amendment who had previously separated from City service for 180 days or less, but who have completed a total of at least ten (10) or more years of combined service or who have completed a total of at least fifteen (15) or more years of combined service or who have completed a total of at least twenty (20) or more years of combined service, shall be eligible to receive the differential. For purposes of the Longevity Pay Differential only, a year of completed City of Hughson service is defined as 2,080 service hours with the City: 20,800 hours (10 years) = 5% 31,200 hours (15 years) = additional 2.5% 41,600 hours

(20 years) = additional 2.5% The Longevity Pay Differential shall not be considered when determining the appropriate rate of pay for a promotion or demotion.

Longevity bonuses shall not be considered automatic but will be based upon merit and consistent job standard performance. In addition, longevity pay for management employees is subject to an annual evaluation by their supervisor and conditioned on the recommendation of the management employee's Department Head and approval of the City Manager.

Incentive Pay. Incentives are available to employees within this bargaining unit. These incentives are described in detail in the most recently adopted MOU.

In addition, all full and part-time employees, including management, may qualify for a Bilingual Pay incentive, described as follows:

- a. Non-management employees who are certified as bilingual in English/Spanish in the spoken word shall receive additional compensation in the amount of one and one-half percent (1.5%) of base pay.
- b. Non-management employees who are certified as bilingual in English/Spanish both spoken and written shall receive additional compensation in the amount of two and one-half percent (2.5%) of base pay. Said certification shall be determined by the City subject to review and input by the union. Bilingual employees shall be fluent to a level so as to easily communicate with Spanish speaking customers and the public on City business matters.
- c. The maximum Bilingual Pay incentive that can be received by non-management employees is two and one-half percent (2.5%) of base pay.
- d. Management employees who are certified in English/Spanish in the spoken word will receive a flat amount monthly of \$125.00 a month, and \$200 a month for certification of English/Spanish spoken and written.

Education Pay. Full-time employees may also be eligible for increases to their pay based on possessing certain academic degrees or certificates. For more details, please refer to the City's Administrative Policy.

8.04. Temporary Employees. The following policies shall be applicable to temporary employees:

They shall have no right to, or expectation of, reemployment after the term of such temporary employment.

They are not eligible for membership in the current employee union.

They shall not serve a probationary period.

They may be terminated at any time, with or without cause, and with or without notice, and without compliance with Section 10 of this Manual.

Their term of employment shall cease when the City Manager determines there is no longer a need for such seasonal or temporary employees.

They shall receive no employee benefits other than wages, except as provided by law.

8.05. Part-Time Employees. Note the following policies shall apply for part-time employees:

They are not eligible for membership in the current employee union.

They may become eligible for fulltime employment should a position for which they are qualified becomes open.

They shall become eligible to receive partial vacation leave granted to full time employees on a pro-rated basis, provided that they have current membership in the Public Retirement System and have worked at least twelve (12) consecutive months of regularly scheduled half time employment (e.g., 20 hours per week).

8.06. Performance Evaluations. An employee's supervisor will prepare at least once per year, after probation ends, in writing, a performance evaluation for each regular employee.

Performance evaluations may also be prepared in the following instances:

When an employee has worked an initial six (6) month period in his or her new job position (this applies not only to newly hired employees, but also to employees who have been promoted or otherwise transferred to new job positions).

Upon completion of the employee's first twelve (12) months of service following the probationary period and annually thereafter.

When an employee is being considered for promotion, transfer, demotion, termination, or when other disciplinary action is being considered.

Whenever the employee's supervisor believes there has been a significant change in the employee's performance.

All performance evaluations become a permanent part of the employee's personnel file.

Upon the completion of the performance evaluation, a meeting shall be held between the employee and the supervisor to discuss the employee's performance and to assist in developing the employee's maximum potential within City service.

Employees receiving less than an overall average rating on their performance evaluation will not be entitled to a merit increase in salary.

8.07. Change in Pay Following Promotion. When an employee is promoted, he or she shall normally receive the first step in the salary range for the new position. However, if the first step in the new position does not result in at least a 5% increase (or within six cents (\$.06) of a 5% increase) in salary, the employee will receive the next step in the salary range of the new position. The City may review other factors and make adjustments to ensure that the employee's compensation is consistent with the benefit of being promoted.

8.08. Re-Classification Change in Pay. A reclassification study and change reflect an equity adjustment based on the assigned duties and responsibilities of the position. When a position is reallocated to a classification with a higher pay range, and the incumbent employee retains the position, the employee will retain the same step assignment and his accrued time-in-step. No minimum salary adjustments will be applied. When a position is reallocated to a classification with a lower salary range, the incumbent employee shall not be reduced in pay while he continues to occupy the position. If his current salary rate exceeds the maximum step of the new range, his salary shall be frozen at its current level. When the incumbent leaves the position, his replacement may be hired at the beginning rate; the rate will normally be the beginning rate but is negotiable.

8.09. Pay for Employees in an "Acting" or "Interim" Capacity. Employees in an "Acting" Capacity. Any employee who is formally assigned to and performs the duties of a higher-level position on an "acting" basis for longer than thirty (30) continuous workdays shall, commencing with the sixth (6) workday of such assignment, receive the first salary step of the assigned position to continue for so long as he performs the duties of the higher classification.

Any employee who is assigned to and performs the duties of a higher-level position on an "acting" basis in an emergency situation such as an accident, injury, or sickness for longer than thirty(30) continuous workdays shall receive compensation from the sixth (6) workday in the first salary step of the assigned position for so long as he or she performs the duties of the higher classification. Such pay shall be retroactive to the sixth (6) day. Such assignment shall be approved by the City Manager.

Any employee serving in an acting capacity whose compensation at their regular position is greater than the first salary step of the acting position, shall be paid one step above his or her current salary. There shall be no additional compensation for an employee in an acting capacity occurring because of annual vacation.

Employees in an "Interim" Capacity. An employee who is temporarily assigned to a position that is out of class (i.e., to a position that is not covered by the MOU) will be paid based on the classification of their interim position. Accordingly, an employee who is appointed to a management position on an "interim" basis is considered exempt and not eligible for overtime or standby time.

8.10. Employee Benefits. The City provides certain benefits for its employees, depending on employee categories. The details of such benefits are set forth in the current City Council Resolution. The City reserves the right to eliminate or modify any of the benefits at any time, subject to such requirements for meet-and-confer as may be established by law.

8.10.01. Workers' Compensation. All employees are covered by Workers' Compensation, as required by law. Any on-the-job injuries or illness must be immediately reported to the employee's supervisor and to the employee performing the Risk Management function immediately.

8.10.02. Group Medical-Dental-Life-Vision Insurance Benefits. Regular employees and their dependents may participate in the City's group medical, dental, life, and vision insurance programs. All regular employees shall be included automatically in the programs unless coverage is waived by the employee. The City pays the cost for employee group insurance coverage as established by City Council resolution.

8.10.03. Pursuant to the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), employees and their dependents are entitled to a continuation option of group health plan benefits coverage at group rates plus costs to the City on the occurrence of certain qualifying events such as termination and retirement.

8.11. Retirement Plan. The City's retirement program through the Public Employee's Retirement System is available to employees as provided in the contract between the City and PERS. Generally, retirement for employees covered hereunder shall be 2.7% at 55 for classic members and 2.0% at 62 for new members under the California Public Employee Retirement System.

Current members as defined by the California Public Employees' Pension Reform Act of 2013 to pay the PERS employee share contribution in the amount required by law. New members would fall under the California Public Employees' Pension Reform Act of 2013 and pay the full amount of the employee share contribution.

For further information, please contact the Human Resources Department.

8.12. Deferred Compensation. The City offers to all regular employees a voluntary Deferred Compensation Plan. The employee may elect to have any amount of money up to the legal limit withheld from their regular paycheck and placed in the Deferred Compensation Plan. A brochure explaining this benefit is available in the employment package.

For an employee participating in the deferred compensation program, the City shall pay into deferred compensation in a dollar for dollar match up to a maximum of Fifty dollars (\$50.00) per month, or as listed in the applicable MOU and approved by City Council.

8.13. Unemployment Insurance. Unemployment insurance is provided in accordance with current state and federal laws.

8.14. Damaged Clothing Reimbursement. The City will reimburse any employee for the accidental destruction of, or damage to, personal clothing when used on the job. Reimbursement shall be based on the cost of repair, as approved by the City Manager through a reimbursement claim form, but if the damage cannot be repaired then reimbursement shall be based on the article's market value.

8.15. Mileage Reimbursement. Reimbursement shall be made in accordance with the City's adopted travel policy, except that notwithstanding the travel policy, prior to use of the personal vehicle, the employee must meet the standards and present evidence of coverage as set forth in the Central San Joaquin Valley Risk Management Authority Pooled Liability Program Master Plan, Section 2B, and the requirements of that Policy and Procedure.

If an employee is involved in an accident while using their personal vehicle for City business, the employee's insurance will be liable. The use of City vehicles in lieu of personal vehicles is strongly encouraged.

8.16. Uniform Allowance. The City will provide uniforms and laundering thereof for each Public Works Department employee and said employees shall wear the uniforms on the job.

8.17. Safety Equipment. The City shall provide or reimburse the employee for the cost of safety shoes where required and the cost shall be established by the City. Additionally, the City will provide a winter weight safety coat in safety orange or yellow as part of the City's uniform. Any special uniform requirements will be determined with Department Head approval and as to appropriateness.

SECTION 9 EMPLOYMENT HOURS, LEAVES, VACATION, AND HOLIDAYS

9.01. Hours of Work. City Administration hours are generally from 8:00 A.M. to 5:00 P.M., Monday through Friday. Work hours for Public Works are generally 7:30 A.M. to 12:00 P.M. and 12:30 P.M. to 4:00 P.M., Monday through Friday. Work hours are subject to change due to various reasons. Administration includes the Office of the City Manager, Finance Department, Planning Department, and the City Clerk's Department. The City Manager or Department Head may vary start and stop times from time to time. The City Manager may allow work at home for employees where practical. Where deviations to this schedule are required, for the benefit of the City or the employees, the City agrees to meet and confer over the impacts and appropriateness of such a schedule change.

9.02. Timekeeping. Employees are expected to be on time daily and remain on the job throughout the regularly scheduled workday.

9.02.01. Nonexempt Employees. Nonexempt employees are required to accurately record and save all actual time worked (including the precise time when they begin and end each workday, the precise time they begin and end an unpaid meal or rest break, and the precise time when they begin and end working any overtime hours) on each day that they have any time worked using timecards and the Tyler Self-Service timekeeping system. Nonexempt employees and exempt employees must accurately record and save their absences and use of vacation and sick time using timecards and the Tyler Self-Service timekeeping system.

Nonexempt employees are prohibited from working "off the clock," meaning working time that employees do not record as time worked in for payroll purposes.

Any non-exempt employee who believes that he or she is expected to or has been asked to work without recording his or her time (“off-the-clock”) must immediately contact a member of management.

9.02.02. Exempt Employees. Exempt employees receive a salary which is intended to compensate them for all hours that they may work for the City. Generally, exempt employees receive their full salary for any workweek in which work is performed. However, by law, exempt employee salaries are subject to certain deductions and the City may reduce an exempt employee’s salary for the following reasons in a workweek in which work was performed:

- Deductions for full-day absences due to personal reasons, including vacation.
- Deductions for full-day absences for sickness or disability, pursuant to the City’s sick leave policy.
- Deductions for full-day disciplinary suspensions for infractions of safety rules of major significance (including those that could cause serious harm to others).
- Deductions for Family and Medical Leave absences (full or partial day).
- Deductions to offset amounts received as payment for jury and witness fees or military pay.
- Deductions for unpaid disciplinary suspensions of one or more full days for significant infractions of major workplace conduct rules as set forth in this handbook.
- Deductions for the first or last week of employment when the employee works less than a full week.

Specific types of deductions may also be made, such as for the employee’s portion of insurance benefits, state, federal or local taxes, social security, or voluntary deductions. However, in any workweek in which the exempt employee performs any work, salary will not be reduced if:

- The absence is for a partial day for personal reasons, sickness, or disability.
- The absence is because the facility is closed on a scheduled workday.
- The absence is for jury duty, attendance as a witness, or military leave in any week in which the employee performs work.

Exempt employees are required to use accrued vacation or sick leave for full or partial day absences for personal reasons, sickness, or disability. Salary will not be reduced for partial day absences if the employee does not have sufficient time off. However, the employee may be subject to discipline for poor attendance.

All employees (exempt and non-exempt) must complete their own timekeeping records, as described above. Time worked and absences may not be recorded by another person on behalf of an employee. Any changes made to an already-submitted timesheet must have a documented reason and must be approved by both the employee and the supervisor. Only an employee’s direct supervisor or the [City Manager] can make adjustments to timekeeping records, and only after any such changes have been authorized by the employee in writing.

Falsifying time records is a breach of City policy and can be grounds for disciplinary action, up to and including an unpaid suspension or discharge.

9.03. Meal and Rest Periods. Employees shall have an unpaid one (1) hour meal period. Public Works employees shall have a thirty (30) minute lunch break. Employees shall have two fifteen (15) minute break periods, one in the morning and one in the afternoon. Employees should not combine their rest breaks with their meal periods or skip breaks to leave work early. The scheduling and timing of all meal and rest periods will be approved by the Department Head or City Manager.

9.04. Lactation Breaks/Accommodation. Any employee who is nursing an infant child has the right to request a reasonable break each time she needs to express her breast milk (lactation breaks). The lactation break time shall, if possible, run concurrently with any break time already provided to the employee. Break time for an employee that does not run concurrently with an authorized rest period shall be unpaid.

The City shall provide for lactation breaks to be taken at a place other than a bathroom that is in close proximity to the employee's work area, shielded from view and free from intrusion. The break area shall be safe, clean, and free of hazardous materials (as defined in section 6382 of the Labor Code), contain a surface to place a breast pump and personal items, contain a place to sit, and have access to electricity or alternative devices such as extension cords or charging stations needed to operate an electric or battery-powered breast pump.

The City shall provide access to a sink with running water and a refrigerator suitable for storing milk in close proximity to the employee's workspace. If the City cannot provide a refrigerator, it will provide another cooling device suitable for storing milk, such as an employer-provided cooler.

An employee may make a request for a lactation break accommodation to her immediate supervisor. The City will respond to the request. If the City cannot provide break time or a location that complies with the above policy, the City shall provide a written response to the employee. If the City demonstrates that complying with the policy above would create an undue hardship, the City will nevertheless make reasonable efforts to provide an employee with the use of a room or other location, other than a toilet stall, in close proximity to the employee's work area, for the employee to express milk in private.

An employee who believes their right to a lactation accommodation in accordance with sections 1030 to 1034 of the Labor Code may file a complaint with the Labor Commissioner.

9.05. Overtime. It is the policy of the City to discourage employees from working in excess of their regular schedule. Overtime will be required of any non-exempt employee only when necessary for the protection of persons or property, or in other circumstances when the public interest requires overtime as established by the supervisor. Overtime may be authorized only by designated supervisory personnel and must be authorized in advance except in an emergency.

All non-exempt employees will receive overtime pay at a rate of 1½ times the employee's regular rate of pay for all hours worked in excess of forty (40) in any one workweek, or as otherwise stated in the applicable Memorandum of Understanding (MOU).

Unless an applicable MOU provides differently, only hours actually worked are counted to determine an employee's overtime pay. Compensated holidays, sick leave, and vacation, for example, are not hours worked and are therefore not counted in making overtime calculations.

Overtime is paid in 15-minute increments.

9.06. Make-up Time. Nonexempt employees may request to make up work time missed due to personal obligations on another day in the same workweek. Employees who receive advance approval to make up missed work time may do so only in the same workweek in which the time was missed. Make-up time is paid at the employee's straight-time rate of pay. To qualify, the make-up time must not cause the employee to work over 40 hours in a workweek.

The City does not encourage, discourage, or solicit its employees to use make-up time.

9.07. Compensatory Time Off in Lieu of Overtime. Compensatory Time Off ("CTO"), in lieu of overtime pay, will be granted to non-exempt employees who are regularly scheduled to work no less than 40 hours in a workweek with prior written approval from the Department head or supervisor. Employees may not accrue more than eighty (80) hours of CTO. Any employee who has accrued eighty (80) hours of CTO shall, for any additional overtime hours of work, be paid overtime compensation.

An employee who has accrued CTO and requests to use it shall be permitted by the City to use the time within a reasonable period after making the request if the use of the CTO does not unduly disrupt operations.

If compensation is paid to an employee for accrued CTO, it shall be paid at the employee's regular rate of pay at the time of payment.

Cash out of accumulated CTO balances will be required prior to employee promotion out of existing classification and upon termination of employment.

9.08. Administrative Leave. It is the policy of the City to allow employees in the management and mid-management categories to receive administrative leave since they do not receive overtime. Management employees employed as of January 1 of each calendar year may receive eighty (80) hours and mid-management personnel may receive forty (40) hours of administrative leave. Certain Mid-Management personnel may be granted additional administrative leave not to exceed eighty (80) hours by the City Manager upon recommendation of the Department Head that such employee(s) are working extraordinary hours beyond that expected by Mid-Management personnel. Balances must be used prior to December 31 of that same calendar year, or they will be lost.

Administrative leave is not compensable by pay.

New employees, or employees becoming eligible due to a promotion, receive administrative leave on a prorated basis, with seven (7) hours for management personnel and three (3) hours for mid-management personnel granted for each full calendar month remaining in the calendar year.

For an example only, a management employee hired on February 15 would receive seventy (70) hours of administrative leave for that calendar year.

Administrative leave is not a vested or earned right or form of compensation under this Personnel Manual, therefore there will not be reimbursement for accrued administrative leave. The amount of administrative leave granted and the conditions under which it can be taken are solely within the discretion of the City Manager.

9.09. Jury Duty and Court Appearances. This section shall not apply to any employee who is a named party to an action unrelated to the City and its activities or is serving as a paid expert witness. In such cases, employees may request vacation or personal leave.

When an employee is required by law to serve on an inquest or on a jury or grand jury or is subpoenaed as a witness to appear before a court, administrative agency, public body or commission the employee must promptly notify his or her supervisor. While on jury duty, a regular employee will receive full pay, but shall pay to the City all fees received from the court, administrative agency, public body, or commission, excluding reimbursement for mileage or other expenses.

9.10. Leave of Absence. Upon written request and in the sole discretion of the City Manager, a leave of absence without pay may be granted to any regular employee for a period not to exceed six (6) months for the following reasons:

Need to attend to a health condition not covered by paid sick leave or Family and Medical Care Leave (e.g., to care for a family member or other person not covered under the applicable leave law), if written confirmation from the employee's physician or other licensed health care practitioner certifying the medical condition is provided.

Education or training which will materially benefit City service.

The policy set forth in this Subsection 9.10, shall not apply to disability leave for pregnancy, childbirth, or related medical condition, which is set forth within Subsection 9.12 of this Personnel Manual, nor to Family Care and Medical Leave, which is set forth within Subsection 9.20 of this Personnel Manual.

Requests for leaves of absence in excess of six months may be considered by the City Manager, who will evaluate potential benefits to the City, and may grant such extended leave of absence, in his or her sole discretion. To the extent that a leave of absence is requested as a reasonable accommodation of a qualified disability, the length of the leave shall be no later than the date the employee becomes capable of performing the essential functions of their position with or without reasonable accommodation. Further employees acknowledge that a disability requiring a leave beyond one (1)-year would create an undue hardship for the City given the City's size, resources, and operational needs.

Requests for leave of absence shall be submitted to the employee's supervisor and referred to the City Manager and shall state specifically the reasons for the request, the date when it is desired to begin the leave, and the probable date of return. Upon return from an authorized leave of absence, the employee on leave shall be returned to the position he or she vacated, even if a replacement has been obtained. However, the City cannot guarantee that the employee's former position or any other position will otherwise be available upon the expiration of the scheduled leave, or if extending the leave in the case of a reasonable accommodation would constitute an undue hardship.

In the event a probationary or regular employee is transferred or promoted on a temporary basis for the duration of a leave of absence, of another employee, such appointment shall have no permanent effect on the status of the employee so promoted or transferred, and he or she shall be returned to his or her prior position and be entitled to all rights and privileges as though he or she had not been temporarily promoted or transferred.

Accumulated sick leave (if the leave of absence is for illness purposes) and/or accumulated annual leave may be used prior to being granted an unpaid leave of absence under this section. Employees shall not accrue annual vacation or sick leave while on an unpaid leave of absence; however, employees returning to work following an unpaid leave of absence shall retain their accumulated time, if not otherwise used. During such unpaid leave of absence, the City shall not pay for Group Medical-Dental-Life-Vision Insurance Benefits (but the employee may pay the full premiums therefore), except that the City shall pay for Group Medical-Dental-Life-Vision Insurance benefits during that period of leave that is provided as a reasonable accommodation of a qualified disability.

9.11. Attendance Policy/Unauthorized Leave of Absence. The City requires regular and punctual attendance from all employees. Employees who are going to be absent for a full or partial workday or late for work must notify [their supervisor/City Manager] as far in advance as possible but at least [1 hour] before the start of the workday. If the absence is due to an emergency or unexpected circumstances, employees must notify their supervisor [and/or City Manager] as soon as possible.

Absences and tardiness will be considered excused if the employee requested the time off in accordance with the City's policies on vacation and/or sick leave, received the required approval for the absence or tardiness, and has enough accrued, but unused, time to cover the absence or tardiness. Absences will also be considered excused if the employee requested the time off in accordance with a City policy permitting a leave of absence, received the required approval for the leave, and is in compliance with the leave policy.

An employee will be considered to have taken an unexcused absence if the employee is absent from work during scheduled work hours without permission, including full- or partial-day absences, late arrivals, and early departures.

Any employee who is absent for three (3) consecutive working days without being on supervisor approved sick leave, vacation leave, or any other authorized leave of absence shall automatically have resigned his or her employment with the City.

Nothing in this section shall limit the department supervisor's authority to discipline or dismiss an employee due to an unauthorized absence.

An employee terminating employment in the manner described in this section will be considered to have voluntarily resigned his or her City employment.

9.12. Disability Leave for Pregnancy, Childbirth or Related Medical Condition. An employee is disabled by a pregnancy, childbirth, or related medical condition, if in the opinion of her own doctor or other licensed health care practitioner; she is unable because of pregnancy, childbirth, or related medical condition, to perform the essential duties of her job or to perform these duties without undue risk to herself or other persons. Accordingly, the City provides leave for the period of actual disability, up to a maximum of four months. Leave may be taken intermittently or on a reduced-hours schedule, as medically advisable.

Procedure for Requesting Leave: Whenever possible, the employee should submit a written request for Pregnancy Disability Leave to the Human Resources Department as soon as she is aware of the need for such leave. If the leave is foreseeable, the employee must provide thirty (30) calendar days' advance notice to the City of the need for Pregnancy Disability Leave. If it is not practicable to give thirty (30) calendar days' advance notice, the employee must notify the City as soon as practicable after she learns of the need for such leave.

If an employee fails to provide the requisite thirty (30) days' advance notice for a foreseeable need for leave, without any reasonable excuse for the delay, the City reserves the right to delay the taking of the leave until at least 30 days after the date that the employee does provide such notice.

A request for Pregnancy Disability Leave must be supported by a medical certification from a health care provider, which shall provide the following information: (a) the date on which the employee became disabled due to pregnancy; (b) the probable duration of the period or periods of disability; and (c) an explanatory statement that, due to the disability, the employee is unable to work at all or is unable to perform any one or more of the essential functions of her position without undue risk to herself, her pregnancy, or to other persons. Upon the expiration of the time period for the leave estimated by the health care provider, the City may require the employee to provide another medical certification if additional time is requested.

An employee taking Pregnancy Disability Leave must use any accrued paid sick leave during the leave and may, at her option, use any accrued vacation time during her leave. Except to the extent that paid leave is used during Pregnancy Disability Leave, such leave will be unpaid. The use of paid leave for Pregnancy Disability Leave does not extend the total duration of the leave to which an employee is entitled.

During an employee's Pregnancy Disability Leave, the City will continue to pay for the employee's participation in the City's group health plans, to the same extent and under the same terms and conditions as would apply had the employee not taken leave.

Thus, the employee must continue to pay any required share of health plan premiums during the leave. All other benefits will be governed in accordance with the terms of each benefit plan and are the sole responsibility of the employee. In certain circumstances, if the employee fails to return from leave after the leave period expires, the City may recover from the employee the amount of premiums the City paid to maintain coverage.

Employees on Pregnancy Disability Leave will accrue employment benefits such as sick leave, vacation, and seniority only when paid leave is being substituted for unpaid leave and only if the employee would otherwise be entitled to such accrual.

Reinstatement After Pregnancy Disability Leave: Unless the City and the employee have already agreed upon the employee's return date, an employee who has taken a Pregnancy Disability Leave must notify the City Manager at least two business days before her scheduled return to work. An employee who timely returns to work at the expiration of her Pregnancy Disability Leave will be reinstated to her former position, or a comparable position whenever possible and consistent with applicable law.

Generally, the employee shall be entitled to return to her original job unless the job has ceased to exist for reasons unrelated to her leave or preservation of the job would undermine the City's ability to operate safely and efficiently. If the original job is not available for the reasons specified above, the employee is entitled to return to a substantially similar job, unless there is no substantially similar job available or filling a substantially similar job with the returning employee would substantially undermine the City's ability to operate safely and efficiently.

Each employee who has taken Pregnancy Disability Leave must be released by her doctor to return to work. The return-to-work release should be in writing and submitted to the City Manager on or before the employee's return.

9.13. Temporary Leave of Absence as a Reasonable Accommodation of a Disability. Employees may take a temporary disability leave of absence if necessary to reasonably accommodate a qualified disability under the Americans with Disabilities Act and/or the California Fair Employment and Housing Act.

The duration of a temporary disability leave under this policy shall be consistent with applicable law, but in no event shall the leave extend past the date on which an employee becomes capable of performing the essential functions of his or her position, with or without reasonable accommodation.

An employee taking temporary disability leave must substitute any accrued paid sick leave and vacation for the leave. Otherwise, the leave is unpaid. Group insurance benefits may be continued during temporary disability leave. However, the cost of such coverage, including the City's premium payment becomes the responsibility of the employee.

Requesting Leave: Unless the circumstances render it impractical, temporary disability leave must be approved in advance by [the City Manager]. Whenever

possible, an employee should submit a written request for temporary disability leave as soon as the employee is aware of the need for such leave. A request for temporary disability leave must be supported by a medical certification from a health care provider containing the following information: (a) the date on which the employee became disabled; (b) the probable duration of the period or periods of disability; and (c) an explanatory statement that, due to the disability, the employee temporarily is unable to work at all or is unable to perform any one or more of the essential functions of his or her position without undue risk to the employee or to other persons. The certification should also explain what accommodations, if any, will assist the employee to perform essential functions of the employee's position.

Reinstatement after Leave: Each employee who has taken a temporary disability leave must keep the City Manager advised of their status and contact the City Manager at least two weeks before the expiration of the scheduled leave to discuss the employee's return to work. Such employees shall be reinstated in accordance with applicable law and into their former position if staffing requirements permit. The City cannot guarantee that the employer's former position or any other position will be available upon the expiration of the scheduled leave.

Each employee who has taken temporary disability leave must be released by a doctor to return to work. The release should be in writing and submitted to the City Manager on or before the employee's return date.

9.14. Temporary and Permanent Disability Resulting from Workplace Injuries. If an employee's need for temporary disability leave is due to a work-related injury, all matters relating to an employee's leave rights, including compensation, benefits, substitutions of paid leave, notice and certification requirements and reinstatement shall be governed by state workers' compensation laws.

Similarly, medical care and payments for permanent disabilities incurred in the course of employment are prescribed in the Workers' Compensation Act.

9.15. Sick Leave. In order to help prevent loss of earnings that may be caused by accident or illness, the City provides paid sick leave as set forth below:

Eligibility: An employee qualifies to accrue paid sick leave under this policy upon the start of the employee's employment. Employees may use paid sick leave under this policy if they have worked for the City for at least 90 calendar days. Retired annuitants are not eligible for sick leave under this policy. The sick leave, and other benefits of, temporary employees who are under contract with a staffing agency are controlled by the agreement with the agency.

Accrual: Eligible full-time employees shall accrue paid sick leave at the rate of eight hours per month, to a maximum of not to exceed 125 working days (1000 hours). Employees who reach the applicable cap will cease to accrue further paid sick leave hours until paid sick leave is used, at which point the employee will continue to accrue additional paid sick leave up to the cap. Paid sick leave not used in a year otherwise carries over from year to year.

Eligible part-time employees and temporary employees who are employed directly with the City do not accrue paid sick leave. Instead, they receive a lump-sum of 24-hours of paid sick leave to use each year. Unused sick leave for these employees does not carry over from year to year.

Usage: Employees may use accrued paid sick leave for any of the reasons discussed below:

- Paid sick leave may be used for the diagnosis, care (including preventative care), or treatment of an existing illness, injury, or health condition of an employee and the employee's family members or a designated person.
 - For purposes of this policy a "family member" includes the employee's child (regardless of age or dependency status), spouse or domestic partner, parent or guardian, spouse or domestic partner's parent or guardian, grandparent, grandchild, or sibling.
 - For purposes of this policy a "designated person" is any person identified by the employee at the time the employee requests sick leave. The City limits the employee to one designated person per 12-month period.
- Employees who are victims of domestic violence, sexual assault, or stalking also may use paid sick leave for treatment, assistance, and other purposes authorized by law.

Compensation for Sick Leave: Paid sick leave is paid at the employee's regular rate of pay for the workweek in which the employee uses paid sick leave. Except as provided below, accrued, unused paid sick leave is not paid out upon termination or resignation. However, an employee who separates from employment and is rehired within one year will have their previously accrued and unused paid sick leave balance reinstated.

An employee having at least four (4) years of continuous employment with the City may, at the option of the employee, be paid up to 50% of his or her unused sick leave earned during the previous 12-month period or convert that or any portion of that amount to vacation time. The remaining percentage of unused sick leave shall be retained in the employee's accumulated total of unused sick leave.

Upon retirement, any employee having at least twenty (20) years of continued service with the City of Hughson, having unused accumulated sick leave shall be paid thereafter in an amount equivalent to twenty-five (25%) of his or her then current daily wage rate for each day of unused sick leave. The employee will have the option of converting the amount due to either paid medical\dental insurance premiums for coverage offered by the City to current employees or receive a single lump sum cash payment. To be eligible for insurance premium

payment, the employee must also be eligible for the insurance coverage as provided in the policy between the City and the carrier selected.

Upon retirement, any employee, with a management classification, having at least ten (10) years continued service with the City of Hughson, having unused accumulated sick leave, shall be paid thereafter in an amount equivalent to fifty percent (50%) of his or her then current daily wage rate for each day of unused sick leave. The employee shall have the option of converting one hundred percent (100%) of unused sick leave to paid medical/dental/vision insurance premiums for coverage offered by the City to current employees. To be eligible for insurance premium payments, the employee must also be eligible for the insurance coverage as provided by the policy between the City and the carrier selected.

The employee shall report sick leave prior to the start of his or her work shift whenever possible and at least within one-half hour after the start of the shift.

If an employee becomes ill while on vacation, his or her period of illness may be charged to sick leave. The employee's supervisor may request a doctor's certificate confirming that the employee was unable to work and the expected duration of the illness before the leave is switched from vacation to sick leave. In the case of frequent use of sick leave, an employee may be requested to file a physician's statement for each illness. An employee may also be required to take an examination by a physician designated by the City and to authorize consultation with his or her own physician concerning his or her illness in accordance with applicable local, state, and federal law.

Employees shall, whenever possible, make dental, medical, and similar appointments on Saturday, or another non-workday. When employees do need to make appointments on a workday, they should schedule their appointments so that their absence is limited to no more than four (4) hours, except in unusual circumstances.

With the approval of the City Manager, any eligible employee may be granted up to five (5) days leave with pay in the event of a catastrophic illness on the part of a family member living in the employee's house. Use of leave with pay for this purpose is intended to apply in serious and unforeseen conditions where the presence of the employee in the home is required. For the purpose of this section, immediate family shall be defined as mother, father, sister, brother, spouse, child, grandchild, grandparent, mother-in-law or father-in-law of the employee.

9.16. Vacation Leave. The City provides benefits to eligible employees to enable them to take paid time off for rest and recreation. The City believes this time is valuable for employees in order to enhance their productivity and to make their work experience with the City personally satisfying. The City also provides long-service employees with additional vacation benefits as years of service are accumulated.

Vacation leave is a right; however, the use of same shall be approved by the Department Head, taking into account the desires and seniority of employees and more particularly, the workload requirements of the department. Employees shall take vacation leave regularly each year and shall be encouraged to take vacation at least a full week at a time. Vacation may be scheduled at the request of the employee by the department head but must consider all needs of the City.

All regular employees are eligible to accrue and take vacation benefits based on their continuous length of service, measured from the date of hire. "Continuous length of service" is defined as service that is uninterrupted by termination of employment.

The City shall respond to all annual leave requests within five (5) working days after the employee has submitted his or her request to the department head/supervisor.

Regular full-time employees, except as provided in any applicable memorandum of understanding, shall earn annual leave at the following rates (subject to Subsection 9.16 of this Personnel Manual):

Date of hire through fifth year of service = 8 hours per month (12 days per year).

Sixth year through tenth year of service = 11.32 hours per month (17 days per year).

Tenth year through fifteenth year of service = 14 hours per month (21 days per year).

Fifteenth year of service and thereafter = 16 hours per month (24 days per year).

Part-time employees who may become eligible for Vacation Leave will accrue leave at a pro-rated rate of the full-time accruals listed above.

9.16.01 Vacation leave Accumulation.

Maximum Accrual. Employees are encouraged to use their vacation days. Unused vacation days as of the end of the calendar year will carry over to the next calendar year subject to the cap described as follows: Vacation accruals may not exceed three hundred twenty (320) hours. Once this maximum reached, then at the end of the payroll period in which the leave accumulation reaches the stated limit, the employee's vacation leave shall cease accruing, and no further vacation shall accrue until the balance is reduced below the stated limit. Vacation accruals are noted on employee paystubs. It is the employee's responsibility to seek the use of the vacation leave in a timely manner.

If the employee is unable to use the time because of departmental staffing needs and has been asked by the City to defer his or her vacation, he or she shall be paid for the amount of time in excess of the limit at the end of the month, and accrual may thereafter recur. Upon termination, an employee shall be paid for accrued and unused vacation time through their last day worked at their base rate of pay as of the time of separation.

An employee may elect to receive a cash payment for up to a maximum of forty (40) hours of his/her accumulated vacation balance prior to commencement of a scheduled vacation of forty (40) consecutive hours or more. To exercise the cash payment option an employee must have forty (40) hours of accumulated vacation time remaining after the cash option and scheduled vacation have occurred. This option may be exercised once within the same fiscal year.

9.17. Holidays. Where holidays are addressed in an applicable memorandum of understanding, the provisions of the memorandum of understanding shall control. Where not covered in a memorandum of understanding, regular employees shall be entitled to the following holidays with pay:

- Two Floating Holidays
- New Year's Day
- Martin Luther King's Birthday
- Lincoln's Birthday
- Washington's Birthday
- Memorial Day
- Independence Day (4th of July)
- Labor Day
- Veterans Day
- Thanksgiving Day (4th Thursday of November)
- Day after Thanksgiving Day (4th Friday of November)
- December 25

Any day or part of the day declared by the City Manager to be a holiday.

When an employee gives adequate notice, the City will make reasonable accommodation for the employee to observe the Sabbath if it will not unduly interfere with City operations. Such release time may be charged to administrative leave, compensatory time off, vacation, or leave without pay at the discretion of the employee.

When a holiday falls on a Sunday, the following Monday shall be observed as a holiday. When a holiday falls on a Saturday, the preceding Friday shall be observed as a holiday.

To be paid for a holiday the employee must have been in paid status on the workdays for his or her classification which immediately precedes and succeeds the holiday.

Any other employee who might be required to work on any of the above holidays shall be compensated at overtime rates in accordance with Subsection 9.05 of these rules. If a

holiday falls on an employee's regular day off, he shall be entitled to equivalent time off at a later date.

The "Floating Holiday" is to be used during the calendar year and cannot be carried over to the next year. Floating Holiday time must be used by December 31st of each year and will not be paid out.

9.18. Bereavement Leave. Employees who have been employed for at least 30 days will be eligible for up to five (5) working days of bereavement leave upon the death of a family member. The five days of bereavement leave do not have to be consecutive, but the leave must be completed within three months of the date of death of the family member.

For purposes of this policy, an employee's family member means the employee's spouse, child (meaning biological, adopted, foster, stepchild, legal ward, child of a registered domestic partner, or to whom the employee stands in loco parentis), registered domestic partner, parent (meaning biological, foster, adoptive parent, step-parent, legal guardian, parent-in-law, or other person who stood in loco parentis to the employee as a child), sibling, grandparent, or grandchild. Of the five total days of bereavement leave, three (3) days are with pay, and the remaining two (2) days of leave are unpaid, unless the employee chooses to use accrued sick leave or vacation.

The City may request documentation of the death of the family member be provided within 30 days of the date the leave is to begin, which be in the form of a death certificate, a published obituary, or written verification of death, burial or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution, or governmental agency.

9.19. Military Leave. Leave, reinstatement, pay, and benefits for employees of the City shall be provided in accordance with federal law (38 U.S.C. §§ 2021 and following) and California law (Military and Veterans Code §§ 395 and following).

9.20. Family Care and Medical Leave. The City provides family care, medical, and military exigency leave under both the California Family Rights Act ("CFRA"). Should the City ever employ 50 or more persons, employees would become eligible for benefits under the federal Family and Medical Leave Act of 1993, ("FMLA"), and military caregiver leave as provided under the FMLA, which leaves may run concurrently. However, at this time because of the City's size, employees are not eligible for FMLA leave. Distinctions between FMLA and CFRA leaves are noted below.

Family care, medical and military family leave is provided in accordance with the FMLA and CFRA as noted above. Differences between these two laws by affect any individual employee's rights to a particular leave. As a result, the policies below generally describe the aggregated leaves available under these laws but should not be construed as promising specific provisions will apply in any given case nor in all cases. Employees should contact Human Resources after reviewing the general policy provisions stated below to discuss the employee's specific leave entitlements, and with any related questions.

Eligibility. Generally, to be eligible for family care, medical, and military family leave and for military caregiver leave, an employee must:

1. Have worked for the City for at least twelve (12) months prior to the date on which the leave is to commence.
2. Have worked at least 1,250 hours in the twelve (12) months preceding the date the leave commences.
3. For any leave that qualifies only under the FMLA (and not under the CFRA), work at a location with 50 employees or more within a 75-mile radius of the City's next closest facility. For a leave that qualifies under the CFRA, the employee is eligible if the City directly employs 5 or more persons.

An employee returning from fulfilling his or her National Guard or Reserve military obligation will be credited with the hours of service that would have been performed but for the period of military service in determining the 1,250 hours of service.

In the case of a pregnancy-related disability or other legally protected disability or medical condition or work-related injury, an employee may not need to satisfy all of the above requirements. Employees should refer to the policies specific to those circumstances contained in this Personnel Manual.

Permissible Uses. "Family care and medical leave" may be requested for the following reasons:

1. The birth or adoption of an employee's child or the child of the employee's domestic partner, or the placement of a foster child with the employee or with the employees' domestic partner; (i.e. "Baby Bonding") (FMLA and CFRA).
2. To care for a "family member" with a serious health condition. Under the FMLA and CFRA, a "family member" includes the employee's spouse, child, or parent. Under the CFRA (but not under the FMLA), a "family member" also includes the employee's grandparent, grandchild, sibling, parent-in-law, and domestic partner. Under the CFRA (but not under the FMLA), leave may also be requested to care for a "designated person" with a serious health condition, which is any individual related by blood or whose association with the employee is the equivalent of a family relationship. The employee may identify the designated person at the time the employee requests the leave. The City limits employees to one designated person per 12-month period for family care and medical leave.
3. For an employee's own serious health condition. (FMLA and CFRA)

Generally, a serious health condition refers to an illness, injury, impairment, or physical or mental condition of an employee or an employee's covered family member that involves inpatient care in a hospital, hospice, or residential health care facility, either overnight or when an overnight stay was reasonably expected (even if it did not occur); subsequent treatment in connection with such inpatient care or any period of incapacity; or continuing treatment by a health care provider, including but not limited to treatment for substance abuse. Subject to certain conditions, "continuing treatment" can exist with incapacity due to pregnancy or with incapacity due to a chronic condition, as well as other conditions.

“Military exigency leave” (FMLA and CFRA) may be requested when there is a qualifying military exigency arising out of the fact that an employee’s spouse, child, or parent (and domestic partner or parent-in-law under the CFRA) is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces outside of the United States. Qualifying military exigencies include the following:

- Short-notice deployment where the employee may take leave to attend any issue that arises from the fact that a military member (whether in the Regular Armed Forces, National Guard, or Reserves) is notified of an impending call or order to active duty seven or less calendar days prior to the date of deployment. Leave taken for this purpose can be used for a period of seven calendar days beginning on the date the covered service member receives the notification.
- Military events and related activities where the employee may take leave to attend to any official ceremonies, programs or events related to the call to active duty and to attend to family support, assistance programs, or informational briefings related to the call to active duty.
- Childcare and school activities where the employee may take leave to arrange for alternative childcare or to provide childcare on an urgent, immediate need basis when the need arises from the call to active duty, to enroll or transfer a child to a new school, to attend meetings with school or daycare facility staff regarding disciplinary measures, parent-teacher conferences, or meetings with school counselors.
- Financial and legal arrangements where the employee may take leave to make or update financial or legal arrangements related to the covered servicemember’s absence, such as preparing powers of attorney, wills, transferring bank accounts, and the like, or appearing or acting on behalf of the absent servicemember in matters related to military benefits.
- Counseling where the employee may take leave to attend counseling, the need for which arises from the call to active duty of the covered service member.
- Rest and recuperation where the employee may take up to fifteen days of leave to spend time with a covered servicemember each time the servicemember is on short-term rest and recuperation leave during the period of deployment.
- Post-deployment activities where the employee may take leave for a period of up to 90 days following the termination of the deployment to attend arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs provided by the military, or to address issues that arise out of the death of a covered servicemember.
- Parental leave where the employee may take qualifying leave to care for the parent of a military member, or someone who stood in loco parentis to that military member, when the parent is incapable of self-care. To qualify as parental leave, the need for the leave must arise out of the military member’s call to active duty. Further, the leave must be for one of the following purposes:

(1) to arrange for alternative care for the parent; (2) to provide care for the parent on an urgent, immediate need basis; (3) to admit or transfer the parent of the military member to a care facility; or (4) to attend a meeting with staff at a care facility for the parent.

- Additional activities where the employee may take leave to address other events that arise out of the call to active duty as the City and the employee may agree as to both timing and duration.

“Military caregiver leave” (FMLA only) may be requested to care for a covered service member if the employee is the covered servicemember’s spouse, child, parent, or next of kin. For purposes of this leave, a covered servicemember is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness, or (2) a covered veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness.

Substitution of Paid Leave. Employees are required to substitute accrued vacation time and other paid personal leave (except sick leave) for all family care, medical leaves, military exigency leaves and military caregiver leaves. Employees are required to substitute sick leave only for the employee’s own medical leaves. Employees may elect to substitute sick leave to attend to an illness of a child, parent, spouse or domestic partner of the employee or for other types of family care leave.

Amount of Leave.

1. Family Care, Medical, and Military Caregiver Leave: Provided all the conditions of this policy are met, an employee may take a maximum of 12 weeks of family care, medical, , and military exigency leave in a rolling 12-month period measured backwards from the date the employee’s leave commences, unless more time is required by law.

Employees who are unable to work due to pregnancy disability will be granted the greater of 12 weeks leave or the amount of leave to which the employee may be entitled under California state law for a pregnancy-related disability or in connection with childbirth. Family care leaves for the birth, adoption, or foster care placement of a child must be concluded within one year of the birth, adoption, or placement.

2. Military Caregiver Leave (FMLA only): Provided all the conditions of this policy are met, an employee may take a maximum of twenty-six (26) weeks of military caregiver leave in a single twelve (12)-month period, inclusive of the time the employee takes for a family care, medical, or military exigency leave during that period. This twelve (12)-month period will be measured forward from the first day leave is taken.

Spouses who are both employed by the City may take a maximum combined total of 26 weeks in the 12-month period for the care of the servicemember and the

birth, adoption, or foster care of their child or to care for an ill parent, provided that no more than 12 weeks of this combined 26-week period may be taken for reasons other than to care for the servicemember.

3. Intermittent Leave: Medical leave for the employee's own serious health condition, family care leave for the serious health condition of the employee's spouse, parent, or child, and military caregiver leave may be taken intermittently or on a reduced schedule when medically necessary. Where the intermittent or reduced scheduled leave is for planned medical treatment, the employee must make an attempt to schedule the treatment so as not to disrupt unduly the City's operations. Where the family care leave is to be taken in connection with the birth, adoption, or foster placement of a child, the minimum duration for each period of leave is two weeks, except that the employee may request leave of less than two weeks duration on any two occasions. Exigency leave also may be taken intermittently or on a reduced schedule.

Leave's Effect on Pay. Except to the extent that other paid leave is substituted for family care, medical, and military family leave, leave under the FMLA and the CFRA is unpaid. However, employees may be entitled to California State Disability Insurance (SDI) when leave is taken for their own serious health condition.

Employees also may be entitled to Paid Family Leave (PFL) benefit payments for up to eight (8) weeks in any twelve-month period during leaves to care for qualifying family members. PFL provides a partial wage replacement for absences from work to care for a seriously ill or injured family member or for bonding with a minor child within one year of the birth or placement of the child in connection with foster care or adoption. Employee contributions provide funding for this program. PFL is administered like SDI by the California Employment Development Department. To the extent possible, PFL benefits must run concurrently with family care leave and do not entitle an employee to take any additional time off. In addition, an employee must use up to two weeks of any accrued but unused vacation before the employee will be eligible to receive PFL.

Leave's Effect on Benefits. During an employee's family care, medical, and military family leave, the City will continue to pay for the employee's participation in the City's group health plans, to the same extent and under the same terms and conditions as would apply had the employee not taken leave.

Thus, the employee must continue to pay his or her share of the health plan premiums during the leave. If paid leave is substituted for unpaid leave, such payments will be deducted from the employee's pay through the regular payroll deductions. Otherwise, the employee must make arrangements with the City for the payment of such premiums.

If the employee fails to pay his or her share of the premiums during leave, or if the employee fails to return from the leave at the expiration of 12 weeks (or 26 weeks in the case of a military caregiver leave) for a reason other than the recurrence, continuation, or onset of a serious health condition for which leave under this policy is allowed or other circumstances beyond the employee's control, the City can recover

any health plan premiums paid by the City on the employee's behalf during any periods of the leave.

Procedure for Requesting Family Care, Medical and Military Family Leave.

1. Notice Requirements: Employees must notify the City of their request for family care, medical, military exigency, or military caregiver leave with at least a verbal request, although a written request is also requested by the City as soon as they are aware of the need for such leave. For foreseeable family care, medical, and military caregiver leave, the employee must provide 30 calendar days' advance notice to the City of the need for leave. For events that are unforeseeable 30 days in advance, the employee must notify the City as soon as is practicable and generally must comply with the City's normal call-in or notice procedures. If the leave is requested in connection with a planned, non-emergency medical treatment, the employee must make an attempt to schedule such treatment so as to avoid unduly disrupting City operations and may be requested to reschedule the treatment so as to minimize disruption of the City's business.

If an employee fails to provide the requisite 30-day advance notice for foreseeable events without any reasonable excuse for the delay, the City reserves the right to delay the taking of the leave until at least 30 days after the date the employee provides notice of the need for family care or medical leave.

All requests for family care medical, military exigency, and military caregiver leave should include enough information to make the City aware that the employee needs qualifying leave, and the anticipated timing and duration of the leave , if known. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the City if the requested leave is for a reason for which FMLA/CFRA leave was previously taken or certified.

Any requests for extensions of leave under this policy must be received as soon as is practicable and must include the revised anticipated date(s) and duration of the leave. To the extent permitted by law, the City reserves the right to deny requests for extensions or deny reinstatement to an employee who exceeds the leave amounts provided by this policy or fails to provide requested medical certification. In addition, if an employee has a disability, he or she may be eligible for leave under the Americans with Disabilities Act (ADA) or state law. For more detailed information on extended leaves, please contact Human Resources.

Once the City is aware of the employee's need for leave, it will inform the employee whether he or she is eligible under the FMLA/CFRA. If the employee is eligible, the notice will specify any additional information required as well as the employees' rights and responsibilities. If the employee is not eligible, the City will provide a reason for the ineligibility.

2. Certification: Any request for medical leave for an employee's own serious health condition for family care leave to care for a child, spouse, domestic partner or parent with a serious health condition or for a serious injury, or for military caregiver leave must be supported by medical certification from a health care provider.

For military caregiver leave, the employee must provide confirmation of a family relationship to the seriously ill or injured service member. Employees generally must provide the required certification within 15 calendar days after the City's request for certification. For foreseeable leave, employees must provide the required medical certification before the leave begins. When this is not possible, employees must provide the required certification within 15 calendar days after the City's request for certification, unless it is not practicable under the circumstances to do so, despite the employee's good faith efforts.

Medical certifications must include the following:

For leave for a covered family member's serious health condition or for the serious injury or illness of a qualifying servicemember: (a) the date on which the serious health condition or serious injury or illness commenced; (b) the probable duration of the condition or injury or illness; (c) the health care provider's estimate of the amount of time needed for family care; (d) the health care provider's assurance that the health care condition or injury or illness warrants the participation of the employee to provide family care; and (e) in the case of intermittent or reduced schedule leave where medically necessary, the probable duration of such a schedule.

For the employee's own serious health condition: (a) the date on which the serious health condition commenced; (b) the probable duration of the condition; (c) a statement that, due to the serious health condition, the employee is unable to perform the essential functions of his or her position; and (d) in the case of intermittent leave or reduced schedule leave where medically necessary, the probable duration of such a schedule. In addition, the certification may, at the employee's option, identify the nature of the serious health condition involved.

Absent extenuating circumstances, an employee's failure to timely submit a sufficient certification—whether in connection with the original leave request or a recertification—may delay protected leave for the period of time after the 15-day deadline expires through the date when the certification is provided. If the certification is never provided, the leave will not be deemed protected under applicable law.

Failure to timely provide the required certification may result in the denial of foreseeable leave until such certification is provided. In the case of unforeseeable leaves, failure to timely provide the required certification may result in a denial of the employee's continued leave. Where the employee's need for leave due to the employee's own serious health condition, or the serious health condition of the employee's covered family member, lasts beyond a single leave year, the City may require the employee to provide a new medical certification in each subsequent

leave year. Any request for an extension of the leave also must be supported by an updated medical certification.

It is the employee's responsibility either to furnish a complete and sufficient certification or to furnish the health care provider providing the certification with any necessary authorization from the employee or the employee's family member in order for the health care provider to release a complete and sufficient certification to the City to support the employee's leave request.

Where permitted by law, if the City has a good-faith, objective reason to doubt the validity of the medical certification provided by the employee, the City may require the employee to obtain a second opinion from a doctor of the City's choosing at the City's expense. If the employee's health care provider providing the original certification and the doctor providing the second opinion do not agree, the City may require a third opinion, also at the City's expense, performed by a mutually agreeable doctor who will make a final determination.

It is the employee's responsibility to furnish his or her health care provider with the necessary authorization for the disclosure of medical information to the doctor(s) who will provide the second and third opinions. If the employee fails to provide the necessary authorization, the request for leave may be denied, in accordance with applicable law.

Designation of Protected Leave. Once the City has enough information to determine whether the leave is CFRA and/or FMLA-qualifying, the City will inform the employee if leave will be designated as CFRA and/or FMLA-protected and, the amount of leave available to the employee. If the City determines that the leave is not protected, the City will notify the employee.

Recertification. The employee taking leave because of his or her own serious medical condition or the serious medical condition of a family member may be required, except in cases of military caregiver leave, to provide the City with recertification at appropriate intervals. For purposes of recertification, the employer may request the same information as allowed by law for the original certification.

Return to Work Certification. Where the leave is for the employee's own serious health condition, the City requires an employee to provide medical certification that he or she is released to return to work and able to do so. The city may delay restoring the employee to employment or terminate the employee without such certificate.

Leave's Effect on Reinstatement. Employees timely returning from a leave covered under this policy are entitled to reinstatement to the same or equivalent position consistent with applicable law. An employee has no greater right to reinstatement than if he or she had been continuously employed rather than on leave. The City will comply with all applicable laws pertaining to reinstatement of employees, including, where required, the reasonable accommodation of employees who have been on an approved leave.

The City complies with applicable family care, medical leave, and military family leave laws. Under the CFRA and FMLA it is unlawful for any employer to interfere with, restrain,

or deny the exercise of any right provided under the CFRA/FMLA; or discharge or discriminate against any person for opposing any practice made unlawful by the CFRA/FMLA or for involvement in any proceeding under or relating to the CFRA/FMLA. If an employer has done so, an employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer under the FMLA. The FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights. If you have questions, or would like further clarification about your rights under the CFRA/FMLA or other types of leave, please contact the City Manager. Separately, employees may file complaints of claimed violations of CFRA with the California Civil Rights Department (CRD) (formerly the Department of Fair Employment and Housing (DFEH)), which is authorized to investigate such complaints. For more information, visit the CRD's website at <http://www.calcivilrights.ca.gov>.

9.21. Catastrophic Leave Policy.

Conditions of Participation. Applications for receipt of catastrophic leave donations will be processed by the City Manager, or his or her designee.

An employee becomes eligible to receive catastrophic leave donations when the following two (2) conditions occur:

1. The employee has exhausted or will soon exhaust all his/her accrued paid leave, as a result of a verifiable long-term illness or injury suffered by either the employee or a relative, as defined in Subsection 1.18.
2. The employee has received approval for an unpaid leave of absence from his/her Department Head.

Any other employee (the donating employee) may donate accrued vacation, compensatory time, administrative leave, or holiday time; sick leave may not be donated, except as provided below. Donations must be in forty-hour increments.

Donated leave shall be added to a bank reserved for the recipient employee, in order of receipt from the donating employee, but shall not be added to the recipient employee's sick leave balance until needed by the recipient employee.

Once donated to an individual, donated leave cannot be reclaimed by the donor, but, in the event the receiving employee shall return to work without having used all donated leave, the balance of unused donated leave shall be returned to all donating employees by prorating based on donations.

Sick leave may be donated only by an employee having at least four (4) years of continuous employment with the City. The maximum amount such an employee may donate is fifty percent (50%) of the donating employee's unused sick leave earned during the previous 12-month period and such amount donated shall be treated, for the donating employee, as though it had been converted to cash pursuant to Subsection 9.15.

Processing of Donations. Upon receipt of donation authorizations, the City Manager, or his or her designee, shall take the following actions:

1. Verify that donating employee has the minimum required leave balance required for the donation and convert donated time to dollars at the hourly rate of the donor and subtract from the designated leave category. Pay supplements which are a percentage of base salary (except above class pay and special assignment pay) shall be added to the base salary prior to converting the value of the donated time to the recipient.
2. Convert donated dollars as computed above to hours at the hourly rate of the recipient and add to a bank reserved for the recipient employee. Upon need, the hours shall be added to the recipient's sick leave balance.
3. Adjust records of donor and donee employees accordingly.
4. Retain a confidential file of donation authorizations.

Treatment of Donated Time. Donated time is treated as sick leave accrued by the recipient of the donation. Donated time does not alter the employment rights of the City or the recipient, nor extend or alter limitations otherwise applicable to Leaves of Absence or Sick Leave, except as noted herein.

9.22. Standby Duty. When necessary and in the interest of city operations, a department head may assign employees to "standby" status.

Application of "standby" shall be as follows:

1. Each employee so assigned to "standby" shall be provided with a city issued cell phone or pager while on standby duty and shall be able to report to the work site within thirty (30) minutes.
2. Employees on standby shall have the option to trade days and/or weeks of standby status with another qualified employee in the same unit or division with department head approval.
3. Standby shall be assigned in a minimum of either eight (8) hour blocks, i.e., Monday-Friday workweek standby may be eight (8), sixteen (16) or forty-eight (48) hour blocks.
4. Standby weekends i.e., Saturday, Sunday or extended holiday weekends (Friday-Sunday or Saturday-Monday) will be assigned in eight (8) to forty-eight (48) hour blocks.

Compensation for "standby" shall be as follows:

1. Employees assigned to standby duty shall be paid two (2) hours of straight time pay for every eight (8) hours of standby, regardless of whether they are called into

work. Employees who are called into work while on standby duty shall be paid time and one-half (1 ½) for all time actually worked.

2. Employees assigned to standby duty on holidays observed by the City shall be paid two (2) hours of straight time pay for every eight (8) hours of standby, and double time and one-half (2 ½) for all time worked while on standby duty status.

9.23. Callback. When an employee returns to work duty at the request of the department head, or his/her designee for an emergency or for some other need of the City, after said employee has been released from work duty, said employee shall be entitled to call back compensation.

Call back compensation shall be paid at time and one-half (1 ½) for all time actually worked with a minimum of two (2) hours pay. For the purpose of computing time for this provision, time will commence when the employee leaves their home to respond to the call back and will end when they return home.

9.24. Military Spouse Leave (Military and Veterans Code section 395.10). Qualified California employees will be given up to 10 days leave during that time in which the employee's spouse or domestic partner is on leave from deployment in a combat zone with the active duty or reserve military or national guard during a period of military conflict. Employees may use accrued vacation time to cover this absence. If the employee has no accrued vacation, the employee must request time off without pay.

Qualifying employees are employees who work an average of 20 hours per week and have a spouse or domestic partner who is serving as (1) a member of the U.S. Armed Forces and who has been deployed during a period of military conflict to an area designated as a combat theater or combat zone by the President of the United States or (2) a member of the Armed Forces Reserve Components or the National Guard and has been deployed during a period of military conflict.

Qualifying employees who wish to request this leave must provide the City with a written request for such leave within two business days of receiving official notice that the military spouse or domestic partner will be on leave from deployment. The employee must also provide written documentation to the City certifying that the military member will be on military leave from deployment.

9.25. Leave For Educational/Daycare Purposes. (Labor Code sections 230.7 and 230.8).

At any time that the City employs 25 or more persons, the following policy applies:

Employees will be granted time off without pay for up to 40 hours per calendar year, but no more than eight hours in any calendar month, to:

1. Participate in the activities of schools or licensed child daycare facilities attended by their children,

2. Find, enroll, or reenroll their children in a school or with a licensed childcare provider, or
3. Address a child care provider or school emergency (i.e., the school or child care provider requested that the child be picked up, there is a behavioral or discipline problem with the child that needs to be addressed with the school or child-care provider, there is a closure or unexpected unavailability of the school or child-care provider, or that there is a natural disaster, such as an earthquake or fire, requiring that the child be kept home or picked up from the school or child-care provider).

Employees eligible for such leave are parents, step-parents, foster parents, grandparents, guardians or persons who stand in loco parentis (in the place of a parent) to a child. Employees may substitute accrued vacation for purposes of a planned absence under this Section.

Employees wishing to take time off under this Section must provide their supervisors with reasonable notice of the planned absence. If both parents of a child are employed by the City at the same worksite, the request for time off under this Section will be granted to the first parent to provide notice of the need for time off. The request from the second parent will be accommodated if possible.

The City reserves the right to request that the employee furnish written verification from the school or daycare facility as proof that the employee participated in school or daycare activities on the specific date and at a particular time. Failure to provide written verification is grounds for disciplinary action.

The City prohibits any discrimination or discharge due to an employee taking time off under this policy.

9.26. Volunteer Firefighter, Reserve Peace Officer, and Emergency Rescue Personnel. (Labor Code section 230.3 and 230.4). Nonexempt employees will be granted time off without pay to perform emergency duties as a volunteer firefighter, reserve peace officer, or emergency rescue personnel (which includes an officer, employee, or member of a disaster medical response entity sponsored or requested by the State). At any time where the City employs fifty (50) or more employees, such employees will also be entitled to up to fourteen (14) days of leave per calendar year to attend fire, law enforcement, or emergency rescue training.

Any leave taken under this policy is unpaid. Exempt employees will only receive their salary for the week in which leave is taken if they perform work in at least one day of the work week.

Employees may substitute vacation pay for any unpaid portion of leave to perform such emergency duties or training.

The City prohibits discrimination against an employee because he or she takes time off under this policy.

9.27. Voting Time Off. (Elections Code section 14000). Employees who do not have sufficient time outside of their regular working hours to vote in a statewide election may request time off to vote. If possible, employees should make their request at least two days in advance of the election. Up to two hours of paid time off will be provided, at the beginning or end of the employee's regular shift, whichever will allow the most free time for voting and the least time off work.

9.28. Leave Related To Domestic Violence, Sexual Assault, Stalking, Crimes Involving Physical Injury and Because a Covered Family Member is Deceased Due to Crime. (Labor Code section 230, 230.1). The City will provide unpaid time off to an employee who has been the victim of domestic violence, sexual assault, stalking, a crime involving physical injury, or because a covered family member is deceased due to crime, in order for the employee to seek any relief to help ensure the health, safety, or welfare of the victim or his or her child, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief. This includes time off for court proceedings, services from a domestic violence shelter, program or rape crisis center, counseling, medical attention, and participation in safety planning programs. The City requires reasonable advance notice of the leave when feasible. If time off is taken due to an emergency, the employee must, within 15 days of the absence, provide the City with certification of the need for the leave such as a police report, court order, documentation from a healthcare provider, victims advocate, or counselor.

Employees eligible for paid sick leave benefits under California law may take any such available paid time off, consistent with such law, for the purposes set forth in this policy. For more information, please see the "Sick Leave" policy. In the event paid sick leave benefits are not available, employees taking leave under this policy may elect to apply accrued and unused vacation to such time.

Also, the City will provide a reasonable accommodation for an employee who is a victim of domestic violence, sexual assault, or stalking, and who has disclosed that status to the City, if the employee requests an accommodation for his or her safety while at work. Such accommodations may include a transfer, reassignment, modified schedule, changed work telephone or work station, installed lock, assistance in documenting domestic violence, sexual assault, or stalking that occurs in the workplace, an implemented safety procedure, or another adjustment to a job structure, workplace facility, or work requirement in response to domestic violence, sexual assault, or stalking, or referral to a victim assistance organization. The City will engage, in good faith, in a timely and interactive process with the employee to determine an effective reasonable accommodation, and the City may request that the employee provide (i) a written statement, signed by the employee or someone acting on his or her behalf, certifying that the accommodation is for the purpose stated above, and (ii) a certification demonstrating the employee's status as a victim of domestic violence, sexual assault, or stalking. Every 6 months after the date of the previous certification, the City may request recertification of such status. The City will maintain certifications as confidential if it identifies the employee as a victim of domestic violence, sexual assault, or stalking, and will disclose such information only as required by law, or as necessary to protect the employee's workplace safety. The City will notify the employee before such disclosure.

The City prohibits discrimination, discharge, or retaliation against an employee for taking time off or requesting an accommodation under this policy, or based on the employee's status as a victim of domestic violence, sexual assault, and/or stalking.

9.29. Crime Victims' Leave. (Labor Code section 230.2). The City will provide time off to an employee to attend judicial proceedings related to a crime, if that employee is a victim of crime, an immediate family member of a victim, a registered domestic partner of a victim, or the child of a registered domestic partner of a victim. The City requires that where feasible, in advance of taking leave, the employee provide it with a copy of the notice of each scheduled proceeding that is provided to the victim by the agency responsible for providing notice. If advance notice is not possible, the employee is required to provide the City with a copy of the notice within a reasonable time.

No employee who is absent from work pursuant to this provision will be discharged or otherwise discriminated against in compensation or other terms, conditions or privileges of employment, because of such absence. Such leave is unpaid. Employees taking leave under this policy may elect to apply vacation time to such leave.

9.30. Leave for Organ and Bone Marrow Donation (Labor Code section 1510). The City will grant an employee the following paid leaves of absence for the purpose of organ or bone marrow donation:

1. A leave of absence of up to five days in any one-year period for the purpose of donating the employee's bone marrow to another person.
2. A leave of absence of up to 30 days in any one-year period for the purpose of the employee donating his or her organ to another person.

A leave of absence for the purpose of organ or bone marrow donation will be provided with pay, however, if an employee has earned and unused sick or vacation time available, the employee is required to first use up to five days of paid sick or vacation time for a bone marrow donation and up to two weeks of sick or vacation time for organ donation.

In order to receive a leave of absence pursuant to this policy, the employee must provide written verification to Human Resources that he or she is an organ or bone marrow donor and that there is a medical necessity for the donation of the organ or bone marrow.

Any leave taken for the donation of an organ or bone marrow will not constitute a break in service for purposes of the employee's right to salary adjustments, sick leave, vacation, annual leave, or seniority. During any leave taken under this policy, the City will maintain and pay for coverage under any group health plan, for the full duration of this leave.

Leave provided under this policy may be taken in one or more periods.

Leave taken under this policy will not run concurrently with any leave taken pursuant to the federal Family and Medical Leave Act or the California Family Rights Act.

Upon expiration of a leave of absence authorized by this policy, the City will restore the employee to the position held by the employee when the leave began or to a position with

equivalent seniority status, employee benefits, pay, and other terms and conditions of employment. The City may decline to restore an employee because of reasons unrelated to the exercise of rights under this policy by the employee.

SECTION 10 DISCIPLINARY ACTION

10.01. Disciplinary Power. The City Manager, or designated representative with vested disciplinary power, shall be allowed full freedom in such matters, it being the intent and spirit of this section to provide a fair and honest approach to municipal employment for every employee of the City, but in no sense to impede or curtail the responsible officer in securing efficient service.

Employees are expected to observe certain standards of job performance and good conduct. When performance or conduct does not meet City standards, the City will endeavor when it deems appropriate to provide the employee a reasonable opportunity to correct the deficiency. If, however, the employee fails to make the correction, he or she will be subject to discipline including termination.

The rules set forth below are intended to provide employees with fair notice of what is expected of them. Necessarily, however, such rules cannot identify every type of unacceptable conduct and performance. Therefore, employees should be aware that conduct not specifically listed below, but which adversely affects or is otherwise detrimental to the interest of the City, other employees, or the public, may result in disciplinary action.

The discipline procedures in this section represent guidelines which the City believes are generally appropriate to govern employee conduct. They are not, however, absolute rules. The City retains discretion to determine what constitutes proper disciplinary action and procedure in each individual situation.

These guidelines do not grant any employee a specific guarantee that any particular disciplinary decision or procedure will be utilized by the City. Any employee may be disciplined (up to and including termination) for any reason the City finds sufficient.

10.02. Causes of Disciplinary Action. The following list of causes for disciplinary action is included in this Personnel Manual for illustrative purposes only. The publication of this list does not mean that other causes for disciplinary action may not arise. The City may discipline any employee for any reason it deems sufficient. Grounds for disciplinary action, include, but are not limited to, the following:

1. Fraud or deceit in securing employment.
2. Incompetence. As used herein, the term "incompetence" shall mean that the employee lacks adequate ability, knowledge or fitness to perform the duties which are within the scope of the employee's employment. "Fitness" is a physical or mental inability to perform the duties of the classification and shall be applied in a manner consistent with local, state, and federal statutes, regulations, and case law with respect to employment of the physically or mentally disabled. An employee

who is physically or mentally disabled and therefore is incapable of performing the duties of the classification and for such incapability is terminated shall be considered to have been released rather than to have been disciplined. Such released employees shall be considered to have left in good standing.

3. Inefficiency in performance of work which results in performance lower than that which is typically expected of a similar employee in a similar position.
4. Inexcusable neglect of duty.
5. Insubordination.
6. Dishonesty, rationally related to employment.
7. Violation of the City's Drug Free Workplace Policy (found in Section 12).
8. Inexcusable absence without leave.
9. Failure to return from an authorized leave of absence.
10. Use of leaves of absence, including sick leave, in a manner inconsistent with this Personnel Manual.
11. Conviction of a felony or conviction of a misdemeanor which is of such a nature as to adversely affect the employee's ability to perform the duties and responsibilities of his other position. A plea of guilty or conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section. Notwithstanding any further proceedings in the case or any appeal or appellate decision, a conviction shall be deemed to be complete upon the date the court imposes judgment and sentence.
12. Discourteous treatment of any member of the public where, at the time of the incident, such members of the public would reasonably believe that the employee was acting within the scope of the City employment.
13. Discourteous treatment of any other City employee is a situation where an employment relationship exists at the time of the incident.
14. Negligence which causes damage to City or public property.
15. Intentional misconduct which causes damage to City or public property.
16. Unauthorized possession, use, or removal from City facilities, of City or public property.
17. Any conduct rationally related to employment which impairs, disrupts or brings discredit to the employee's employment or the public service.
18. Violation of the provisions set forth in this Personnel Manual.

19. Habitual absence or tardiness.
20. Failure to perform assigned work in an efficient manner.
21. Being wasteful of materials, property or working time.
22. Repeated garnishment of wages due to nonpayment of legally acquired debts.

10.03. Definitions of "Disciplinary Action". The term "disciplinary action" as used in this Personnel Manual shall mean and include:

Oral Warning: An oral admonition to an employee whose conduct or performance must be improved, and which detail the areas for improvement, the degree of improvement required, and a notice that failure to improve will result in more serious disciplinary action. A memorandum of the oral warning shall be placed in the employee's personnel file, and/or kept by the Department Head. If it is placed in the personnel file, it shall be removed after six months, or after the issue is satisfactorily addressed, whichever is sooner.

Withholding Salary Step Increase: A withholding of a pay step increase where performance falls short of the normal established standards or where performance is clearly inadequate in one or more of the critical job duties for the position. At the time of such withholding, the reasons therefore shall be placed in writing, and the individual shall be counseled and given an opportunity to review the reasons and sign it, or make comments thereon, before it is placed in his or her personnel file.

Reduction in Pay: A reduction in pay, in an amount, and for a period of time, specified in the disciplinary action. At the time of such reduction in pay, the reasons therefore shall be placed in writing, and the individual shall be counseled and given an opportunity to review the reasons and sign it, or make comments thereon, before it is placed in his or her personnel file.

Suspension: A temporary removal of an employee from the service of the City without pay. A suspension of this type does not include suspension pending an investigation of alleged misconduct, or pursuant to Subsection 10.06. of this Personnel Manual. At the time of such suspension, the reasons therefore shall be placed in writing, and the individual shall be counseled and given an opportunity to review the writing and sign it, or make comments thereon, before it is placed in his or her personnel file.

Demotion: The removal of an employee from a position to one of lower grade or classification when such employee is no longer able or willing to perform the duties of the previous position but may still function effectively at a lower level. At the time of such demotion, the reasons therefore shall be placed in writing, and the individual shall be counseled and given an opportunity to review the writing and sign it, or make comments thereon, before it is placed in his or her personnel file.

Dismissal: The removal of an employee from the service of the City when it has been determined that the employee has not or cannot meet the standards of conduct or

performance required by the City or has committed one or more offenses for which no other measure is appropriate. At the time of such dismissal, the writing therefore shall be placed in writing, and the individual shall be counseled and given an opportunity to review the reasons and sign it, or make comments thereon, before it is placed in his or her personnel file.

The above such actions may be taken with respect to an employee for misconduct pursuant to Subsection 10.02. of this Personnel Manual. The severity of any disciplinary action may be based, in the discretion of the City Manager or the designated representative in whom is vested disciplinary power, on the number and severity of previous disciplinary actions.

10.03.01 Notice of Disciplinary Action. (Regular Full-Time Employees who are not at-will). For any disciplinary action involves something other than an oral or written reprimand, a regular full-time employee, who is not at-will, shall be given a notice of disciplinary action containing the following:

1. A statement of the disciplinary action to be taken against the regular full-time employee;
2. A statement of the facts upon which the disciplinary action is based, which shall set forth clearly and with particularity the charges against the employee so that the employee can understand the charges including a copy of any applicable written document, and the names of any witness(es) precipitating the discipline;
3. A statement indicating the cause for the disciplinary action, including references to Subsection 10.02 of this Manual where appropriate;
4. A statement which generally describes any disciplinary actions taken against the employee in the past; and
5. A statement advising the employee that the written notice is to be placed in the employee's official personnel file and that the employee has the right to an informal (Skelly) hearing before imposition of the discipline, in accordance with Subsection 10.05 of this Personnel Manual.

The date the discipline is to be imposed, unless an informal (Skelly) hearing is requested, which date shall not be less than five (5) working days from the date service is deemed complete, as specified herein.

The written notice of disciplinary action shall be deemed sufficient notice to the employee if the required information is contained therein. The written notice of disciplinary action may be personally served, or mailed to the employee by certified mail, return receipt requested, addressed to the last address which such employee has furnished to the personnel office. Service is deemed complete upon personal service, or on the date the certified mail is received.

10.04 Suspension Prior to Disciplinary Action or Dismissal. Prior to the effective date of any disciplinary action or dismissal, the City Manager may suspend, with pay, the

affected employee if the City Manager determines such suspension is necessary to protect the health, safety, and welfare of the residents or other employees of the City. The rights and benefits provided to an employee so suspended shall not otherwise be affected.

10.05. Informal (Skelly) Hearing Procedure. The following provision typically applies only to regular full-time employees whose employment is not at-will.

For any discipline other than oral or written reprimand, the affected employee shall have a right to a hearing in accordance with this Subsection. If the affected employee shall notify the person imposing discipline or the City Manager in writing of his or her desire to have a hearing, prior to the effective date of the imposition of discipline pursuant to Subsection 10.03 "Demotion" of this Personnel Manual, the imposition of discipline shall be stayed until a hearing has been held. The hearing shall be held within a reasonable time, and shall be held by the applicable Department Head, unless he or she is the person originating the discipline, in which case it shall be held by a person appointed by the City Manager who can be fair and impartial in conducting the hearing. The hearing shall include the person conducting the hearing (the hearing officer), the employee, the person proposing the discipline, and such others as may be directed by the hearing officer. The employee and/or the City may have a representative present. The hearing officer will keep a written record of the hearing. No tape recording will be made. Copies of all relevant non-confidential material relating to the discipline must be made available to the employee, if so requested, at least 48 hours prior to the hearing. The technical rules of evidence do not apply. The hearing officer may admit any evidence which is of the type that reasonable persons may rely on in the conduct of serious affairs; provided that hearsay standing alone is insufficient to prove a particular charge upon for which discipline has been imposed.

At the hearing, the employee will be given an opportunity to informally discuss the charges and proposed discipline and bring forward facts or circumstances which may cause the charges or proposed discipline to be revised or dropped.

As the result of the hearing, the hearing officer will determine whether it is appropriate to proceed with the imposition of discipline, modify the imposition of discipline, or drop the proposed discipline. The decision of the hearing officer shall be in writing, and must be received by the employee within fifteen (15) days of the hearing and shall include a summary of the hearing, the matters set forth in Subsection 10.04, and, if the decision is other than to drop the discipline, a notice that the employee may appeal the decision to the City Manager by filing a written appeal, within five (5) working days, with the City Manager. (Failure to appeal shall cause the hearing officer's decision to be final). Upon appeal, the City Manager shall review the decision, and within ten (10) working days of the filing of the appeal, have a meeting with the employee, the Department Head, and with other persons the City Manager may direct. The City Manager shall, within five (5) working days of the meeting, issue a written decision imposing the discipline, modifying the discipline, or denying the discipline. The decision must include a statement that the time within which judicial review must be sought is governed by Code of Civil Procedures Section 1094.6. The decision of the City Manager is final. A copy shall be placed in the employee's personnel file. Discipline, if any, shall become effective on the date specified by the hearing officer (or, if appealed, the City Manager) in his or her decision.

If the City Manager is the hearing officer, then the appeal shall be to an impartial hearing officer appointed by the City Council.

10.06. Effect of Dismissal. Except as may be otherwise required by law, upon the effective date of dismissal, the City shall cease to provide any benefits for the employee. Benefits for which premiums have been paid shall continue through the period for which the payment applies (e.g., the end of the month.)

10.07. Layoffs. The City Manager may lay off an employee because of material change in duties or organization or shortage of work. Ten (10) working days before the effective date of a layoff, the Department Head shall notify the Personnel Officer and the City Manager of the intended action with the reasons , and a statement stating whether or not the services of the employee affected have been satisfactory. If certified as having given satisfactory service, the name of the employee laid off shall be placed on the appropriate re-employment list.

10.08. Resignation. Any employee wishing to leave the employment of the City in good standing shall file with the Department Head, at least two (2) weeks before leaving the service, a written resignation stating the effective date and reasons for leaving. The resignation shall be forwarded to the City Manager through the Personnel Office with a statement by the Department Head as to the resigned employee's performance. Failure of the employee to submit his or her written resignation as provided herein shall be entered on the service record of the employee and may be cause for denying future employment by the City. Each employee leaving the City service shall also participate in an exit interview with the Personnel Officer on their last day of work.

SECTION 11 GRIEVANCES

11.01. Purpose of Grievance Procedure. The grievance procedures set forth herein are designed to resolve grievances informally and to provide an orderly procedure for such resolution. The grievance procedure is to address complaints of misapplication of the Personnel policies, or complaints of non-compliance with law, and is not used for disciplinary matters. The grievance procedure is available for all City Employees.

11.02. Time Limits. Each person involved in a grievance shall act quickly so that the grievance may be solved promptly. Each person shall make every effort possible to complete action within the time limits contained within these grievance procedures, but with the written consent of the other parties involved, the time limits of any step may be extended.

11.03. Presentation of Grievance. An employee may present a grievance while on duty, provided such use of on-duty time is kept to a reasonable minimum as determined by the City Manager. Employees should present grievances as soon as possible after the events that gave rise to the employee's concerns by submitting a brief written grievance to his or her immediate supervisor. The written grievance should set forth the factual and other bases for the employee's complaint and must identify the rule or issue allegedly being

violated by the City. The employee shall strive to submit the written grievance within five (5) working days after the facts which gave rise to the complaint.

11.04. Grievance Procedure/First Step (Informal Discussions). Initially, a grievance shall be personally discussed between the employee and his or her immediate supervisor. The employee shall have a decision or response from the immediate supervisor within five (5) working days.

11.05. Grievance Procedure/Second Step (Formal Grievance).

11.05.01 If an informal grievance is not resolved to the satisfaction of the grievant, the grievant may file a formal grievance in writing to the Department Head (unless the Department Head is his or her immediate supervisor, or the grievant is a Department Head, in which event the grievance shall be to the City Manager). The formal grievance shall be initiated within fifteen (15) working days of the decision rendered in the informal grievance procedure. A formal written grievance shall state the date and nature of the grievance, and shall state all specific facts or omissions upon which the grievance is based.

11.05.02 Within five (5) working days after the filing of the formal grievance, the Department Head or City Manager (as the case may be), shall give his or her decision in writing to the grievant.

11.06. Grievance Procedure/Third Step (Appeal). If the grievant is not satisfied with the decision rendered by the Department Head or City Manager, the grievant may appeal the decision in writing within five (5) working days to the City Manager or to the City Council if the formal grievance was filed with the City Manager. If the grievant does not appeal the decision in writing within five (5) working days, the issue will be considered settled. The appeal shall state the date and nature of the grievance and shall state all specific facts or omissions upon which the appeal is based.

11.06.01 Consideration of Appeal. Within ten (10) working days of the filing of an appeal, the City Manager, or the City Council, as the case may be, shall have a meeting with the aggrieved and/or his or her representative, and other persons as the City Manager or the City Council, as the case may be, shall direct.

11.06.02. Decision on Appeal. Within ten (10) working days of the hearing of the appeal, the person or body hearing the appeal shall issue a written decision concerning the employee's appeal. That decision shall be final.

SECTION 12 DRUG FREE WORKPLACE

12.01. Purpose. It is the intent of the City to maintain a workplace that is free of drugs and alcohol and to discourage drug and alcohol abuse by its employees. The City has a vital interest in maintaining safe and efficient working conditions for its employees. Substance abuse is incompatible with health, safety, efficiency, and service to the public. Employees who are under the influence of a drug or alcohol on the job compromise the City's interests, endanger their own health and safety and the health and safety of others, and

can cause a number of other work-related problems, including absenteeism and tardiness, substandard job performance, increased workloads for coworkers, behavior that disrupts other employees, delays in the completion of jobs, and disruption of service to the public.

To further its interest in avoiding accidents, to promote and maintain safe and efficient working conditions for its employees, and to protect its business, property, equipment, and operations, the City has established this Section 12 concerning the use of alcohol and drugs. As a condition of continued employment with the City, each employee must abide by this Section 12.

12.02. Employee Cooperation. Early detection of substance abuse problems benefits everyone. For example, it benefits the employee with the substance abuse problem because it gives him or her the opportunity to correct the problem before it leads to serious harm to the employee or others; it benefits the employee's coworkers who otherwise might have to carry an extra burden by "covering" for the substance abuser or who otherwise might be exposed to serious injury; and it benefits the City because it gives the City an opportunity to prevent accidents and avoid the performance problems and other losses associated with substance abuse. Accordingly, all employees should understand that coworkers with substance abuse problems should be encouraged to seek assistance.

12.03. Definitions. For purpose of this Section 12:

12.03.01. "Illegal drugs or other controlled substances" means any drug or substance that (a) is not legally obtainable; or (b) is legally obtainable but has not been legally obtained; or (c) has been legally obtained but is being sold or distributed unlawfully. Despite the change in state law, marijuana remains an "illegal drug" under federal law and is addressed separately under the heading "Cannabis/Marijuana."

12.03.02. "Legal drugs" means any drug, including prescription drugs and over-the-counter drugs, that has been legally obtained and that is not unlawfully sold or distributed.

12.03.03. "Abuse of any legal drug" means the use of any legal drug (a) for any purpose other than the purpose for which it was prescribed or manufactured; or (b) in a quantity, frequency, or manner that is contrary to the instructions or recommendations of the prescribing physician or manufacturer.

12.03.04. "Reasonable suspicion" includes a suspicion that is based on specific personal observations such as an employee's manner, disposition, muscular movement, appearance, behavior, speech or breath odor; information provided to management by an employee, by law enforcement officials, by a security service, or by other persons believed to be reliable; or a suspicion that is based on other surrounding circumstances.

12.03.05. "Possession" means that an employee has the substance on his or her person or otherwise under his or her control.

12.04. Consent for Use of Legal Drugs.

12.04.01. Use of Legal Drugs. The City recognizes that it may be necessary for employees to use legal drugs from time to time. The City also recognizes that an employee who is using legal drugs might become impaired by the drug such that the employee's ability to adequately or safely perform would be compromised. In order to accommodate employees who might be required to use legal drugs, and to help assure that no serious adverse consequences in the workplace result from such drug use, employees are required to obtain the City's consent under the following circumstances.

12.04.02 When Consent is Required. Employees who know or should know that their use of legal drugs might endanger their own safety or that of some other person, or might pose a risk of significant damage to City property, or might substantially interfere with their job performance or the efficient operation of the City, are obligated to report such drug use to their Department Head and/or the City Manager, and to obtain the City's consent to continue working. The City reserves the right to have either a physician retained by the City or the employee's own physician determine whether it is advisable for the employee to continue working while taking such drugs.

12.04.03. Duty to Disclose. Employees who operate or who are responsible in any way for the operation, custody, or care of City property, or for the safety of other employees or other persons, have a duty to disclose the nature of their job duties to any prescribing physician and/or to a City physician and to inquire of the physician(s) whether their use of the drugs prescribed might result in the dangers, risks, or impairment that this Section 12 is intended to prevent.

12.04.04. Restrictions on Work. The City may restrict the work activities of any employee who is using legal drugs or prohibit the employee from working entirely while he or she is taking such drugs.

12.04.05. Duty to Refrain from Working. If the City chooses to permit an employee to work while using legal drugs, the City's consent will be based on the understanding that the employee will not report for work while impaired by the drug if such impairment might result in serious harm or damage. Accordingly, even if an employee has obtained the City's consent to continue working while taking legal drugs, the employee will not be authorized to work while impaired by the use of such drugs if the employee knows or should know that working while impaired might endanger the safety of the employee or some other person, pose a risk of significant damage to City property, or substantially interfere with the employee's job performance or the efficient operation of the City.

12.05. Prohibited Conduct.

12.05.01 Scope. The prohibitions of this section apply whenever the interests of the City may be adversely affected, including any time the employee is:

1. On City premises (in the course and scope of employment, and not as a member of the general public);
2. Conducting or performing City business, regardless of location;

3. Operating or responsible for the operation, custody, or care of City equipment or other property; or
4. Responsible for the safety of others.

12.06. Alcohol. The following acts are prohibited and subject an employee to discipline in accordance with Section 10:

1. The unauthorized use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of alcohol; or
2. Being under the influence of or impaired by the use of alcohol; or
3. The consumption of alcohol at lunch when the employee intends to return to work after lunch.

12.07. Illegal Drugs. The following acts are prohibited and subject an employee to discipline in accordance with Section 10:

1. The use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of any illegal drug or other controlled substance; or
2. Being under the influence of or impaired by the use of any illegal drug or other controlled substance.

12.08. Legal Drugs. The following acts are prohibited and subject an employee to discipline in accordance with Section 10:

1. The abuse of any legal drug;
2. The purchase, sale, manufacture, distribution, transportation, dispensation, or possession of any legal prescription drug in a manner inconsistent with law; or
3. Working while impaired by the use of a legal drug in violation of Subsection 12.04, above.

Cannabis/Marijuana: The City does not discriminate, discipline, terminate, or otherwise penalize a person for the use of cannabis off the job and away from the workplace. See the City's policy on "Off-the-Job Conduct" in subsection 12.12.02.

In addition, an employee or job applicant will not be subject to discipline or other penalties if a drug-screening test indicates the presence of non-psychoactive cannabis metabolites (e.g. CBD products) in their hair, blood, urine or other bodily fluids. This section does not apply if state or federal law requires such drug testing, such as when as a condition of receiving federal funds or entering into a federal contract.

The following acts relating to cannabis (including marijuana) are prohibited and will subject an employee to discipline in accordance with Section 10:

1. The use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of cannabis on the job;
2. Being under the influence of or impaired by the use of cannabis on the job.

12.09. Disciplinary Action.

12.09.01. Dismissal for Violation. Any violation of this Section 12 may result in discipline, up to and including dismissal, depending on the circumstances.

12.09.02. Effect of Criminal Conviction. An employee who is convicted under a criminal drug statute for a violation occurring in the workplace or during any City-related activity or event will be deemed to have violated this Section 12.

12.10. Drug Free Awareness Program.

12.10.01. Management Awareness. Managers and supervisors should be attentive to the performance and conduct of those who work with them and should not permit an employee to work in an impaired condition or otherwise in violation of this Section 12. When management has reasonable suspicion to believe an employee or employees are working in violation of this Section 12, prompt action should be taken.

12.11. Criminal Convictions. Employees are required by this Section 12 to notify the City of any conviction under a criminal drug statute for a violation occurring in the workplace or during any City-related activity or event, not later than five days after any such conviction. When required by federal law, the City will notify any state or federal agency with which it has a contract of any employee who has been convicted under a criminal drug statute for a violation occurring in the workplace.

12.12. Unregulated or Authorized Conduct.

12.12.01. Customary Use of Over-the-Counter Drugs. Nothing in this Guideline is intended to prohibit the customary and ordinary purchase, sale, use, possession, or dispensation of over-the-counter drugs, so long as such activity does not violate any law or result in an employee being impaired by the use of such drugs in violation of this Section 12.

12.12.02. Off-the-Job Conduct. Nothing in this Section 12 is intended to regulate off-the-job conduct, so long as the employee's off-the-job use of alcohol or drugs does not result in the employee being under the influence of or impaired by the use of alcohol or drugs in violation of this Section 12. For purposes of this Subsection, the consumption of alcohol and drugs that may cause an employee to be impaired, while on stand-by, call-back, or at lunch when the employee intends to return to work is not considered "off-the-job conduct."

12.12.03. Use of Alcohol or Legal Drugs. The City Manager or his or her designated representative will maintain a list of circumstances in which the use or possession of certain legal drugs or alcohol is authorized (such as certain medicine or drugs in medicine chests or alcoholic beverages during certain business meetings or social functions) and

will communicate the authorization as appropriate. Changes to the authorization require prior written approval. Even when such use is authorized, it must be done responsibly. Employees who are required to use legal drugs, and who know or should know that their use of the drugs might result in their working while impaired by the drug in violation of this Section 12, are encouraged to contact their own physician, their Department Head, or the City Manager and to find out whether it is advisable for them to continue working while using the drug. In such cases, the City reserves the right to have a physician retained by the City determine whether it is advisable for the employee to continue working while taking the drug. Except as otherwise provided, no employee may assume that his or her possession, use, purchase, sale, manufacture, distribution, transportation, or dispensation of alcohol or drugs is authorized unless the employee has been notified in writing by the City Manager.

12.13. Qualified Disabled Employees.

12.13.01. Commitment to Employ Disabled Individuals. Nothing in this Section 12 is intended to diminish the City's commitment to employ qualified disabled individuals or to provide reasonable accommodation to such individuals. As noted above, however, employees are required, under certain limited circumstances, to obtain the City's consent to continue working while using legal drugs.

12.14. Reasonable Accommodation. If an employee's use of a legal drug is related to an illness or a disability condition, and the employee voluntarily self-identifies himself or herself as an ill or disabled individual to the City in connection with an effort to determine whether it is advisable to continue working despite the use of the drug, and if it is determined that the employee should not continue to work in his or her regular job while using the legal drug, a reasonable effort will be made to determine whether, in the same facility or location, another position is open that the employee is qualified to fill.

12.15. Confidentiality. Disclosures made by employees concerning their use of legal drugs will be treated confidentially and will not be revealed to managers or supervisors unless there is an important work-related reason to do so in order to determine whether it is advisable for the employee to continue working. Disclosures made by employees concerning their participation in any drug or alcohol rehabilitation program will be treated confidentially.

Managers and supervisors should restrict communications concerning possible violations of this Section 12 to persons who have an important work-related reason to know. In addition, managers and supervisors should not disclose the fact of an employee's participation in any drug or alcohol counseling or rehabilitation program.

12.16. Drug/Alcohol Testing. For the purposes of this Subsection 12.16, the following definitions apply:

- "Reasonable suspicion" includes a suspicion that is based on specific personal observations such as an employee's manner, disposition, muscular movement, appearance, behavior, speech, or breath odor; on information provided to management by an employee, by law enforcement officials, by a security

service, or by other persons believed to be reliable; or on other surrounding circumstances.

- “Safety-sensitive positions” are all positions which require the employee occupying that position to operate or maintain City water or wastewater system, or City-owned or leased heavy equipment or vehicles.

Employees occupying any safety-sensitive position may be tested by the City at random intervals, with or without reasonable suspicion, in accordance with the procedures specified below.

Any employee may be tested upon reasonable suspicion, in accordance with the procedures specified below.

Any employee involved in an accident involving City-owned or leased equipment or vehicles will be tested, in accordance with the procedures specified below.

Any employee involved in an accident which results in personal injury, to the employee or to other people, or any other circumstances reflecting the need for a drug test, during working hours, will be tested, in accordance with the procedures specified below.

The City will refer you to an independent National Institute on Drug Abuse (“NIDA”) certified medical clinic or laboratory, which will administer the test. The City will pay the cost of the test and reasonable transportation costs to the testing facility. You will have the opportunity to alert the clinic or laboratory personnel to any prescriptions or nonprescription drugs that you have taken which may affect the results of the test. All drug testing will be performed by urinalysis. Initial screening will be done by EMIT II. Positive results will be confirmed by gas chromatography/mass spectrometry.

The clinic or laboratory will inform the City as to whether you passed or failed the test. If you fail the test, you will be considered in violation of these Personnel Policies and will be subject to discipline accordingly.

If you are subject to testing under this policy, you will be asked to sign a form acknowledging the procedure governing testing and consenting to (1) the collection of a urine sample for the purpose of determining the presence of alcohol and/or drugs; and (2) the release to the City of medical information regarding the test results. Refusal to sign the Agreement and Consent form, or to submit to the test, will subject you to discipline up to and including dismissal/termination.

Refusal to cooperate with the administration of any drug or alcohol test will be treated in the same manner as a positive test result.

SECTION 13 TECHNOLOGY USE AND PRIVACY POLICY

13.01. General. The City provides various Technology Resources to authorized employees to assist them in performing their job duties for the City. Each employee has a responsibility to use the City's Technology Resources in a manner that increases

productivity, enhances the City's public image, and is respectful of other employees. Failure to follow the City's policies regarding Technology Resources may lead to disciplinary measures, up to and including termination of employment. Moreover, the City reserves the right to advise appropriate legal authorities of any violation of law by an employee.

13.02. Technology Resources Definition. Technology Resources consist of all electronic devices, software, and means of electronic communication including, but not limited to, the following: personal computers and workstations; tablets; laptop computers; mini and mainframe computers; computer hardware such as disk drives, tape drives, thumb drives; peripheral equipment such as printers, modems, fax machines, and copiers; computer software applications and associated files and data, including software that grants access to external services, such as the Internet; electronic mail; telephones; cellular phones; smartphones; personal organizers; pagers; and voicemail systems.

13.03. Authorization. Access to the City's Technology Resources is within the sole discretion of the City. Generally, employees are given access to the City's various technologies based on their job functions. Only employees whose job performance will benefit from the use of the City's Technology Resources will be given access to the necessary technology.

13.04. Uses. The City's Technology Resources are to be used by employees only for the purpose of conducting City business. Employees may, however, use the City's Technology Resources for the following incidental personal uses so long as such use does not interfere with the employee's duties, is not done for pecuniary gain, does not conflict with the City's business, and does not violate any City policy:

1. To send and receive necessary and occasional personal communications;
2. To prepare and store incidental personal data (such as personal calendars, personal address lists, and similar incidental personal data) in a reasonable manner;
3. To use the telephone system for brief and necessary personal calls; and
4. Accessing the Internet for brief personal searches and inquiries during mealtimes or other breaks, or outside of work hours, provided that employees adhere to all other usage policies.

The City assumes no liability for loss, damage, destruction, alteration, disclosure, or misuse of any personal data or communications transmitted over or stored on the City's Technology Resources. The City accepts no responsibility or liability for the loss or non-delivery of any personal electronic mail or voicemail communications or any personal data stored on any City property. The City strongly discourages employees from storing any personal data on any of the City's Technology Resources.

13.05. Improper Use.

13.05.01. Prohibition Against Harassing, Discriminatory and Defamatory Use. The City is aware that employees use electronic mail for correspondence that is less formal than written memoranda. Employees must take care, however, not to let informality degenerate into improper use. As set forth more fully in the City's "Policy Against Harassment," the City does not tolerate discrimination or harassment based on gender, pregnancy, childbirth (or related medical conditions), race, color, religion, national origin, ancestry, age, physical disability, mental disability, medical condition, marital status, sexual orientation, family care or medical leave status, veteran status, or any other status protected by state and federal laws. Under no circumstances shall employees use the City's Technology Resources to transmit, receive, or store any information that is discriminatory, harassing, or defamatory in any way (e.g., sexually explicit or racial messages, jokes, cartoons), or threatening.

13.05.02 Prohibition Against Violating Copyright Laws. Employees must not use the City's Technology Resources to copy, retrieve, forward or send copyrighted materials unless the employee has the author's permission or is accessing a single copy only for the employee's reference.

13.05.03. Other Prohibited Uses. Employees may not use the City's Technology Resources for any illegal purpose, violation of any City policy, in a manner contrary to the best interests of the City, in any way that discloses confidential or proprietary information of the City or third parties, or for personal or financial gain, or in a manner which constitutes or supports insubordination.

13.06. City Access to Technology Resources. All messages sent and received, including personal messages, and all data and information stored on the City's electronic-mail system, voicemail system, or computer systems are City property regardless of the content. As such, the City reserves the right to access all of its Technology Resources including its computers, voicemail, and electronic-mail systems, at any time, in its sole discretion.

13.07. Privacy. Although the City does not wish to examine personal information of its employees, on occasion, the City may need to access its Technology Resources including computer files, electronic-mail messages, and voicemail messages. Employees should understand, therefore, that they have no right of privacy with respect to any messages or information created or maintained on the City's Technology Resources, including personal information or messages. The City may, at its discretion, inspect all files or messages on its Technology Resources at any time for any reason. The City may also monitor its Technology Resources at any time in order to determine compliance with its policies, for purposes of legal proceedings, to investigate misconduct, to locate information, or for any other purpose.

13.08. Passwords. Certain of the City's Technology Resources may be accessed only by entering a password. Passwords are intended to prevent unauthorized access to information. Passwords do not confer any right of privacy upon any employee of the City. Thus, even though employees may maintain passwords for accessing Technology Resources, employees must not expect that any information maintained on Technology Resources, including electronic-mail and voicemail messages, are private. Employees

are expected to maintain their passwords as confidential. Employees must not share passwords and must not access coworkers' systems without express authorization.

13.09. Data Collection. The best way to guarantee the privacy of personal information is not to store or transmit it on the City's Technology Resources. To ensure that employees understand the extent to which information is collected and stored, below are examples of information currently maintained by the City. The City may, however, in its sole discretion, and at any time, alter the amount and type of information that it retains.

Telephone Use and Voicemail: Records are kept of all calls made from and to a given telephone extension. Although voicemail is password protected, an authorized administrator can reset the password and listen to voicemail messages.

Electronic Mail: Electronic mail is backed-up and archived. Although electronic mail is password protected, an authorized administrator can reset the password and read electronic mail.

Desktop Facsimile Use: Copies of all facsimile transmissions sent and received are maintained in the facsimile server.

Document Use: Each document stored on City computers has a history, which shows which users have accessed the document for any purpose.

Internet Use: Internet sites visited, the number of times visited, and the total time connected to each site is recorded and periodically monitored.

13.10. Deleted Information. Deleting or erasing information, documents, or messages maintained on the City's Technology Resources is, in most cases, ineffective. All employees should understand that any information kept on the City's Technology Resources may be electronically recalled or recreated regardless of whether it may have been deleted or erased by an employee. Because the City periodically backs-up all files and messages, and because of the way in which computers re-use file storage space, files and messages may exist that are thought to have been deleted or erased. Therefore, employees who delete or erase information or messages should not assume that such information or messages are confidential.

Email messages which are intended to be retained in the ordinary course of the City's business are recognized as official records that need protection/retention in accordance with the California Public Records Act. Because the email system is not designed for long term storage, email communications which are intended to be retained as an official record should be stored in appropriate electronic form or printed out and the hard copy filed in the appropriate subject file.

The City will maintain email messages designated as official records for a minimum of two (2) years or as otherwise designated in the City's retention schedule. These are subject to public disclosure, even if they are drafts or informal notes, unless the need to retain their confidentiality outweighs the need for disclosure, or the email message is otherwise exempt under any provision of the Public Records Act or other state or federal law.

Email communications that are not intended to be retained and which serve no useful purpose to the City should be deleted from the system.

13.11. The Internet and On-Line Services. The City provides authorized employees with access to on-line services such as the Internet. The City expects that employees will use these services in a responsible way and for business-related purposes only. Under no circumstances are employees permitted to use the City's Technology Resources to access, download, or contribute to Internet sites that contain inappropriate content such as gross, indecent, or sexually oriented materials, gambling, and information related to illegal drugs.

Additionally, employees may not use the City's Technology Resources to sign guest books at Web sites or to post information to any Web sites, including posting messages to Internet news groups or discussion groups. These actions will generate junk electronic mail and may expose the City to liability or unwanted attention because of comments that employees may make. The City strongly encourages employees who wish to access the Internet for non-work-related activities to obtain their own personal Internet access accounts.

13.12. Monitoring. The City monitors both the amount of time spent using on-line services and the sites visited by individual employees. The City reserves the right to limit such access by any means available to it, including revoking access altogether.

13.13. Software Use.

13.13.01 License Restrictions. All software in use on the City's Technology Resources is officially licensed software. No software is to be installed or used that has not been duly paid for and licensed appropriately for the use to which it is being put. No employee may load any software on the City's computers, by any means of transmission, unless authorized in writing in advance by the City Manager or City Clerk. Authorization for loading software onto the City's computers should not be given until the software to be loaded has been thoroughly scanned for viruses.

13.14. Confidential Information. The City is very sensitive to the issue of protection of privacy and City business, of trade secrets and other confidential and proprietary both the City and third parties ("Confidential Information"). Therefore, employees are expected to use good judgment and to adhere to the highest ethical standards when using or transmitting Confidential Information on the City's Technology Resources.

Confidential Information should not be accessed through the City's Technology Resources in the presence of unauthorized individuals. Similarly, Confidential Information should not be left visible or unattended. Moreover, any Confidential Information transmitted via Technology Resources should be marked with the following confidentiality legend: ""This message contains confidential information. Unless you are the addressee (or authorized to receive for the addressee), you may not copy, use, or distribute this information. If you have received this message in error, please advise (employee's name) immediately at employee's telephone number or return it promptly by mail.

Employees should avoid sending Confidential Information over the Internet, except when absolutely necessary. Employees should also verify electronic-mail addresses before transmitting any messages.

13.15. Software for Home Use. The City endeavors to license its software so that it may be used on portable computers and home computers in addition to office computers. Before transferring or copying any software from a City Technology Resource to another computer, employees must obtain written authorization from the City Manager or the Director of Finance and Administrative Services.

13.16. Security. The City has installed a variety of programs and devices to ensure the safety and security of the City's Technology Resources. Any employee found tampering or disabling any of the City's security devices will be subject to discipline up to and including termination.

SECTION 14 TELEPHONE AND CELLULAR PHONE USE POLICY

14.01. Refer to the City of Hughson approved Telephone and Cellular Phone Use Administrative Policy.

SECTION 15 MISCELLANEOUS

15.01. Amendments. These rules and regulations may be amended at any time by the City, provided that amendments shall not be made until after consultation in good faith with representatives of any employee organization or organizations purporting to represent employees of the City.

15.02. Training of Employees. The City may participate in paying tuition fees, cost of textbooks, or other incidental training expenses. There will be a dollar limit per semester or course. Prior to school participation, an employee must have permission from the City Manager in order to obtain reimbursement. In order to be eligible for reimbursement, a minimum grade point average of 3.0 ("B" average) must be maintained. Reimbursement for noncredit courses may total 100% depending on job applicability.

Participation in and completion of special training courses may be considered in making salary increases and promotions. Evidence of such activity shall be filed by the employee with the Personnel Officer. Additional pay may be granted any City employee for training and certification programs established by his department head and approved by the City Manager.

15.03. Outside Work. Gainful employment outside an employee's regular City position shall be considered a privilege subject to regulation and not a right. No employee shall engage in a gainful occupation outside his or her city position which is incompatible with his or her City employment or which is of such a nature as to interfere with satisfactory dismissal of his or her regular duties or which creates the perception of such interference. Any employee who wishes to engage in or accept such employment may do so only after

having first requested and obtained written approval of the City Manager or a designated representative.

15.04. Severability. If any paragraph, sentence, clause, phrase, or section of this Personnel Manual is determined by a court of competent jurisdiction to be invalid, such determination shall not affect the validity of the remaining paragraphs, sentences, clauses, phrases, or sections of these rules and regulations.