



City of Palm Springs

**Personnel Rules**

The Personnel Rules and City Policies contained herein are also available on the City's website on the Department of Human Resources webpage. The policies included in this document are those of common city-wide interest and should not be considered a complete list of all policies or procedures.

For more information about the Personnel Rules or City Policies please contact the Human Resources Department.

The City of Palm Springs  
Department of Human Resources  
3200 E Tahquitz Canyon Way  
Palm Spring, CA 92262  
760-323-8215

[www.palmspringsca.gov](http://www.palmspringsca.gov)

## Contents

### **PERSONNEL RULES**

Rule 1 - General Provisions.....	9
Rule 2 - Code of Ethics.....	11
Rule 3 - Personnel Board Procedures .....	13
Rule 4 - Classification Plan.....	14
Rule 5 - Pay Plan.....	16
Rule 6 - Attendance, Holidays, and Leave .....	24
Rule 7 - Examinations.....	37
Rule 8 - Eligible Lists .....	41
Rule 9 - Certification and Selection of Eligibles.....	43
Rule 10 - Types of Appointment.....	45
Rule 11 - Probationary Period .....	46
Rule 12 - Promotion, Transfer, and Demotion .....	47
Rule 13 - Separations .....	49
Rule 14 - Disciplinary Actions.....	53
Rule 15 - Appeals .....	56
Rule 16 - Grievance Procedure.....	59
Rule 17 - Sexual Harassment Complaint Procedures .....	65
Rule 18 - Employee Training, Development, and Welfare.....	66
End of Personnel Rules.....	68

**This page left intentionally blank.**

# CITY OF PALM SPRINGS PERSONNEL RULES

## ORDINANCE NO. 1211

AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, REPEALING SECTION 2.40 AND ADDING A NEW CHAPTER 2.40 TO THE PALM SPRINGS MUNICIPAL CODE, REGULATING THE PERSONNEL SYSTEM WITHIN THE CITY.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 2.40 of the Palm Springs Municipal Code regulating the Personnel system within the City is hereby repealed.

SECTION 2. Chapter 2.40 of the Palm Springs Municipal Code regulating the Personnel system within the City is hereby established, and reading as follows:

### Chapter 2.40

Personnel  
Sections:

- 2.40.010 Adoption of personnel system - Purposes.
- 2.40.020 Personnel officer.
- 2.40.030 Delegation of powers and duties.
- 2.40.040 Personnel duties of personnel officer
- 2.40.050 Personnel board - Membership.
- 2.40.060 Personnel board - Meetings.
- 2.40.070 Personnel board - Quorum.
- 2.40.080 Personnel board - Functions.
- 2.40.090 Coverage of Ordinance.
- 2.40.100 Adoption of rules - Scope.

#### 2.40.010 Adoption of Personnel System-Purposes.

In order to establish a uniform procedure for dealing with personnel matters, to attract to municipal service the most qualified persons available, and to assure that appointments, promotions and other personnel actions will be based on merit and fitness and other factors related to the job and City service; the personnel system codified in this chapter is adopted.

#### 2.40.020 Personnel Officer.

The city manager shall be the personnel officer.

#### 2.40.030 Delegation of powers and duties.

Except as to those duties imposed upon him by Section 2.08.020 s/s2(b), the city manager may delegate any of the powers and duties conferred upon him as personnel officer under this

chapter to any other officer or employee of the city, or may recommend that such powers and duties be performed under contract.

2.40.040 Personnel duties of personnel officer.

The personnel officer shall:

- (1) MEETINGS--SECRETARY. Attend all meetings of the personnel board and serve as its secretary;
- (2) ADMINISTRATION OF CHAPTER, RULES. Administer all the provisions of this chapter and of the personnel rules not specifically reserved to the council or the personnel board;
- (3) APPOINTMENTS, DISMISSALS, DISCIPLINE, TRANSFERS. Pursuant to duties imposed upon him by Section 2.08.010 2(b), appoint, discipline, dismiss and transfer all heads of departments, subordinate officers and employees, except the city attorney and the city treasurer;
- (4) AMENDMENT OF RULES. Prepare and recommend to the council revisions and amendments to the personnel rules;
- (5) EXAMINATIONS-NOTICES, APPLICATIONS-ELIGIBLE LIST. Publish or post notices of examinations for positions in the competitive service; receive applications therefore; administer and grade examinations; certify a list of persons eligible for appointment to an appropriate position in the competitive service;
- (6) POSITION CLASSIFICATION PLAN. Prepare a position classification plan and subsequent revisions thereto, which plan and revisions shall become effective upon approval by the council; and
- (7) COMPENSATION PLAN. Prepare a plan of compensation, and revisions thereof, covering all classifications in the competitive service, which plan and revisions shall become effective upon approval by the council.

2.40.050 Personnel Board - Membership.

- (1) MEMBERS. There shall be a personnel board consisting of five members, none of whom may be in the city service.
- (2) APPOINTMENTS BY CITY COUNCIL. Two members shall be appointed in the manner prescribed in Section 2.04.060 of this code.
- (3) ELECTION BY EMPLOYEES. Two members shall be elected by secret ballot by employees of the city designated to vote by the Personnel Rules.
- (4) APPOINTMENT BY MEMBERS. One member shall be appointed by the four members chosen above.
- (5) TERMS OF MEMBERS. Members of the board shall serve terms as prescribed in Section 2.06.010 of this code; provided that the employees' elected members' terms may be different if so specified on the ballots by which the elections are conducted.
- (6) CHAIRMAN. The members of the board shall, as provided in the board's rules, or otherwise from time to time, select one of their number to act as chairman.
- (7) VACANCIES FOR UNEXPIRED TERM. Vacancies on the board shall be filled for the unexpired term in the manner in which the member whose vacancy is being filled was elected or appointed to the board.
- (8) END OF TERM. Each member whose term expires shall continue to serve until a successor is appointed or elected and qualified.
- (9) REMOVAL OF MEMBER. A majority vote of the body approving, appointing or electing a member to the board shall be required to remove a member from the board before the expiration of that member's term.

#### 2.40.060 Personnel Board - Meetings.

The personnel board shall determine the order of business for the conduct of its meetings, and shall meet regularly if so required by the rules, or on call of the chairman, three members of the board, or the personnel officer.

#### 2.40.070 Personnel Board – Quorum.

Three members of the board shall constitute a quorum for the transaction of business.

#### 2.40.080 Personnel Board - Functions.

The functions of the board shall be:

- (1) HEARINGS. In accordance with the rules, to hear appeals by eligible persons and to certify its findings and recommendations; and when requested by the council or the city manager, to hold hearings and make recommendations on amendments to the personnel rules and on any matter of personnel administration, within the limits of a request of the council or the city manager.
- (2) INVESTIGATIONS. Conduct such investigations as it deems appropriate pertaining to any matter properly pending before it.
- (3) WITNESSES. In any investigation or hearing conducted by the board, it shall have the power to call, examine and cross examine witnesses under oath, call for production of evidence and compel attendance of witnesses or production of evidence by subpoenas issued in the name of the city and attested by the city clerk.
- (4) SERVICE OF SUBPOENAS - EFFECT. It shall be the duty of the chief of police to cause all such subpoenas to be served; and refusal of a person to attend or to testify in answer to such a subpoena shall subject the person to prosecution in the same manner set forth by law for failure to appear before the council in response to a subpoena issued by the council.
- (5) OATHS. Each member of the personnel board shall have the power to administer oaths to witnesses.
- (6) HEARINGS - INFORMAL IN NATURE. Hearings of the personnel board may be informal in nature. The formal judicial rules of evidence need not be applied.

#### 2.40.090 Coverage of Ordinance.

The positions in the city service which are not covered by this ordinance include, without limitation, those listed below:

- (1) ELECTIVE OFFICES. Elective offices;
- (2) BOARD, COMMISSION, COMMITTEE MEMBERS. Positions on appointive boards, commissions and committees;
- (3) PERSONS ON STIPEND. Persons paid a stipend in-lieu of wages to defray expenses during training;
- (4) PERSONS EMPLOYED UNDER CONTRACT. Persons employed under contract to supply expert, professional or technical services;
- (5) VOLUNTEERS. Volunteer personnel who receive no regular compensation from the duty including, without limitation, police and fire reserve;
- (6) ENUMERATED POSITIONS. City manager, assistant of or to city manager, secretary to city manager, city attorney and attorneys employed in the city attorney's office, department heads, city treasurer, city clerk, city engineer, personnel manager.

#### 2.40.100 Adoption of rules - Scope.

Personnel rules shall be adopted and from time to time modified by resolution of the council, establishing [without limitation], specific procedures and regulations governing the following aspects of the personnel system:

- (1) APPOINTMENTS AND EXEMPT SERVICE. The system of exempt service and types of appointments;
- (2) CLASSIFICATION PLAN. The preparation, installation, revision and administration of a position classification plan covering all positions in the competitive service;
- (3) PAY PLAN. The preparation, installation, revision, and administration of a plan of compensation corresponding to the position classification plan, providing a rate or range of pay for each class;
- (4) EXAMINATIONS-ANNOUNCEMENTS-APPLICATIONS. The public announcement of examinations and application for and acceptance of applications for employment and establishing of criteria related thereto;
- (5) GIVING OF EXAMINATIONS - ELIGIBLE LIST. The preparation and administration of examinations and the establishment and use of resulting employment lists containing names of persons eligible for appointment;
- (6) CERTIFICATION - APPOINTMENTS. The certification and appointment of persons from employment lists, and the making of temporary, emergency, and provisional appointments;
- (7) HOURS - LEAVE - WELFARE. The establishment of hours of work, attendance and leave regulations, training programs, benefits, conduct guidelines and other conditions of work;
- (8) EVALUATION OF EMPLOYEE PERFORMANCE. The evaluation of employees during the probationary period and at periodic intervals;
- (9) CHANGE OF STATUS. The transfer, promotion, demotion, reinstatement, separations, or any other change of status of employees in the competitive service;
- (10) DISCIPLINARY ACTIONS. The discipline of employees;
- (11) REVIEW OF PERSONNEL DECISIONS. A system or systems for submission to and review by the personnel board, city manager, city council, personnel manager or other designated person or persons, of designated types of discipline and personnel decisions, for fact finding, recommendations, final decision or other designated purposes or effects;
- (12) PERSONNEL BOARD AND PROCEDURES. The system for the employee-selected board members to be elected and for the board to conduct its business established by the personnel rules.

SECTION 3. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days after passage.

SECTION 4. PUBLICATION. The City Clerk is hereby ordered and directed to certify to the passage of this Ordinance, and to cause the same or a summary thereof or a display advertisement, duly prepared according to law, to be published in accordance with law.



## **Rule 1 – General Provisions**

### 1.1 Purpose

The purpose of these Rules is to implement the Personnel Ordinance by creating a system of personnel management.

### 1.2 Definitions

The following words and phrases used in these Rules have the defined meanings hereinafter set forth unless otherwise clearly indicated in the content.

Confidential Employee - An employee performing the duties of a position which is designated as confidential by action of the City Council.

Days - Calendar days unless the context otherwise requires.

Group I - Positions designated as General Unit, Fire Safety Unit, Police Safety Unit.

Group II - Positions designated by the City Council as management, supervisory or professional.

Group III - Positions designated by City Council as exempt.

Personnel Ordinance - Palm Springs Municipal Code Chapter 2.40 as it may be amended from time to time.

Personnel Officer - City Manager or any individual designated by City Manager to administer the City's personnel system which includes such duties as equal employment opportunity officer.

Working Days - The period from 8 a.m. to 5 p.m. excluding weekends and holidays.

### 1.3 Rules

(1) These Rules shall apply to all positions in the Competitive Service and to Exempt Service positions as provided for in these Rules. As used in these Rules "City Service" refers all persons employed by the City and "Competitive Service" refers to all those persons in the City Service except those in the "Exempt Service."

(2) Amendments to the Rules may be made by the City Council from time to time in accordance with the Personnel Ordinance.

(3) In the event provisions of these Rules contradict those included in a current Memoranda of Understanding adopted by the City Council and signed by the City Manager between the City and formally recognized employee organizations, the terms of said Memoranda of Understanding shall prevail.

### 1.4 Exempt Service

As established by the Personnel Ordinance there shall be in the City Service an Exempt Service which is not covered by rules regarding certification, selection, probation, disciplinary actions,

appeals and grievances (including without limitation Rules 14, 15, and 16). This Exempt Service shall include the following authorized positions:

- (1) All elected officials.
- (2) Positions filled through direct appointment by the City Council.
- (3) All department heads.
- (4) City clerk.
- (5) Persons who are paid a stipend in lieu of wages to defray expenses during their period of training.
- (6) Assistant city manager.
- (7) Volunteers.
- (8) The following enumerated positions:  
Assistant of or to city manager; secretary to city manager; attorneys employed in the city attorney's office; city treasurer; city engineer, and personnel director.
- (9) Persons appointed to exempt positions created in the future.
- (10) Persons engaged on a fee or contracted basis to provide technical, expert, consulting, or professional services.

#### 1.5 Certification of Payrolls

The Personnel Officer shall provide for such audit and certification of personal service payments as the Personnel Officer deems necessary to insure that all such personal payments are made to persons who have been hired according to these Rules.

#### 1.6 Administration

These Rules shall be administered by the Personnel Officer or other designated representative.

#### 1.7 Responsibility for Compliance

Willful violation of the provisions of these Rules and regulations shall be grounds for disciplinary action.

#### 1.8 Reprisals

Neither the City nor any employee thereof shall take disciplinary or punitive action against an employee, nor impede or interfere with the exercise by the employee of the right to review, appeal, or of any other employee right under these Rules.

## 1.9 Forms

The Personnel Officer shall prescribe forms and reports for personnel changes or actions and the general format for department personnel records as the Personnel Officer deems appropriate.

## 1.10 Service of Notice

Unless otherwise provided by law or these Rules, whenever any notice, paper, or document is to be given to or served upon any person or department, such notice, paper, or document may be personally served or it may be served by mailing it to the last address provided in writing to the City. Service is complete upon mailing by return receipt mail.

## 1.11 Public Posting Concerning Revisions and Amendments

Proposed revisions and amendments to these Rules (other than those which originate from the "meet and confer" process) and notice of the time, place, and date of hearings by the City Council related to such amendments and revisions shall, ten (10) consecutive days prior to said hearing, be:

- (1) posted in or near at least ten (10) work sites within the City;
- (2) provided to all recognized bargaining units; and
- (3) announced in any employee newsletter.

## 1.12 Medical or Psychiatric Examinations

The City may require, at any time, medical and psychiatric examinations at its expense and performed by a physician(s) of its choice to determine the employee's ability to perform satisfactorily and safely that employee's current duties.

## 1.13 Titles

Titles and subtitles used herein for Rules or support of Rules are descriptive only and shall not be used to interpret the meaning of any Rule or support thereof.

# **Rule 2 – Code of Ethics**

## 2.1 Conduct and Requirements in General

It is a policy of the City to serve the public as effectively and efficiently as possible, and to maintain the confidence of the citizens in their City government. To effectuate this City policy, it is expected that all City employees understand, and are committed to meeting the standards of conduct and performance as exemplified by those which follow. The Personnel Officer retains the authority to set standards of performance and conduct as the Personnel Officer deems appropriate, and within limits of the Municipal Code and these Rules.

## 2.2 Specific Conduct and Responsibilities

### 2.2.1 Use of Official Position

Official position shall not be used by City employees for personal gain. Public influence and confidential information must never be turned to personal advantage, or be released without authorization by the City Manager or City Attorney.

### 2.2.2 Conflict of Interest

State and local conflict of interest laws shall be scrupulously observed. Designated employees, as defined by said State and local conflict of interest laws, shall file Statements of Economic Interests as prescribed therein.

### 2.2.3 Gratuities

The employee shall not accept or solicit (directly or indirectly), anything of economic value such as a gift, gratuity, favor, entertainment, or loan which is, or may appear to be, payment for services rendered [in the capacity of a Palm Springs City employee], or designed to in any manner influence official conduct, particularly from a person who is seeking to obtain contractual or other business or financial arrangements with the employing department, or who has interests that might be substantially affected by the performance or non-performance of the employee's duty.

### 2.2.4 Use of City Property

The employee shall not directly or indirectly use, allow the use, or remove from the job site, City property of any kind, including property leased to the City, for other than officially approved activities. An employee has a positive duty to protect and conserve City property, including equipment, supplies, and other property entrusted or issued to the employee.

### 2.2.5 Personal Obligations

Employees must never knowingly permit themselves to be placed under any kind of personal obligation which could lead any person to expect official favors.

### 2.2.6 Impartiality

The employee's official acts must reflect impartiality. Decisions and actions must be determined by impersonal consideration free from any taint of favoritism, prejudice, personal ambition, or partisan demands.

### 2.2.7 Outside Employment

The employee may engage in outside or other employment with the approval of the department head or the approval of the City Manager in the case of a department head. At no time shall such outside employment be conducted on City time. The employee shall not engage in outside employment or other activity which is not compatible with the full and proper discharge of the duties and responsibilities of City employment, or which tends to impair the employee's capacity to perform City duties and responsibilities in an acceptable manner. The employee shall not do any work in a private capacity which may be construed by the public to be an official act.

### 2.2.8 Garnishment of Wages

Garnishment for more than one debt within any two year period is grounds for discipline.

### 2.2.9 Use of Behavior Altering Substances

While on duty the employee shall not drink alcoholic beverages or use illicit drugs or deliberately abuse prescribed or unprescribed drugs. The employee also shall not come to work or be at work while under the influence of any of the above-mentioned agents.

All Management, General Unit, and Confidential employees shall be prohibited from drinking alcoholic beverages at any time during the workday, including breaks and lunch; provided, however, employees who are attending a conference out-of-town may have a drink during lunch. (16341, 11-18-87)

### 2.2.10 Political Activity

The employee shall not engage in any political activity while on duty. (117270, 9-19-90)

### 2.3 Disciplinary Action or Dismissal

The City Manager may discipline as he or she deems appropriate for an infraction of any City standard of performance or conduct including, but not limited to, those set out in 2.2 as examples.

## **Rule 3 - Personnel Board Procedures**

### 3.1 Meetings

Meetings of the Personnel Board shall be held on the call of the Chairman, or any three members of the Board, or the Personnel Officer. All meetings shall be open to the public. Three members shall constitute a quorum for the transaction of business.

### 3.2 Agenda

All matters to be presented for consideration by the Personnel Board at a regular or special meeting shall be submitted to the Personnel Officer reasonably in advance of the meeting. The agenda shall be personally served or mailed to each member of the Board prior to such meeting.

### 3.3 Notice to Departments

City departments shall be informed by the Personnel Office of regular and special meetings of the Personnel Board.

### 3.4 Minutes

The Personnel Officer shall provide for the recording of the official actions of the Board in its minutes. The time and place of each meeting of the Board; the Board members present; all official acts of the Board; a Board member's dissent, and when requested, reasons for dissent shall be recorded in the minutes.

### 3.5 Membership

The Personnel Board shall consist of five (5) members. No City employee may be considered for Board membership. Two members shall be appointed by the Mayor, two members shall be elected by secret ballot of City employees pursuant to Rule 3.6, and one member shall be appointed by the four members chosen above.

### 3.6 Elections

At least one month prior to the expiration of the term of an employee-elected Board member, the Personnel Officer shall accept employee nominations for Board member. A secret ballot election shall be held at various polling places so designated by the Personnel Officer. The election shall be open to all persons in the City Service except temporary, seasonal, emergency, provisional, and those in the Exempt Service as provided for in the Personnel Ordinance. The candidate elected to the Board must receive a simple majority of the votes cast. If no candidate receives a simple majority, or if the election is to select both the members (and no two candidates receive a simple majority), a run-off election will be held between the top two candidates if one seat is to be filled, and top four candidates if both seats are to be filled. The Personnel Officer shall notify in writing all candidates and the City Clerk of the final election results, and such results shall be posted for employees.

## **Rule 4 - Classification Plan**

### 4.1 Classification Plan

#### 4.1.1 Nature

A Classification Plan is an arrangement of all positions in the City Service by class (except those referred to in Rule 1.4), and includes titles of each class. A class is a position or group of positions sufficiently similar in duties and responsibilities such that substantially the same requirement for education, training, experience, knowledge, ability, and other qualifications may be demanded of the occupants.

#### 4.1.2 Adoption of and Changes to the Plan

The Personnel Officer shall prepare a Classification Plan and subsequent revisions thereto, as the Personnel Officer deems appropriate. The plan and any revisions thereto shall become effective upon approval of the City Council.

### 4.2 Interpretation of Class Specifications

#### 4.2.1 Nature and Interpretation of Class Specifications

A class specification is the official description of the type and level of duties and responsibilities of positions assigned to a class and the necessary qualifications which a person must possess for performing those duties. The language of class specifications is not intended to be all inclusive or restrictive, and is not to be construed as limiting or modifying the authority which department heads have to modify, add to, eliminate, or otherwise change duties and responsibilities, to assign duties and responsibility to employees, and to direct and control their work. Substantial and permanent changes in the duties and responsibilities of a position must be reported by the department head to the Personnel Officer.

#### 4.2.2 Minimum Qualification

Minimum qualifications are statements of the minimum background of education, experience, and other qualifications which will be required in all cases as evidence of an appointee's ability to perform the work properly. When minimum qualifications are changed, incumbents who do not meet the changes shall be permitted to remain in their position as long as they perform satisfactorily; except when changes in qualifications are mandated by law or regulations, or deemed by the Personnel Officer as necessary for the protection of the City or its citizens. In that case, all persons occupying such a position must meet the changed qualifications. An incumbent who, in such a case does not have such changed qualifications may be released. Release pursuant to this section shall be appealable to the Personnel Board. All subsequent applicants for the class must qualify under the changed minimum qualifications.

#### 4.2.3 General Qualifications

Although not expressed in the class specifications, all persons applying for or holding any position in the Competitive Service shall be required to meet the following general qualifications: integrity, thoroughness, accuracy, good judgment, initiative, resourcefulness, courtesy, ability to work cooperatively with others, willingness and ability to assume and fulfill the responsibilities of the employment, good health,\* and physical and mental abilities compatible with the work assignment. Where the position requires the driving of a motor vehicle, the applicant or employee must have a valid California Operator's license and is expected to drive the motor vehicle safely. The foregoing general qualifications shall be deemed to be part of the minimum qualifications of each class specification and need not be specifically set forth therein.

#### 4.3 Classification Administration

##### 4.3.1 Allocation

The assignment of a position to a class is "allocation." The Personnel Officer, after consultation with the department head, shall allocate every position in the Competitive Service to an appropriate class, and shall review the allocations of new or changed positions and after consultation with the department head, allocate or reallocate such positions as deemed appropriate.

##### 4.3.2 Reallocation of Existing Positions

The Personnel Officer shall reallocate the classification of an existing position when a substantial and permanent change in the duties or responsibilities of the position occurs. An incumbent employee in a position at the time the position is reallocated shall be:

- (1) Entitled to serve in the position held immediately before the reallocation in the same status held immediately before the reallocation; shall remain at the rate of pay received immediately before the reallocation until a step in the pay range assigned to the position as reallocated is the same as the employee's rate of pay; or
- (2) Entitled to be reclassified to the position as reallocated provided the employee meets the minimum requirements of that position as reallocated; or
- (3) Released for failure to meet the minimum qualifications for the position as reallocated, such release being appealable to the Personnel Board.

Reallocations shall not be used for the purpose of avoiding restrictions surrounding demotions and promotions.

#### 4.3.3 Reviews of Allocations

A department head or an employee (through a department head), may seek a review of the allocation or reallocation of a position by making a request to the Personnel Officer on forms prescribed by the Personnel Officer. The appropriateness of such a review shall be determined by the Personnel Officer.

#### 4.4 Classification Controls

A position must be allocated to a specific class before final administrative action is taken on an appointment, transfer, promotion, or demotion to that position, or establishment or change in compensation rate for any person in that position.

#### 4.5 Title of Position

The class title of a position shall be used to designate such position in all budget estimates, payrolls, and other official records, documents, vouchers, and communications in connection with all personnel processes. For other purposes, working titles may be used in lieu of the class titles.

#### 4.6 Official Copy of Class Specifications

The Personnel Officer shall maintain an official set of all class specifications. The master set of class specifications shall be open for inspection in the Personnel Office by an employee or the public under reasonable conditions during business hours, subject to the availability of the Personnel Officer.

### **Rule 5 - Pay Plan**

#### 5.1 Nature

The Pay Plan shall specify the pay ranges and/or other compensation for each class. The City shall establish such compensation schedules along with their individual provisions as necessary for the orderly operation of the City.

#### 5.2 Basic Pay Plan

##### 5.2.1 Group I

The Pay Plan for employees in Group I consists of numbered pay ranges each of which has five (5) pay steps (1 through 5). The increase from any range to the next higher range is approximately 2 ½ % of the lower range. The increase from any step of the same range to the next higher step is approximately 5% of the lower step.



### 5.2.2 Groups II and III

The Pay Plan for employees in Groups II and III consists of numbered pay ranges each of which has five (5) pay steps (1 through 5). The increase from any range to the next higher range is approximately 2 ½ % of the lower range. The increase from any step of the same range to the next higher step is approximately 5% of the lower step.

### 5.3 Maintenance of the Pay Plan

The Personnel Officer shall give consideration to the relative level of duties and responsibilities of various classes rates paid for similar positions elsewhere, the City's financial resources, and other relevant factors in establishing the Pay Plan for recommendation to the City Council. Adjustments and changes to the Pay Plan require City Council approval.

### 5.4 Straight Time Hourly Rate of Pay

For purposes of these Rules "straight time hourly rate of pay" refers to the rate of pay assigned to a position in the Pay Plan.

### 5.5 Differential Pay

The payment of differential pay for any purpose must be approved by the City Council. The payment of differential pay to any employee must be approved by the Personnel Officer. The department head must submit to the Personnel Officer evidence that the employee qualifies for the differential pay. A department head may recommend the establishment of differential pay by submitting a written request to the Personnel Officer who shall determine whether the request shall be submitted to the City Council for its consideration.

### 5.6 Entrance Salary

#### 5.6.1 Group I

Initial appointment shall be at step "1" of the assigned pay range. The second step "2" may be used in rare cases at the discretion of the department head if education and experience of the new employee justifies it. Under unusual circumstances a new employee may be hired at the third step "3" or higher, but only if prior written approval of the Personnel Officer is obtained.

#### 5.6.2 Groups II, III

Initial appointment shall be at step "1" of the assigned pay range. The second step "2" through the fifth step "5" may be used at the discretion of the department head if the education and experience of the new employee justifies it. Under unusual circumstances, a new employee may be hired at a higher step, but only if prior approval is obtained from the Personnel Officer.

### 5.7 Reentrance to City Service

Appointments of former City employees from a reinstatement or reemployment list to the position previously held shall be at the same or lower [pay range] step in the current pay range as the step assigned at separation. In special circumstances, a higher step may be approved by the Personnel Officer.

## 5.8 Salary Adjustments

### 5.8.1 Range Adjustment

5.8.1.1 - When a new salary range is made applicable to a class in Group I, all persons employed in that class shall have their salaries adjusted on the same effective date. If a new salary range made applicable to a class is higher than the previous range, the salary of each employee shall be adjusted to the nearest step of the new range which will provide a wage increase of at least five percent (5%), provided that an employee shall not receive a wage increase to a rate higher than the top step in the new range. If the new salary range is lower than the previously assigned salary range, the salary of each employee shall be adjusted to the step on the new range which is nearest the previous salary. In either case, the existing anniversary date shall be retained. (17270, 9-19-90)

5.8.1.2 - When a new salary range is made applicable to a class in Group II or III, all persons employed in that class shall have their salary range and step adjusted on the same effective date. Unless instructed otherwise by the City Manager, the salary of each employee shall be adjusted to the step on the new range that provides the same amount as the previous salary, and the existing anniversary date retained.

### 5.8.2 Promotion

5.8.2.1 - An employee in Group I who is promoted shall have the salary increased to the lowest step of the pay range of the new position which will provide an increase of a minimum of between 5% and 7½% (whichever is lower) over the salary received prior to promotion. The only exception to this occurs when a Group I employee at the top step of the pay range is promoted to a position in which the top step of the new pay range is only 2 ½ % higher than the salary received prior to promotion.

5.8.2.2 - An employee in Groups II and III who is promoted shall have the salary raised to the lowest step of the pay range for the class of the new position which will provide an increase of at least 5% over the salary received prior to promotion.

5.8.2.3 - When the effective date of a promotion is within sixty (60) days before an employee's anniversary date, any merit increase which would have been granted to become effective on that anniversary date shall become effective on the effective date of promotion.

5.8.2.4 - For purposes of Rule 5.8.2, the first scheduled day of the promotional probation shall be treated as the effective date of the promotion.

### 5.8.3 Unsatisfactory Promotional Probationary Period

An employee who does not satisfactorily complete the probationary period upon promotion and: (1) is returned to the original position or another position in the same pay range as the original position shall have the salary reduced to the salary step received prior to the promotion; (2) is assigned to another new position in a class having a lower range of pay than the promotional position shall have the salary reduced to a step in the lower class which provides the smallest decrease in pay and the anniversary date will not be changed.

### 5.8.4 Demotion

An employee who is demoted shall have the salary reduced to a step in the lower class which provides the smallest decrease in pay if the action is voluntary, or any step as determined by the

Personnel Officer in the lower range that is less than the existing salary should the demotion be for cause.

#### 5.8.5 Transfer

An employee who is transferred shall be assigned to the same step of the salary range of the new position.

#### 5.8.6 Reallocation

The salary of employees whose positions have been reallocated to a higher rated class and who have been reclassified to that position pursuant to Rule 4.3.2(2) shall have their salaries established on the same basis as promotions pursuant to Rule 5.8.2.1 and 5.8.2.2 whichever applies. The salary of employees whose positions have been reallocated to a lower paying class shall remain at the rate of pay received immediately before the reallocation until a step in the pay range assigned to the position as reallocated is the same as the employee's rate of pay.

#### 5.8.7 Detail to Special Duty "Working out of Class"

5.8.7.1 - When an employee in the General Unit is temporarily required to work in a higher classification and performs the duties normally assigned to that classification, in excess of five (5) continuous working days, the employee shall, on the sixth work day, be assigned to the lowest step on the new range which will provide a minimum of five percent (5%) increase in salary. If an employee in Group I is temporarily assigned to a position in Group II or III, the employee shall continue to receive the same fringe benefits, at the same levels and rates, as that employee received prior to the temporary assignment (16341; 17270, 9-19-90).

5.8.7.2 - Fire Safety Unit employees who are required to work in a higher classification for a period in excess of two (2) hours in any workday shall receive acting pay as follows: (1) If the employee works two through twelve hours, the employee shall receive an additional six-tenths (.6) of an hour pay at the regular hourly rate of pay; (2) If the employee works more than twelve and up to twenty-four hours, the employee shall receive one and two-tenths (1.2) hours of pay at the regular hourly rate of pay. (15621; 16341, 11-18-87)

5.8.7.3 - On the sixth (6) consecutive day that an employee in Group II (except Fire Management) or III is required to perform duties out of classification, such employee shall be entitled to additional compensation equal to the lowest step on the range of the higher classification which will provide an increase in pay of 5%, but not to exceed the top step of the classification for which such employee is performing acting out of class duties. Such acting pay shall be prospective only; commencing on the sixth (6) consecutive day such employee shall be acting out of class and continuing thereafter until such employee ceases performing out of class duties. (18241, 12-1-93)

The Fire Management Unit employees who are required to work out of their existing classification any time during any workday shall receive acting pay as follows:

(a) For fire shift employees; if the employee works one tenth (.1) through twelve (12) hours out of classification, the employee shall receive an additional six-tenths (.6) of an hour pay at his regular hourly rate.

If the employee works more than twelve (12) and up to twenty-four (24) hours out of classification, he shall receive 1.2 hours of pay at his regular hourly rate.

(b) For 40 hour employees, if the employee is assigned to act out of classification for any time during an eight (8) hour day, he shall receive .86 of an hour of pay at their regular hourly rate. The Fire Chief will designate acting assignments for 40 hour employees.

(c) When an employee works out of classification for a consecutive two (2) week period, a Personnel Action Form shall be submitted designating that employee as acting in the position he is holding. The employee's salary shall be raised to the lowest step on the range of the higher classification which will provide an increase in pay of at least five percent, but not to exceed the top step of the new range (18242, 12-1-93).

## 5.9 Salary Advancements

### 5.9.1 Basis for Salary Advancements

All salary advancements other than those resulting from adjustments to the Pay Plan shall be based upon work performance. Only regular employees are eligible for a salary advancement except that Police Safety Unit and Fire Safety Unit employees who have satisfactorily completed six (6) months of continuous service may be considered for salary advancement.

### 5.9.2 Time of Salary Advancement Eligibility

5.9.2.1 - Each employee in Group I, except temporary or seasonal employees, shall be eligible for consideration by the department head for a one-step salary advancement annually on the employee's anniversary date, provided the employee's service has been continuous. The top two (2) steps of a salary range may be attained by an employee only upon receiving a "meets expectations" service rating as defined in the employee performance evaluation program. Such consideration for a salary advancement shall be given on each anniversary date until the employee reaches the top step of the appropriate pay range. (16341; 16840; 17270. 9-19-90)

5.9.2.2 - In addition to any other requirements, to advance into "4" step of the assigned pay range for Firefighter, a Firefighter must be certified by the Fire Department on both a squad unit and an attack unit (15994; 16341; 17270, 9-19-90).

5.9.2.3 - Each employee in Groups II and III shall be considered by the Personnel Officer for a two-step (5%) salary advancement annually on the employee's anniversary date provided the employee's service has been continuous. To receive a salary advancement into and within the last six (6) steps assigned to the range of the class, the employee must have received an "exceeds requirements" service rating as defined in the employee performance evaluation program. Such consideration for a salary advancement shall be given on each anniversary date until the employee reaches the top step of the appropriate pay range.

### 5.9.3 Special Merit Increase

5.9.3.1 - A department head may propose a special merit increase for a regular employee by submitting a detailed written statement to the Personnel Officer specifying the facts which establish that the employee's performance is exceptional; and the unusual employment conditions or other criteria for special merit increase set by the City Manager. All special merit increases must have the written approval of the Personnel Officer. If a special merit increase is so approved, the employee's anniversary date will not be affected.

5.9.3.2 - No special merit increase for employees in Group I shall exceed 5% or result in a salary that exceeds the maximum rate established for the class.

5.9.3.3 - No special merit increase for employees in Group II and III shall exceed 7½% or result in a salary that exceeds the maximum rate established for the class.

#### 5.9.4 Anniversary Dates

5.9.4.1 - The anniversary date shall be established as the month and the day of the month on which an employee enters service in a job class with the City and shall be reestablished on that basis each time an employee is placed in a position in another job class. The anniversary date for a reinstated employee shall be the date of reinstatement (17270, 9-19-90).

5.9.4.2 - Absence of an employee on leave without pay for twenty (20) consecutive days or more shall result in extension of the anniversary date by an equivalent amount of time except as otherwise provided in these Rules or required by law (17270, 9-19-90).

5.9.4.3 - The employee's anniversary date will not change when:

- a) The employee's salary changes as a result of an adjustment in the Pay Plan.
- b) The employee receives a salary adjustment as a result of a special merit increase.
- c) The employee transfers from one position to another in the same classification. (i.e. do not revert to original date)
- d) The employee is demoted or the employee's position is reallocated to a lower salary range and the employee is reclassified to that position.
- e) The employee is detailed to special duty as provided in these Rules
- f) The employee fails to complete promotional or transfer probation. (i.e. does not revert to original date) (17270, 9-19-90).

#### 5.10 Overtime

##### 5.10.1 Policy

Group I employees are eligible to receive overtime pay or compensatory time, but they shall not work overtime unless authorized in advance to do so by the department head, or appropriate authorized supervisor. No overtime pay may be authorized or paid unless funds are allocated and available in the department's current fiscal budget for overtime work. Department heads shall be responsible for keeping accurate records of all overtime worked by their employees.

##### 5.10.2 General Unit

General Unit employees shall be compensated for overtime worked at a rate of 50% above the employee's regular hourly rate for the work performed in excess of forty (40) hours per work week. For overtime computation, the forty (40) hours worked are to include any leave of absence with pay.

##### 5.10.3 Police Safety Unit

Members of the Police Safety Unit shall be compensated for overtime worked at a rate of fifty per cent (50%) above the employee's regular hourly rate for the time worked in excess of forty

(40) hours per work week. For the purpose of overtime computation, the forty (40) hours worked are to include any leave of absence with pay. (15994, 9-3-86)

#### 5.10.4 Fire Safety Unit Overtime Rate

Fire Safety Unit shift employees shall be compensated for overtime worked at a rate of fifty percent (50%) above the employee's regular hourly rate of pay for the work performed in excess of two hundred four (204) hours per twenty-seven (27) lay work period. Effective 7/1/90, all compensated time off shall be counted as time worked for purposes of computing overtime. (15994; 16341 17270, 9-19-90)

#### 5.10.5 Group II Fire Safety Employees

Group II Fire Safety employees assigned to shift duty are eligible to receive overtime pay or compensatory time if they are required to work overtime in order to maintain minimum staffing and/or emergency recall. Such overtime pay or compensatory time shall be compensated at the rate of one hour of pay at the employee's regular hourly rate of pay for each hour of overtime worked (straight time) in excess of the average fifty-six (56) hour work week.

#### 5.11 Compensatory Time

##### 5.11.1 Eligible Employees

At the department head's discretion, employees eligible to receive overtime pay may be granted compensatory time in lieu of overtime pay in accordance with the rates and provisions provided in these Rules for overtime.

##### 5.11.2 Using Compensatory Time

Department heads shall allow their employees to use compensatory time as soon as operationally practical to avoid large accumulations, provided the department head is given adequate advance notice and the department head deems it to be in the department's interest to grant such request. (16341, 11-18-87)

##### 5.11.3 Maximum Accumulation

No General Unit employee shall accumulate compensatory time in excess of forty (40) hours or, in the case of Fire Safety employees assigned to shift duty, one hundred forty-four (144) shift hours or six (6) shifts. Effective 7/1/92, no Police Safety Unit employee shall accumulate compensatory time in excess of eighty (80) hours. An employee who has accumulated the maximum amount of compensatory time shall not work overtime on a compensatory time basis until the accumulation has been reduced to less than the maximum accumulation allowed under these Rules. (16840; 17270, 18257, 12-15-93)

##### 5.11.4 Using Compensatory Time for Paid Sick Leave

Compensatory time may be used for paid sick leave purposes only if an employee has exhausted all accrued paid sick leave, has requested the use of compensatory time, has received the approval of the department head, and has such compensatory time available. General Unit and Confidential employees who are not eligible for paid sick leave may use compensatory time for sick leave purposes.

## 5.12 Call Back Pay

### 5.12.1 Group I and Group II Fire Safety Employees

When a Group I employee or Group II Fire Safety employee assigned to shift duty is off-duty, and is called back to work, the employee shall receive a minimum of four (4) hours pay or four (4) hours of compensatory time at the department head's discretion.

### 5.12.2 Police Safety Employees

When an employee in the Police Safety Unit is called back to work, the employee shall receive a minimum of two (2) hours pay, or two (2) hours of compensatory time. The Police Chief shall determine whether the employee receives pay or time. An employee who is called in less than two (2) hours early for the regularly scheduled shift shall receive pay for the time actually worked but shall not be entitled to a minimum guarantee of two (2) hours pay, or two (2) hours of compensatory time. Employees called out or called back shall be paid for actual travel time not exceeding one-half (1/2) hour which is included in the two (2) hour minimum (16341, 11-18-87).

### 5.12.3 Non-emergency Callback Pay for Fire Safety Employees

Fire Safety Unit employees responding to non-emergency, unscheduled call-back, or call-out will be paid for travel time not exceeding one-half (1/2) hour.

### 5.12.4 Emergency Call-back Pay for Fire Safety Employees

When Fire Safety Unit employees are retained or called out and work as a result of emergencies, such time spent on emergencies shall be compensated at a rate of fifty percent (50%) above the employee's regular hourly rate of pay. Such emergency call-back or retention time shall not be eligible for additional premium compensation as provided in Rule 5.10, Subsection 4. "Emergencies" shall be defined as engaging or combating fires, floods, accidents, or involvement in other disaster operations, but shall not include coverage for minimum staffing or regularly scheduled or pre-scheduled, non-emergency work or duty time. Fire Safety Unit employees responding to emergency call-backs shall be compensated for their travel time up to a maximum of one hour (15994; 16341; 17270, 9-19-90).

## 5.13 Standby Pay for General Unit Employees

### 5.13.1 Pay Rates

Whenever a regular employee in the General Unit is scheduled for standby duty on weekends and/or holidays, such employee shall be paid for two (2) hours per day for standby at the employee's regular hourly rate, not subject to overtime premium.

### 5.13.2 Pay if Called Out

In addition to 5.13.1, an employee called out during standby shall be paid a minimum of two (2) hours per incident at one and one-half (1½) times such employee's regular hourly rate for all time worked during the aggregate of -all such call-outs. Travel time shall not be included.

A General Unit employee called back to work shall be paid for no more than one (1) hour of travel time. Such employee shall be paid at one and one-half (1½) times such employee's regular hourly rate (18225, 11-10-93).

#### 5.14 Compensation for Safety Employee's Court Appearance

Safety employees, eligible to receive overtime, who are subpoenaed to appear in court during non-working hours regarding official City business, shall be paid for actual court time a minimum number of hours for each day's appearance. Police Safety employees shall be paid a minimum of three (3) hours pay at one and one-half (1½) times the employee's regular hourly rate of pay. Fire Safety employees shall be paid a minimum of 2 hours pay (15994; 16341, 11-18-87).

#### 5.15 Court Cancellation

If a subpoena of the type referred to in Rule 5.14, above, is cancelled less than twenty-four (24) hours prior to the scheduled appearance, or the end of the employee's last shift prior to the scheduled appearance time, whichever is later, the employee shall be paid a cancellation fee of \$25.00. Employees are required to call in to the designated court liaison officer (or the officer's designated backup) to determine whether or not the subpoena has been cancelled. If an employee fails to call in within sufficient time to avoid a cancellation fee, no fee shall be paid if the subpoena had in fact been cancelled and the information was available from the liaison officer. Similarly, no court pay shall be paid under Rule 5.14 if the employee was notified of the cancellation or if the employee failed to call in and the subpoena had in fact been cancelled (16840; 17270, 9-19-90).

#### 5.16 Termination Pay

When a person separates from City employment, the employee shall be paid for all compensation due. An employee terminated by the City as a result of dismissal, release for unsatisfactory probation or layoff shall be paid all compensation due on the effective date of termination. No severance pay in lieu of notice of termination shall be permitted (17270, 9-19-90).

#### 5.17 Pay Periods

Pay periods shall be bi-weekly (twenty-six per year); each begins at 12:01 a.m. Sunday and ends at 12:00 midnight the second Saturday thereafter. Wages shall not be withheld for more than six (6) days following the close of a pay period. Payday shall be on the Friday following the end of each pay period (17270, 9-19-90).

### **Rule 6 - Attendance, Holidays, and Leave**

#### 6.1 Hours of Work and Normal Work Week

##### 6.1.1 Normal Work Week

The normal work week for full time employees, except Fire Safety Shift employees, is forty (40) hours consisting of five (5) eight (8) hour, or four (4) ten (10) hour work days, or approved alternate work schedules as provided for in Memoranda of Understanding with the recognized Bargaining Units, (except as allowed in 6.1.4) during the seven (7) day period starting 12:01 a.m. Sunday and ending 12:00 midnight of the following Saturday.



### 6.1.2 Fire Safety Employees

A scheduled shift for Fire Safety Unit full-time employees assigned to shift duty shall consist of one continuous twenty-four (24) hour period (averages 56 hours of duty per week on an annual basis) and for all other full-time Fire Safety employees the normal work week is forty (40) hours.

### 6.1.3 Police Safety Unit Employees

The normal work week for full-time employees is forty (40) hours consisting of five (5) eight (8) hour, or four (4) ten (10) hour work days during the seven (7) day period starting 12:01 a.m. Sunday and ending 12:00 midnight of the following Saturday, or as otherwise provided for in the Memorandum of Understanding.

### 6.1.4 No Guarantee of Hours

Nothing contained in these Rules shall be construed to constitute a guarantee of hours of work per day, or per work week, or of days of work per work week.

## 6.2 Non-Safety Employee Break Periods

### 6.2.1 Compensable Rest Breaks

Non-Safety employees will be granted two (2) fifteen (15) minute compensable breaks per eight (8), or ten (10) hour workday. One (1) approximately midway during the first and second halves of the employee's workday, with the specific times of breaks scheduled by the employee's supervisor. However, breaks may be denied, at the discretion of the department head, during periods of emergencies. Non-safety field employees may combine the two (2) fifteen minute breaks into one (1) one-half (½) hour break with the approval of the department head.

### 6.2.2 Non-compensable Meal Breaks

A one-hour non-compensable meal break will be granted to non-safety employees approximately midway in an eight (8) hour or ten (10) hour workday. Employees may request, and at the discretion of the supervisor be granted such non-compensable meal break approximately midway in a workday for a total period of one-half hour provided they are taken on the employee's job-site at the specified times approved by the supervisor.

### 6.2.3 Job Site Defined for General Unit Non-Safety Employees

General Unit non-safety employees enroute to a work area in the field (or on return) may stop for a period not to exceed ten (10) minutes for purposes approved in advance by the employee's supervisor. Any distance which can be traveled round-trip from the actual work area within ten (10) minutes, regardless of the means of transportation, shall be considered to be the job site for that day for purposes of Rule 6.2.

## 6.3 Attendance

### 6.3.1 Records

Each department shall keep daily attendance records of its employees. Any unauthorized absence of an employee from duty for any part of a scheduled work day shall be considered an absence without leave and such absence shall constitute grounds for disciplinary action.

### 6.3.2 Automatic Resignation

An employee who is absent without authorized leave for three (3) or more consecutive work days, or two (2) consecutive shifts for Fire Safety shift employees, is deemed to have resigned. If the department head with concurrence of the Personnel Officer determines that extenuating circumstances exist, the resignation may be rescinded, in which case absence may be covered by leave (with or without pay), if so approved by the department head. If the decision of the Personnel Officer and/or department head is not acceptable to the employee, that decision may be grieved according to the procedures in Rule 16.

### 6.3.3 Notification of Supervisor

Each department head shall establish reasonable requirements for reporting an absence or tardiness and shall inform all employees of those requirements. If the employee fails to comply with departmental procedures, the department head can refuse to approve paid leave.

## 6.4 Holidays

### 6.4.1 Policy

Employees shall be allowed time off with pay for eight (8) hours at the employee's straight time hourly rate for any holiday provided in these Rules unless required by the department head to work in order to maintain City services. Employees required to work shall be paid according to 6.4.3 or 6.4.5, whichever applies.

### 6.4.2. Holiday Schedule

Except for those classes of employees for whom a different holiday system or list is otherwise specified in these Rules or by City Council resolution, the following days will be recognized holidays for City employees:

- (1) New Year's Day - January 1
- (2) Martin Luther King Jr. Day - Third Monday in January  
(17708, 12/18/91)
- (3) Lincoln's Birthday - February 12
- (4) Washington's Birthday - Third Monday in February
- (5) Memorial Day - Last Monday in May
- (6) Independence Day - July 4
- (7) Labor Day - First Monday in September
- (8) Veteran's Day - November 11
- (9) Thanksgiving Day - Fourth Thursday in November
- (10) Day after Thanksgiving - Fourth Friday in November
- (11) Christmas Eve -December 24
- (12) Christmas Day - December 25

### 6.4.3 Payment in Lieu of Holidays

Police, Fire, and General Unit employees who work at the airport as security officers and in ground transportation and who are regularly scheduled to work on holidays shall, in lieu of all holidays listed above, accrue and be paid: (16341, 11-18-87).

(1) 3.70 hours per pay period at their straight time hourly rate for Police, the afore described General Unit employees, and Fire Safety employees assigned a forty (40) hour work week; and (17708, 12/18/91).

(2) 5.17 hours per pay period at their straight time hourly rate for Fire Safety Shift employees.

#### 6.4.4 Holiday on Saturday or Sunday

When a recognized holiday falls on a Saturday, the employees preceding scheduled work day shall be considered the holiday and when a recognized holiday falls on a Sunday, the employee's following scheduled work day shall be considered the holiday; except that if a Saturday or Sunday is an employee's regularly scheduled work day when a recognized holiday falls on such a work day it shall be observed on that day.

#### 6.4.5 Premium Rate for Holidays Worked

General Unit employees who are required to work and do so on a recognized holiday shall receive, if otherwise eligible: (16341, 11/18/87).

(1) One and one-half times the straight time hourly rate for each hour worked or, at the department head's discretion, compensatory time in lieu of such pay; and

(2) Holiday pay as provided for in Rule 6.4.1.

#### 6.4.6 Eligibility for Holiday Pay, While on Leave

An employee on leave of absence without pay shall not receive holiday pay for holidays observed during such leaves of absence. Unless on approved leave of absence with pay (for example paid annual leave, paid sick leave or compensatory time) an employee must work the last regularly scheduled work day prior to and the next regularly scheduled work day following an observed holiday in order to receive holiday pay. If a recognized holiday for which the employee is eligible falls within an approved paid leave, the employee shall be paid for that day as a holiday and the accrual of the paid leave shall not be debited for that day.

#### 6.4.7 Holidays for Part-Time Employees

A regular part-time employee shall be allowed time off with pay for any recognized holiday which falls on a day for which the part-time employee would otherwise be scheduled to work, and such pay shall be for the number of hours for which the employee is normally scheduled to work on that day at the employee's straight time hourly rate of pay.

#### 6.4.8 Holidays for Temporary Employees

Temporary employees who have worked continuously for thirty (30) calendar days shall be eligible for recognized holidays occurring thereafter pursuant to Rule 6.4. (16341, 11/18/87).

#### 6.4.9 Declaration of a Holiday

The City Manager, with the concurrence of the City Council, shall have the authority to declare a holiday, when a holiday has been declared by the Governor of the State of California or the

President of the United States. Upon declaration of such holiday, said holiday shall be treated as any other holiday set forth in Section 6.4.2 with regards to City employees (17708, 12/18/91).

## 6.5 Coverage and Administration of Leave

### 6.5.1 Coverage and Exclusions

Employees occupying regular positions are eligible to accrue leave with pay pursuant to these Rules. The following employees are not eligible for any type of leave with pay.

- (1) Emergency appointees
- (2) Seasonal appointees
- (3) Temporary appointees
- (4) Provisional appointees

### 6.5.2 General Requirements

6.5.2.1 - Any employee normally working less than twenty (20) hours per week is not eligible for annual or sick leave.

6.5.2.2 - Regular part-time employees who normally work at least twenty (20) hours per week shall accrue prorated annual and sick leave based on their normally scheduled work week and pursuant to the other applicable provisions in these Rules.

6.5.2.3 - Annual and sick leave accrued pursuant to these Rules during a leave of absence with pay, except occupational sick leave, may be used only after the employee has returned to work from that leave of absence.

### 6.5.3 Accruing and Vesting

6.5.3.1 - Employees shall not accrue annual leave or sick leave in excess of the maximum amount specified in the appropriate leave plan.

6.5.3.2 - Annual leave or sick leave shall not vest in whole or in part until the entire required term of service for the respective plan has been served.

6.5.3.3 - Annual leave and sick leave shall cease to accrue if the employee has been on unpaid leave for more than 60 consecutive days.

6.5.3.4 - Leave that has accrued and vested to an employee may be donated by that employee to any other regular employee, subject to approval by the Personnel Officer.

### 6.5.4 Reporting and Recording Leave

Each department shall maintain a leave record showing the accrual and use of leave for each category of leave for each of its employees. The forms and manner of maintaining such records shall be subject to approval, review and audit by the Personnel Officer for compliance with these Rules.

#### 6.5.5 Leave Requests and Approval

Departments shall use good faith efforts to afford employees time off for accrued and vested annual leave and compensatory time to avoid reaching maximum accrual. Leave shall be requested in writing and approved in writing in advance of the time when it is taken except in bona fide emergencies, such approval shall be sought as practicable. Departments shall establish reasonable requirements to cover emergency requests for leave. Except as provided in Rule 6.13, no leave shall be paid unless the employee has accrued and vested leave available as provided by these Rules and the department head has approved pay for the leave as required by these Rules. It is the City's intent to comply with all Federal and State family leave provisions.

The time when annual leave may be taken will be at the discretion of the department head. For purposes of computing annual leave usage, regularly assigned days off shall not be counted as "working days." Annual leave shall be paid at the employee's straight time hourly rate of pay in effect during the leave period.

The City may, when it feels it is appropriate, require the employee to furnish verification of the medical condition for which a request for sick leave has been made. The City may require employees to use a form prescribed by the City for such verification. An employee shall, as a condition to eligibility for sick leave, sign the necessary documents for the release to the Personnel Officer of medical information pertinent to the requested sick leave if so required by the City.

The department head will approve sick leave if it has been satisfactorily ascertained that the reason for the request is bona fide and covered by Rule 6.7.2, the employee has sick leave accumulation available if pay is being sought. If the department head does not consider the evidence adequate, the department head shall disapprove the request for sick leave. Such an absence shall be unauthorized and may be the basis for discipline. No sick leave shall be approved to last in excess of thirty (30) days, but sick leave may be extended for successive periods of thirty (30) days each with the prior written approval of the department head and the Personnel Officer provided a written request for an extension is submitted before the prior approved leave has expired and the requirements for verification and eligibility have been met. When the aggregate unpaid sick leave has lasted six (6) months, no further extensions shall be approved (18225, 11-10-93).

#### 6.5.6 Retention of Accrued and Vested Leaves

An employee who transfers from one City department to another or becomes subject to different leave provisions for reason of promotion, demotion or transfer, shall retain any accrued and vested annual leave or sick leave and/or compensatory time.

#### 6.5.7 Disposition of Accrued and Vested Leave Upon Termination

Refer to appropriate Memorandum of Understanding. Terms and conditions governing leave as set forth in any Memoranda of Understanding by and between the City and any exclusive bargaining unit representative shall be incorporated herein by this reference as if set forth in full.

## 6.6 Annual Leave

### 6.6.1 Definition

Annual leave is the period of approved absence with pay from regularly scheduled work, which is not properly chargeable to some other category of leave.

### 6.6.2 Annual Leave Accrued While on Sick Leave

Annual leave shall accrue while an employee is on approved sick leave or occupational sick leave as provided in these Rules up to the maximum allowable under the appropriate annual leave plan.

### 6.6.3 Annual Leave & Sick Leave for Reemployed and Reinstated Employees

Notwithstanding other provisions of these Rules, for annual leave and sick leave purposes only, eligible reemployed and reinstated employees shall receive service credit for the most recent prior regular employment and shall accrue annual leave and sick leave commencing with the effective date of such reinstatement or reemployment at the current accrual rate applicable to the service credit they received.

### 6.6.4 Annual Leave, Groups I and II

Refer to appropriate Memorandum of Understanding. Terms and conditions governing leave as set forth in any Memoranda of Understanding by and between the City and any exclusive bargaining unit representative shall be incorporated herein by this reference as if set forth in full.

### 6.6.5 Annual Leave, Group III

#### 6.6.5.1 Maximum Accrual and Minimum Usage

There shall be no maximum accrual of annual leave for employees in Group III. Employees in Group III shall take at least eighty (80) hours of accrued and vested annual leave per calendar year. If fewer than eighty (80) hours of annual leave are taken, accrual of annual leave shall stop until the eighty (80) hours minimum usage has been taken.

#### 6.6.5.2 Annual Leave Cash-In

In July and December of each year, employees in Group III shall have the option of converting accrued and vested annual leave into cash. Such conversion may be for any amount of accrued and vested annual leave hours, provided that the employee has used the required minimum 80 hours of annual leave or maintains a bank of annual leave hours adequate to be able to use the required minimum number of hours of annual leave by the end of the calendar year.

#### 6.6.5.3 Eligible to Use

Employees in Group III shall be eligible to use annual leave as it is accrued.

#### 6.6.5.4 Accrual Rates for Employees hired before July 5, 1981

Employees in Group III hired before July 5, 1981, annual leave shall accrue and vest on a monthly basis in accordance with the following schedule:

Years of Service	Hours Accrued & Vested Monthly
0 through 5	12.00
6 through 10	14.00
11	16.67
12	17.34
13	18.00
14	18.67
15	19.34
16	20.00
17+	20.67

#### 6.6.5.5 Accrual Rates for Employees hired after July 5, 1981

Employees in Group III hired on or after July 5, 1981, shall accrue and vest annual leave on a monthly basis in accordance with the following schedule:

Years of Service	Hours Accrued & Vested Monthly
0 through 5	12.00
6 through 10	14.00
11+	16.00

### 6.7 Sick Leave General Provisions

#### 6.7.1 Paid and Unpaid Sick Leave

Reference to "sick leave" applies equally to such leave whether paid or not unless otherwise indicated. Sick leave which has been approved pursuant to these Rules shall be paid as long as the employee has accumulated sick leave with pay available and otherwise shall be unpaid.

#### 6.7.2 Conditions for Which Sick Leave May be Granted

Sick leave may be granted to employees appointed to regular positions in the City service subject to the provisions of Rule 6.7 for an absence from duty on account of the following:

- (1) Employee illness, maternity or injury;
- (2) Employee medical or dental appointments;
- (3) Employee Exposure to contagious disease that may endanger others by attendance on duty;
- (4) Birth of a child and care for such child;
- (5) Placement of a child for adoption or foster care;
- (6) Care for seriously ill spouse, child or parent.

#### 6.7.3 Conditions not approved for Sick Leave

No employee shall be entitled to sick leave while absent from duty on account of the following:

- (1) Sickness or disability sustained while on special leave.
- (2) Sickness or injury incurred while in the employ of an employer other than the City.

Sick leave shall not be used by an employee on account of an industrial injury or illness except as provided for in these Rules, and Rule 6.8 shall govern such absences.

#### 6.7.4 Sick Leave, Groups I and II

Refer to appropriate Memorandum of Understanding. Terms and conditions governing leave as set forth in any Memoranda of Understanding by and between the City and any exclusive bargaining unit representative shall be incorporated herein by this reference as if set forth in full.

#### 6.7.5 Sick Leave, Group III

##### 6.7.5.1 Accrual for Full-Time Employees

Full-time employees in Group III shall accrue four (4) hours of paid sick leave upon each full month service.

##### 6.7.5.2 Accrual for Part-Time Employees

Part-time Group III employees normally working not less than twenty (20) hours per week shall earn sick leave at one-half (½) the rate of full time employees.

##### 6.7.5.3 Eligible to Use

Full and part-time employees in Group III shall be eligible to use accrued sick leave upon completion of one month of continuous service.

#### 6.8 Industrial Injury or Illness Leave

##### 6.8.1 Exclusion of Safety Employees

Police Safety and Fire Safety employees are excluded from the industrial injury and illness leave provisions in these Rules and are covered instead by the provisions of Section 4850 et seq. of the California Labor Code.

##### 6.8.2 Regular City Employees other than Safety Employees

Employees not covered under California Labor Code Section 4850 et seq. shall receive industrial injury or illness leave and compensation for such illness or injury according to these Rules.

##### 6.8.3 Work Related Injury or Disease

An employee incapacitated to work because of injury or disease arising out of and suffered in the course of City employment is entitled to occupational sick leave during the period of the incapacity not to exceed ninety (90) working days.

##### 6.8.4 Worker's Compensation Benefits

If the injury or disease is covered by the Workers' Compensation Insurance and Safety Act, the employee is entitled to the benefits provided under the Act, including related medical expenses, temporary, and permanent disability indemnity benefit payments.



#### 6.8.5 Supplemental Disability Benefits

Whenever an employee is disabled temporarily and is entitled to receive temporary disability indemnity benefit payments provided under the Workers' Compensation Insurance and Safety Act, the employee shall receive supplemental City industrial disability compensation sufficient to pay to the employee a combined total amount equal to regular net take-home pay for the period of temporary disability, but not to exceed a total period of ninety (90) working days for any one injury or all combined injuries within one calendar year.

#### 6.8.6 Net Take Home Pay

As used in these Rules, "net take-home pay" means an employee's regular, current bi-weekly rate of pay, less deductions for Federal and State income tax as determined from the employee's W-4 Form on file at the time of the commencement of the injury or disease, and Public Employee's Retirement System plan contributions, as applicable. The term does not include overtime, standby or shift differential pay.

#### 6.8.7 Conversion of Earned Annual Leave

If an employee is still in a temporary disability status and unable to return to work because of the temporary disability after the maximum period provided in Rule 6.8.5, unused accrued sick leave shall be used to supplement payments received under the Workers' Compensation Insurance and Safety Act. The amount of sick leave that shall be converted is that amount which will provide supplementary disability compensation sufficient to add to the Workers' Compensation temporary disability indemnity benefit to afford a combined total amount equal to the employee's net take-home pay during the period of temporary disability. After all accrued sick leave has been exhausted, the employee with separate sick leave and annual leave accounts may elect to convert accrued and vested annual leave into supplementary disability compensation to be converted in the same manner as accrued sick leave.

#### 6.8.8 Accrual of Benefits

An employee while on occupational sick leave with pay shall earn benefits as provided in these Rules.

#### 6.8.9 Charges Against Sick Leave Accrual

Charges may be made against an employee's sick leave accrual if the City is contesting that the injury occurred on the job. In the event that the Workers' Compensation Appeals Board determines in favor of the employee, sick leave so charged shall be reaccredited to the employee's sick leave balance.

#### 6.8.10 Subsequent Injury

The City may require an employee to furnish medical proof or submit to medical examination at its expense to determine whether a subsequent injury is a new and separate injury or an aggravation of a former injury received while in the City service.

### 6.8.11 Suspension of Allowances

Allowances which are paid in addition to base salary shall be suspended after thirty (30) calendar days from the inception of occupational sick leave and shall be reinstated, if appropriate, upon return to work.

## 6.9 Military Leave

### 6.9.1 Information on Leaves

Military leave or rehire rights shall be granted as required by applicable State and Federal statutes. All inquiries should be addressed to the Personnel Officer.

### 6.9.2 Notice to Department Heads

An employee shall advise the department head at the earliest possible time that the employee has been ordered to active military duty or to training and shall provide the department head with a copy of such orders.

### 6.9.3 Time Off With Pay

As provided in the California Military and Veterans Code, Chapter 7 commencing with Section 389 and any amendment thereto, an employee may be entitled to the following rights concerning military leave. In case of any conflict between these rules and the Military and Veterans Code, the code shall prevail.

### Temporary Duty

Any employee who is a member of the reserve corps of the Armed Forces, National Guard, or Naval Militia shall be entitled to temporary military leave of absence for the purpose of active military training provided that the period of ordered duty does not exceed 180 calendar days, including time involved in going to and returning from such duty. While on paid status, an employee on temporary military leave shall receive the same vacation, holiday, and sick leave and step advances that would have been enjoyed had the employee not been absent, providing such employee has been employed by the City for at least 1 year immediately prior to the date such leave begins. In determining the 1 year employment requirement, all time spent in recognized military service shall be counted. An exception to the above is that an uncompleted probationary period must be completed upon return to the job. Any employee meeting the above 1 year employment requirement shall be entitled to receive their regular salary or compensation for the first 30 calendar days of any such temporary leave. Pay for such purpose shall not exceed 30 days in any one fiscal year and shall be paid only for the employee's regularly scheduled workdays.

The compensation provision does not include an employee's attendance at weekend meetings or drills. Employees must use their own time to attend such meetings. Should the meetings unavoidably conflict with an employee's regular working hours, the employee is required to use vacation or holiday leave, leave without pay, or make up the time. Employees who are called in for a medical examination to determine physical fitness for military duty must also use vacation leave, leave without pay, or make up the time. The 30 day compensation provision also applies to an employee on military leave other than temporary military leave who is ordered into active military duty or is inducted, enlists, or is otherwise called into active military duty. Copy of military orders must accompany the request for leave.

## Active Duty

Employees who resign from their positions to serve in the Armed Forces of the United States or of this State shall have a right to return to their former classification, subject to a physical/psychological examination and upon serving a written notice to their Appointing authority within 6 months of the termination of their active service with the Armed Forces; provided, such right to return to former classification shall not be granted to such employees who fail to return to their position within 12 months after the first date upon which they could terminate their active service with the Armed Forces. Should such employee's former classification have been abolished then the employee shall be entitled to a position in a classification of comparable functions, duties, and compensation if such classification exists, or to a comparable vacant position for which the employee is qualified.

The right to return to former classification shall include the right to be restored to such civil service status as the employee would have if the employee had not so resigned; and no other person shall acquire civil service status in the same position so as to deprive such employee of this right to restoration.

However, such employee will not have accrued vacation, sick leave, or other benefits while absent from City employment, except as provided in the temporary duty provision.

### 6.9.4 Return to Work

An employee shall report to work beginning the next regularly scheduled shift after expiration of the last calendar day necessary for the employee to travel from the site of military training to the site of City employment immediately following release from military training (18225, 11-10-93).

### 6.10 Civil Leave

All employees shall be given necessary time off when performing emergency civilian duty in connection with national defense, and all employees except those listed in 6.5.1 shall be compensated for such absence as a paid leave. Annual and sick leave shall accrue as provided in these Rules while an employee is on approved civil leave.

### 6.11 Voting Leave

If an employee has insufficient time to vote in a Statewide election, the employee may, without loss of pay, receive working time off to vote, which when added to working time provides sufficient time to vote. In no case shall more than two hours off with pay for such purposes be granted. Only working time at the start or end of the employee's shift may be used for such purposes. An employee must give the department head at least two working days notice of the need for such a leave.

### 6.12 Jury Duty or Honoring a Subpoena

#### 6.12.1 Time Off With Pay

All employees shall be given the necessary time off to perform jury duty or to honor a subpoena and all such employees, except those listed in Rule 6.5.1, shall be compensated for time spent in jury duty or in honoring a subpoena issued in the course of City employment as provided in this Rule. The compensation provided for in this Rule shall be the difference between the employee's straight time hourly rate for the straight time hours normally worked and the amount

of compensation received for serving as a juror or witness (other than meal or transportation reimbursement) (15621, 9/4/85).

#### 6.12.2 Return to Work for Employees Receiving Time Off With Pay

At all times during regularly assigned working hours when the employee's presence as a juror or witness is not officially required, the employee shall return to work until called again. However, if the work location is such that the employee cannot respond to a call to return to jury or witness duty with timeliness or cannot arrive at work at least one hour before the end of the regularly assigned work shift, then the employee shall not be required to return to work (16341, 11/18/87).

#### 6.12.3 Certification Forms

An employee receiving time off with pay for time spent on jury or witness duty shall submit certification from the court of jury duty time served and shall submit a copy of receipts for all compensation received for serving as a juror or witness.

#### 6.13 Special Leave With Pay or Without Pay

The City Council has the discretion to grant a regular employee leave of absence with pay for a period not to exceed one year. The City Manager has the discretion to grant a regular employee leave of absence without pay for a period not to exceed one year. Any request for such a leave must state in writing (in sufficient detail), the reason for the request, and how the City would significantly benefit from the absence. Approval shall be in writing and a copy filed with the Personnel Office. Upon expiration of special leave, or within a reasonable time after notice to return to duty, the employee shall be returned to the position held at the time leave was granted or if there is no vacancy in that position, the employee shall be reassigned to another available position for which the employee is qualified. The City Council reserves the right to cancel leaves which it has granted, as does the City Manager.

#### 6.14 Emergency Leave

Leave with or without pay may be granted by the City Manager for an absence in emergency situations such as extreme weather conditions, fire, flood, or malfunction of publicly-owned or controlled machinery or equipment. Leave with or without pay may also be granted based upon the declaration by the City Council (if in session), or the City Manager (if Council is not in session), or the Governor of the State of California, that a state of emergency, disaster, or grief exists.

#### 6.15 Administrative Leave

Administrative leave is defined as leave of absence with pay granted to employees in Group II and III by the City Manager or department head in recognition of working hours in excess of a normal work schedule. The City Manager shall establish the policy governing administrative leave.

## 6.16 Bereavement Leave

### 6.16.1 Death in Immediate Family

Employees shall be granted leave with pay in the event of a death in the "immediate family" of an employee.

### 6.16.2 Length of Leave

Leave with pay shall be granted for one work day (eight hours), or in the case of Fire Safety employees assigned to shift work one (1) shift or twenty-four (24) hours.

### 6.16.3 Travel Beyond 300 Miles

If travel is required in excess of three hundred (300) miles on account of a death in the immediate family, the employee shall be granted up to an additional two (2) scheduled work days [sixteen (16) hours] actually missed for that reason, or in the case of Fire Safety employees assigned to shift duty up to two (2) additional scheduled shifts [forty-eight (48) hours] actually missed for that reason. Proof of such travel may be required as a condition to such additional bereavement leave.

### 6.16.4 Immediate Family

For purposes of this Rule, "immediate family" shall be defined as any relative by blood or marriage who is a member of the employee's household, or any parent, grandparent, stepparent, spouse, child, grandchild, sibling of the employee, or any parent, grandparent or stepparent of the employee's spouse, regardless of residence.

## **Rule 7 - Examinations**

### 7.1 Examination Announcements

#### 7.1.1 Definitions

An examination is the total evaluation process used to measure the qualifications of candidates. The term "open" as used in these Rules refers to being made available to the general public. The term "internal" as used in these Rules refers to being made available to persons in the City Service.

#### 7.1.2 Announcements of Examinations

There shall be at least seven calendar days notice of all examinations. Such notice shall be posted in each division and City facility where practicable. The Personnel Officer shall determine whether an examination shall be announced openly or internally and whether an examination shall be competitive or non-competitive. Only competitive examinations require an announcement.

#### 7.1.3 Content of Examination Announcements

Announcement of examinations will normally include the following information: official title; salary; typical duties, or where this information may be obtained; the minimum qualifications and

any special qualifications; the final date for receipt of applications when known; the nature of the examination; and how to apply.

## 7.2 Applications

### 7.2.1 Official Forms

Applications must be completed on the forms prescribed by the Personnel Officer and properly filed with the Personnel Office for each class for which an applicant (including City employees) wants to be considered.

### 7.2.2 Filing Applications

7.2.2.1 - City employees may submit an application for any position. All applications shall be active for one year from date of receipt in the Personnel Office. Applications for examinations must be filed during regular business hours and filed with the Personnel Office on or before the final date specified in the announcement, if any. When no filing date has been specified, the Personnel Officer shall determine when sufficient applications are on file to close the application period and only active applications filed before that date are subject to consideration.

7.2.2.2 - The Personnel Officer may require applicants to furnish evidence of citizenship, character, education, physical and mental ability to perform the duties of the position sought without endangering the health or safety of themselves or others, or other qualifications as may be deemed necessary by the Personnel Officer. Such evidence shall be furnished at the applicant's own expense; provided, however, that any physical examination required as a condition of employment shall be paid for by the City.

### 7.2.3 Consideration of Applications

The City shall consider any active application which was filed in compliance with all the application filing requirements; provided further, the City shall retain the discretion throughout the examination process to reduce the number of applicants under consideration based on their relative ratings at that stage of the examination process. In no case shall participation in any part of the examination process constitute assurance of a passing rating.

### 7.2.4 Disqualification of Applicants

The Personnel Officer may refuse to examine an applicant; disqualify an applicant after any part of the examination process; remove a name from the eligible list; refuse to certify an eligible on an eligible list; consult with the department head in taking steps to remove a person already appointed provided the applicant:

- (1) does not meet any one or more of the minimum qualifications for the class of positions;  
or
- (2) has ratings at a particular stage in the examination process which do not satisfy the criteria set by the City for further consideration in the examination process; or
- (3) has made a false statement on the application or elsewhere in the examination process;  
or

- (4) has used or attempted to use pressure or bribery to secure an appointment in the City Service; or
- (5) has directly or indirectly obtained information regarding a test in the examination process to which an applicant was not entitled; or
- (6) has failed to submit the application correctly or within the prescribed time limits; or
- (7) has taken part in the creation, administration, or correction of a test in the examination process used for the position for which the person is an applicant; or
- (8) has been dismissed from a position in the City service for cause; or
- (9) has been convicted of a job related crime; or
- (10) is charged with or under indictment for any crime which upon conviction would cause denial of eligibility under this Rule; or
- (11) refuses to sign the loyalty oath; or
- (12) otherwise has violated provisions of the Personnel Ordinance or these Rules.

#### Notification of Disqualification

Any applicant, eligible, or person already appointed to a position who is disqualified pursuant to Rule 7.2.4 shall be notified in writing by the Personnel Officer as to why the disqualification was necessary.

### 7.3 Nature of Examinations

#### 7.3.1 Types of Examinations

The methods of examining an applicant may include any of the following:

- (1) written
- (2) oral
- (3) demonstration or performance
- (4) evaluation of experience, educational background, and skills
- (5) any other reliable method of examination

#### 7.3.2 Conducting and Evaluating Examinations

Examinations shall be conducted impartially and on a uniform basis. The Personnel Officer shall rate the results of the examination process on a uniform and objective basis and in accordance with a statement, if any, in an examination announcement concerning how the component parts of the examination shall be weighted.

### 7.3.3 Oral Examinations

When an oral examination is used, a panel of two (2) or more qualified individuals selected by the Personnel Officer shall conduct the examination and propose a rating for each examinee.

### 7.4 Notice of Examination Results

Written notice shall be given to each applicant of the final rating as soon as possible after the rating has been completed.

### 7.5 Retesting

#### 7.5.1 Performance Retesting

The Personnel Officer has the discretion to permit an applicant to retake the same or another form of the test of performance or skills; any such repetition can occur no sooner than fifteen (15) days from the original administration of the test.

#### 7.5.2 Training and Experience Reevaluation

The Personnel Officer has the discretion upon request of an applicant or on the Personnel Officer's own initiative, to reevaluate training and experience.

#### 7.5.3 Written Retesting

The Personnel Officer has the discretion upon request of an applicant or on the Personnel Officer's own initiative to permit or require repetition of the same or another form of the written test. Such a retesting upon the applicant's request can occur no sooner than ninety (90) days after the administration of the original test. In each case of a repeated written test, the most recent test score achieved shall be the score used in the examination process.

#### 7.5.4 Other Retesting

The Personnel Officer has the discretion, for purposes of effectuating the intent of the examination process to permit or require retesting or to disregard all or a component of a test result.

### 7.6 Inspection of Examination

#### 7.6.1 Request in Writing

Applicants have the right to inspect their own answer sheets and also the right to look at actual test questions except in the case of standardized tests, newly written tests, and tests excluded from inspection by reason of a contract. Requests to inspect such test papers shall be made in writing to the Personnel Officer within ten (10) days after notice of the final rating has been given to the applicant. The Personnel Officer shall determine the conditions of such inspection.

#### 7.6.2 Waiting Period for Retesting After an Inspection

Any applicant who reviews questions must wait ninety (90) days from that time before retesting if the same test materials are to be used.



### 7.6.3 Who May Inspect Test Answers and Results

An applicant, the applicant's attorney, representative designated by the applicant, or the department head to whom an eligible has been certified, may inspect an applicant's papers.

### 7.7 Review of Examination Ratings or Disqualification

An established error on the rating of an examination, if called to the attention of the Personnel Officer within five (5) days after receipt by the applicant of notice of rating, shall be corrected and ratings affected by such correction shall be adjusted by the Personnel Officer; provided that the Personnel Officer shall determine what other action, if any, shall be taken as a result of such correction or as a result of an improper disqualification, but in no case shall a correction or improper disqualification be the basis for invalidating any appointment previously made. In the case of an internal promotion, the position shall be held vacant for five (5) days to allow time to find an established error in the rating of an examination.

### 7.8 Examination Records

The Personnel Officer shall be responsible for the maintenance of all records pertinent to the examination process. Applications and other records shall be kept during the life of the eligible list or as long as may be required by law.

## **Rule 8 – Eligible Lists**

### 8.1 Eligible Lists

The Personnel Officer shall be responsible for establishing and maintaining appropriate eligible lists for all classes. After each examination, the Personnel Officer shall prepare an eligible list or merge the names of the new eligibles with those on the existing eligible list. In the case of open continuous recruitment, eligible lists may be amended periodically. The names of eligibles shall be placed on eligible lists in the order of their final rating in the examination. Eligibles may obtain their relative ranks on an eligible list by requesting such information in the manner prescribed by the Personnel Officer.

### 8.2 Use of Related List

If a vacancy exists in a class for which there is no appropriate eligible list, the Personnel Officer may prepare an eligible list for the class from one or more existing related eligible lists. The Personnel Officer shall select names of eligibles from eligible lists for a class or classes which are assigned to the same or higher pay range and which have minimum qualifications similar to those of the class in which the vacancy exists. The ratings of the eligibles may be reevaluated in light of the specific needs of placement in the class in which the vacancy exists.

### 8.3 Duration of Eligible Lists

An eligible list shall normally expire at the end of one year from the time of its establishment unless the eligible list is specifically extended by the Personnel Officer for a period not to exceed one year; provided, however, that eligible lists for classes for which there is continuous recruitment shall remain in effect indefinitely. The Personnel Officer may abolish any eligible list in the event of a new examination, changes in class duties or qualifications, or whenever an existing eligible list has ceased to meet the needs for adequate placement in the City Service.

#### 8.4 Removal from Eligible List

Names of eligibles will be removed from open continuous eligible lists after one calendar year from the date they were placed on the eligible list. When an eligible list is abolished or any eligible is removed from an eligible list, all eligibles affected shall be notified of such abolishment or removal in writing. It shall be the responsibility of eligibles to notify the Personnel Officer in writing of any change of address, telephone number, or other change affecting availability for appointment. The Personnel Officer may remove the name of an eligible from an eligible list at any time for any one of the following additional reasons, subject to administrative review:

- (1) any of the reasons specified in Rule 7.2.4;
- (2) when the eligible cannot be located by reasonable efforts of the department head or the Personnel Officer;
- (3) receipt by the Personnel Officer or the department head of any written or oral communication from the eligible that the eligible no longer desires consideration for a position in the class or is no longer available for appointment;
- (4) refusal or rejection by the eligible of an offer of appointment to the class for which the eligible list was established;
- (5) the appointment of the eligible to a position in the City Service, provided, however, that the name of such eligible shall not be removed from any other eligible list with a higher salary range;
- (6) for other such job related reasons as the Personnel Officer deems material in rendering the eligible unsuitable for further consideration in the class.

#### 8.5 Reinstatement Eligible List

Any regular employee who has resigned in good standing shall, for a period of one year from the date of separation, be entitled upon written request to be placed by the Personnel Officer on a reinstatement list for referral to departments having vacancies in the same class or classes assigned to a lower salary range for which the eligible qualifies. The Personnel Officer shall determine the criteria for ranking on such a list.

#### 8.6 Reemployment Eligible List

Any regular employee who has been separated as a result of layoff is entitled to be placed on Recall (Reemployment) List(s), pursuant to Personnel Rule 13.3.

#### 8.7 Promotion Eligible Lists

Employees who have passed the appropriate examination will be placed on a promotional list in the order of their respective relative ratings.

#### 8.8 Transfer Eligible Lists

Employees who have made written request to the Personnel Officer pursuant to Rule 12.2 to be considered for a transfer and have passed the appropriate examination, will be placed on the appropriate transfer eligibility list.

## 8.9 Voluntary Demotion, Eligible List

Employees who have made a written request to the Personnel Officer pursuant to Rule 12.3 to be considered for a voluntary demotion and have passed the appropriate examination, will be placed on the appropriate voluntary demotion eligibility list.

## 8.10 Order of Use of Eligible Lists

In filling vacancies from eligible lists, the following order is recommended:

- (1) the Recall (Reemployment) List for a classification in which a vacancy exists shall be used first, pursuant to Personnel Rule 13.3.6.3. (18225, 11/10/93).
- (2) the reinstatement list for employees requesting reinstatement to a position within their former department.
- (3) the promotion list, particularly if the highest score on the promotion list is within a 10% score span of the highest score on any open competitive list that may have been established for the same class.
- (4) the transfer list from another department.
- (5) open competitive list.

any or all of the above lists, irrespective of the order listed, as well as reemployment or reinstatement lists of former employees of departments other than the one from which such employees were laid off or resigned.

## **Rule 9 - Certification and Selection of Eligibles**

### 9.1 Notification of Vacancy

Department head shall notify the Personnel Officer of a vacancy by submitting a request on the form prescribed by the Personnel Officer.

### 9.2 Certification of Eligibles

#### 9.2.1 Certification of Eligibles

Upon receipt of notification of a vacancy, the Personnel Officer shall:

- (1) in the case of selection by competitive examination, certify the applicable eligibles in the order of rating bands which are determined by ratings on the examination(s) and submit to the department head. The number and size of the ratings bands certified shall be determined as deemed appropriate by the Personnel Officer. (17270, 9/19/90)
- (2) in the case of selection by non-competitive examination, certify the eligible(s) to be considered.

## 9.2.2 Procedures for Non-Competitive Selection

The Personnel Officer will establish procedures to follow in the case of a non-competitive selection.

## 9.2.3 Certification for More Than One Vacancy

If more than one position is to be filled in the same class in a department at the same time, a list of five (5) names may be certified for the first vacancy to be filled competitively and up to three (3) names shall be certified for each additional vacancy to be filled on a competitive basis; or instead of such separate certifications the entire list may be certified for use in filling all such vacancies.

## 9.2.4 Ties for Certification

When two or more ratings are identical, the Personnel Officer shall indicate on the certification that those eligibles are identical in rating.

## 9.2.5 Selective Certification

The Personnel Officer may make a selective certification of eligibles to a department head from the appropriate list when the vacancy is for a position in a particular class requiring special qualifications.

## 9.2.6 Certification for Student Appointments

Students may be certified for employment connected with their studies in the same manner as certification for regular employment. Where placement involves a particular discipline, special procedures not necessarily provided for in Rule 9.2.1, may be used. Any special procedure for a particular class or classes will be outlined by the Personnel Officer in the examination announcement for student employment (17270, 9-19-90).

## 9.3 Selection of Eligibles

### 9.3.1 Selection from Certification

Eligibles certified should be contacted by the department head in order to make the best selection. The department head's selection must be from among the eligibles certified.

### 9.3.2 Final Selection Reported in Writing

The department head's final recommendation for selection and such other information sought shall be reported in writing on the forms prescribed by the Personnel Officer.

## 9.4 Employment of Relatives

The initial employment of relatives (by blood or marriage) of City employees will not be permitted within the same department unless specifically approved by the City Manager. No relative by blood or marriage shall be supervised by another relative. No employee in the City shall be related by blood or marriage to the city manager, assistant city manager, or personnel director, and all employees in their divisions. (15994, 9/3/86)

For purposes of this rule, relatives shall include spouse, child, parent, grandparent, brother, sister, grandchild, uncle, aunt, nephew, niece and first cousin. (15621, 9/4/85)

## **Rule 10 -Types of Appointment**

### 10.1 Filling of Vacancies

Vacancies in the Competitive Service shall be filled pursuant to these Rules and shall be on a probationary, regular, temporary, seasonal, emergency, or provisional basis.

### 10.2 Regular Appointment

A regular appointment is the status conferred on an employee who has been deemed to have completed the initial probationary period on hire, reinstatement, or reemployment pursuant to Rule 11.2. Temporary, seasonal, provisional, or emergency appointments are not required to serve a probationary period and shall not receive a regular appointment.

### 10.3 Provisional Appointment

When a vacancy is to be filled on a non-temporary basis and the process established in Rule 9 has not produced an acceptable candidate and an incumbent employee is not going to fill the vacancy temporarily by detail to special duty, the department head, with the prior written approval of the Personnel Officer, may make a provisional appointment for that position. A provisional appointment shall be for no longer than ninety (90) days; provided, however, that such an appointment may be extended for successive periods of up to thirty (30) days each upon written request by the department head which requires the written approval of the Personnel Officer. In the case of a provisional appointment, good faith efforts will continue to be used to fill the vacancy on a non-provisional basis and pursuant to Rule 9.

### 10.4 Emergency Appointment

The appointment of a person to a position without regard to the requirements of Rules 7, 8, and 9 by reason of a governmental emergency shall constitute an emergency appointment. Emergency appointments shall be made only by the City Manager.

### 10.5 Temporary Appointment

The appointment of a person to a position which is going to last a limited period of time shall constitute a temporary appointment. Such appointments shall be subject to the prior written approval of the Personnel Officer and shall be -made pursuant to Rules 7, 8, and 9. Such an appointment shall usually last no longer than three (3) months or for the length of a leave of absence of an employee who is being replaced, whichever is longer.

### 10.6 Seasonal Appointment

#### 10.6.1 Nature and Approval of Seasonal Appointments

The appointment of a person to a position which recurs on a seasonal or intermittent basis is a seasonal appointment. A department head must receive prior written approval from the Personnel Officer before making seasonal appointments. Such approval requires proof that the position will be seasonal in nature, and the approximate intervals in which the need for it will

occur. Approval for a seasonal appointment pertains only to the specific class for which approval was originally sought and obtained.

#### 10.6.2 Selecting Seasonal Appointees

The first seasonal appointment of an individual to a specific class shall be made pursuant to Rules 7, 8, and 9; thereafter, for so long as the position continues to recur seasonally or intermittently and the individual fills the position each time it recurs, such successive seasonal appointments of that individual may be made without regard to Rules 7, 8, and 9.

#### 10.6.3 On-Call Appointments

Seasonal appointments shall be used for the appointment of persons on an on-call basis. The procedure for selection of such a seasonal employee shall be governed by Rule 10.6.2 except that after the first such appointment, the individual may be used to fill vacancies on an on-call basis in the specific class of the first appointment so long as the individual continues to be employed in that class at least intermittently.

#### 10.7 Reemployment

Rehiring into the Competitive Service, a former regular employee who was laid off from the Competitive Service within the time period established by Rules 8.4 and 8.7 is a reemployment.

#### 10.8 Reinstatement

Rehiring into the Competitive Service, a former regular employee who resigned from the Competitive Service, within the time period established by Rules 8.4 and 8.6, is a reinstatement.

### **Rule 11 - Probationary Period**

#### 11.1 Purpose

All employees are required to serve a probationary period in each position to which they are assigned except as otherwise provided by these Rules. The probationary period shall be utilized as an adjustment period; it is the final step in the examination process; and it is utilized for determining whether the employee will achieve regular status (in the case of new, reinstated or reemployed employees) or non-probationary status (in the case of regular employees) or for the separation, or, in the case of a newly promoted or transferred employee, reassignment or lay-off pursuant to Section 11.5.2,

#### 11.2 Length of Probationary Period

The probationary period shall normally be one year for Police and Fire Safety employees and for Dispatcher I and Dispatcher II, and six months for all other employees. An employee shall automatically be deemed to have passed probation at the end of the normal probationary period unless the department head has submitted in advance to the Personnel Officer a written request with justification for one of the following: (17270, 9-19-90).

- (1) a shorter than normal probationary period; or

- (2) an extension of the probationary period for up to ninety (90) days beyond the initial period; or
- (3) release for failure to complete probation.

### 11.3 Provisional Appointments

Time served under a provisional appointment shall not be used as a probationary period.

### 11.4 Failure to Complete Probation

A department head's recommendation that an employee in the initial probationary period upon hire, reinstatement or reemployment, be released or, in the case of a promotion or transfer, be separated pursuant to Section 11.5.2, is subject to the prior written approval of the Personnel Officer.

### 11.5 Restoration to Eligible List of Separated Probationary Employee

#### 11.51 Restoration to Lists for Same or Other Classes

After a probationary employee has been separated, the name may be restored by the Personnel Officer to the eligible list for the same or other classes for which the person had eligibility previously upon a determination that such action is in the best interest of the City Service. The Personnel Officer shall not again certify such eligible from the list for a vacancy in the same class to the department from which the person was separated unless requested by the department head.

#### 11.5.2 Failure During Promotional, Transfer or Demotional Probation

When an employee has been promoted, transferred or demoted but fails to successfully complete the probationary period on account of unsatisfactory performance, the employee will be reassigned to the former position, if available. If there is no vacancy in the former position or in a position in the former class, whichever applies, the employee shall be assigned to another similar position if determined practicable by the City and otherwise the rules of layoff shall apply. An employee who has been promoted, transferred or demoted but fails to successfully complete the probationary period on account of unsatisfactory performance may grieve the relevant evaluation of the performance but may not grieve or appeal any other personnel decision made pursuant to Rule 11.5.2. (16341, 11/18/87).

## **Rule 12 - Promotion, Transfer, and Demotion**

### 12.1 Promotion Policy

A promotion is a change in the assignment of an employee to another class having a higher range of pay. Vacancies in the City Service will be filled by promotion whenever practical and in the best interest of the Service. In order to be considered for a promotion, an employee's most recent performance evaluation must be rated as "meets job requirements". Except as provided in Rule 5.8.2 and notwithstanding any other provision in these Rules, a promotion is deemed effective on the date the promotional probation is deemed concluded as provided in Rule 11.2.

## 12.2 Transfer

### 12.2.1 Positions in Same Pay Range

A transfer is a change in the assignment of an employee from one department to another department or from one position to another position, in either case, in the same or substantially the same pay range as determined by the Personnel Officer.

### 12.2.2 Probationary Period

An employee who has successfully completed the initial probationary period on hire, reinstatement, or reemployment may be required by the department head to whom the employee is transferred to serve a probationary period in the classification transferred to if such transfer involves a significant change in duty or duties. The length of such a probation shall be determined by the Personnel Officer; but in no case shall the length of the probation be in excess of one (1) year for a transfer to Police Safety or Fire Safety employees or Dispatcher I or Dispatcher II employees, or in excess of six (6) months for all other transfers. Notwithstanding any other provisions in these Rules, a transfer is considered effective on the date the transfer probation is deemed concluded as provided in Rule 11.5.2.

## 12.3 Voluntary Demotion

An employee may request a voluntary demotion by filing the appropriate application forms with the Personnel Office. All voluntary demotions must receive the written approval of the Personnel Officer and the department heads concerned.

### 12.3.1 Probationary Period

An employee who has successfully completed the initial probationary period on hire, reinstatement, or reemployment may be required by the department head to whom the employee is demoted to serve a probationary period in the classification demoted to if such demotion involves a significant change in duty or duties. The length of such a probation shall be determined by the Personnel Officer; but in no case shall the length of the probation be in excess of one (1) year for a demotion to Police Safety or Fire Safety employees or Dispatcher I or Dispatcher II employees, or in excess of six (6) months for demotions to all other classifications. Notwithstanding any other provisions in these Rules, a demotion is considered effective on the date the demotion probation is deemed concluded as provided in Rule 11.5.2. (16341, 11/18/87).

## 12.4 Detail to Special Duty (Working out of Classification)

### 12.4.1 Temporary Assignment

A regular employee may be assigned to work in a higher classification for up to one year, upon prior written approval of the Personnel Officer. No detail to special duty may be made because of partial assignment of duties normally required of a higher classification in order to provide training or career development.



## **Rule 13 – Separations**

### 13.1 Types of Separation

All separations of employees from positions in the Competitive Service shall be designated as one of the following types and shall be accomplished in the manner indicated: resignation, layoff, disability, death, retirement, dismissal and release.

### 13.2 Resignation

Employees who desire to terminate their service with the City shall submit a written resignation to the department head at least two weeks prior to the effective date of the resignation. Failure to comply with this requirement may be cause for denying future employment with the City.

### 13.3 Layoff and Recall

#### 13.3.1 Application

This Personnel Rule applies unless specific layoff and recall provision(s) within the terms of an applicable Memorandum of Understanding provide otherwise. (18225, 11/10/93)

#### 13.3.2 Scope and Purpose

Layoff is the non-disciplinary separation of an employee for reasons of shortage or reallocation of funds or work; duties of the position, or unavailability of a position, reorganization with the City, or for similar reasons. The City Manager has the authority to determine when a layoff shall occur. No regular employee shall be laid off while another person is employed performing substantially similar duties on a provisional, seasonal, temporary, or initial probationary basis at the time of layoff.

#### 13.3.3 Procedure

Lay off of any employee shall be made in the following order:

13.3.3.1 - Employees shall be laid off by classification in the reverse order of seniority in that classification.

13.3.3.2 - In the event that two or more employees in the same classification have the same classification seniority, then lay off shall be made on the basis of departmental seniority, then City seniority.

13.3.3.3 - In the event that two or more employees in the same classification have the same City and departmental seniority, then lay off shall be made on the basis of the employees' job performance as determined by the City Manager or his/her designees.

#### 13.3.4 Notice to Lay Off

The City Manager (or designee) shall give all affected regular employees and their Exclusively Recognized Association, if any, at least thirty (30) calendar days written notice of any impending lay off, except in the event of an emergency situation, the City shall give no less than ten (10) calendar days notice. The notice shall include the following:

- A. the effective date of the lay off.
- B. the reason for the lay off.
- C. the job classification, if any, within the employee's present department into which the employee may bump as otherwise provided in this procedure.
- D. the vacancies in job classification, if any, in other departments into which the employee may bump as otherwise provided in this procedure.
- E. if the employee declines the opportunity to bump or is not eligible for bumping, that the employee will receive two months of regular wages upon layoff and have six months of medical coverage at same level of employee contribution that was in effect upon the day of layoff.
- F. the rules governing recall.
- G. the availability of the Personnel Department staff to assist the employee in seeking other employment.

#### 13.3.5 Transfer to Avoid Lay Off

Prior to implementing any lay off, the City will transfer an affected employee to a vacancy in equivalent job classification in the same department or another department.

#### 13.3.6 Bumping Rights

13.3.6.1 - An employee affected by lay off shall have bumping rights to displace an employee in the same department who has less seniority in a lower class in the same class series, or in a lower classification in which the affected employee once had regular status. In order to bump to a lower or former class, an employee must request such bumping action in writing to the Personnel Department within ten (10) working days of receipt of the notice of lay off. Employees bumping to a lower or former class shall be placed at the salary step representing the least loss of pay. In no case shall the salary be increased above that received in the class from which the employee was laid off.

13.3.6.2 - An employee who is not eligible for bumping rights within the same department in which he or she is currently employed, as described above, and, who has previously served in another City department, may displace an employee of such previous department who has less seniority in that department. Any such displacement shall only take place in the same classification that the affected employee currently holds, in a lower class in the same class series as that one currently held, or in a lower classification in which the affected employee once had regular status. In order to bump to a lower or former class, an employee must request such bump action in writing to the Personnel Department within ten (10) working days of receipt of the notice of lay off. Employees bumping to a lower or former class shall be placed at the salary step representing the least loss of pay. In no case shall the salary be increased above that received in the class from which the employee was laid off.

13.3.6.3 - Any bumping right exercised under this procedure shall not effect the anniversary date of the bumping employee.

### 13.3.7 Recall (Reemployment)

13.3.7.1 - The names of persons who have been bumped or laid off in accordance with this procedure shall be entered upon a Recall (Reemployment) List. Such lists shall be on the basis of job classification. Former or bumped employees shall be placed upon such list for that job classification in the inverse order of their lay off or bump date. If two or more former employees on such list have the same layoff date, then City seniority shall be considered. If two (2) or more employees have identical layoff dates and City seniority, then, based upon job performance records prior to lay off, reemployment order will be determined by the City Manager or designee.

13.3.7.2 - In the event that the job classification from which a former employee has been laid off no longer exists, then the former employee shall have the opportunity to qualify for other Recall (Reemployment) Lists for different job classifications. A former employee's eligibility for any particular Recall (Reemployment) List in such circumstances shall be determined by the City's standard hiring practices for that position. A laid off employee shall notify the Personnel Department within ten (10) working days of his or her lay off to which positions, if any, he or she desires to attempt to qualify for.

13.3.7.3 - The Recall (Reemployment) List shall be made an addendum to any existing regular eligible list for each affected job classification for a period of 24 months from the day of lay off; 36 months for the classifications of Police Officer and Police Sergeant and, indefinitely for those employees bumped to a lower classification. If no regular eligible list exists, the Recall (Reemployment) List shall be used to establish a new eligible list. Such Recall (Reemployment) List shall be used by any appointing authority in filling a vacancy which arises in the same job classification before consideration of any other eligible list, provided that the laid off or bumped employee(s) continues to meet the requirements for the position or classification.

13.3.7.4 - When a vacancy arises in a job classification for which a Recall (Reemployment) List exists, the Personnel Department shall immediately notify those former employees whose names appear on the list. Such notification shall be by registered or certified mail sent to the employee's last address of record on file in the Personnel Department. It shall be the responsibility of the former employee to keep the Personnel Department informed of any address changes. Within ten (10) calendar days after receipt of the notice of vacancy, a former employee must inform the Personnel Department of his or her availability and intention to accept reemployment. The names of all former employees on a Recall (Reemployment) List willing to accept employment shall be certified to the appropriate appointing authority for consideration for reemployment. Such names shall be certified in the order in which they appear on the Recall (Reemployment) List. No other applicant on any other eligible list shall be considered for appointment to the vacancy until all former employees on the Recall (Reemployment) List have been considered appointed pursuant to Rule 13.3.7.3.

13.3.7.5 - Upon reemployment, the former employee's salary shall be established at the salary step level held at the time of lay off and the anniversary date for use in accordance with the salary step plan shall be the date on which reemployment begins. A reemployed employee shall be entitled to credit for all unpaid sick leave accrued prior to lay off and shall receive service credit towards seniority for the most recent prior regular employment and shall accrue leave commencing with the effective date of such reemployment at the current accrual rate applicable to the service credit they received (18225, 11-10-93).

#### 13.4 Disability

An employee may be separated who has exceeded sick leave permitted under these Rules or who is unable to perform the duties of the position or cannot perform them in a manner which would not endanger his, her, or another's health and safety because of a physical or mental impairment. A disability separation may be initiated by the employee, the employee's legal representative, or the City. In all cases, a disability separation must be supported by medical evidence acceptable to the City Manager. The City may require medical and psychiatric examination at any time as provided in Rule 1.2. (Res. 16549, 8-9-88).

#### 13.5 Death

Separation shall be effective as of the date of death. All previously unpaid compensation due in accordance with these Rules shall be paid to the estate of the employee, except as otherwise provided by law.

#### 13.6 Retirement

##### 13.6.1 Inclusive in Public Employees' Retirement System

All City employees who are not excluded from membership pursuant to the terms of Public Employees' Retirement Law shall automatically be included in the Public Employees' Retirement System.

##### 13.6.2 Conditions for Retirement

Whenever an employee meets the conditions set forth in the Public Employees' Retirement Law and the contract between the Board of Administration of the Public Employees' Retirement System (PERS) and the City Council of the City of Palm Springs, the employee may elect to retire and receive all benefits earned under the retirement plan. Whenever an employee with regular status is retired as provided under the retirement plan, the employee is deemed to be separated without prejudice and does not have the right to appeal to the Personnel Board.

##### 13.6.3 Amendments to Retirement Plan

Amendments of the Public Employees' Retirement System (PERS) contract shall be adopted by the City Council if so mandated by State Law, or as to optional matters, the City Council may adopt amendments after compliance with Government Code 3500 et seq. to the extent applicable.

##### 13.6.4 Voluntary Retirement

Employees may retire voluntarily if they have attained age fifty (50) or as otherwise specified in the Public Employees' Retirement Law and have been credited the necessary years of service as required.

##### 13.6.5 Mandatory Retirement for Miscellaneous Employees

Members of the Public Employees' Retirement System (PERS) not wishing to retire voluntarily may continue to work until age seventy (70) after which age an employee shall not, solely because of chronological age, be required to retire, so long as the necessary conditions are,

and continue to be met. The City may require at any time, medical and psychiatric examinations as provided by Rule 1.10. (Res. #15994, 9/3/86).

### 13.7 Dismissal

A dismissal is the involuntary separation for cause of a City employee.

### 13.8 Release

A release is the separation of an employee on probation or for failure to meet legal requirements of employment or of the class.

## **Rule 14 - Disciplinary Actions**

### 14.1 Nature of Actions

When an employee fails to meet generally accepted standards of performance, work habits, or conduct (pursuant to Rule 2) relevant to City employment, supervisors should inform the employee promptly and specifically of such lapses and give counsel and assistance. If the City deems it appropriate, a reasonable period of time for improvement may be allowed before initiating formal disciplinary action and discipline may be administered in progressive steps as determined by the City. A specific incident may be deemed by the City to be grounds for immediate disciplinary action up to and including dismissal. Examples of factors considered in establishing the action to be taken include the seriousness the City attaches to the incident and the documented pattern of the employee's past performance and conduct.

### 14.2 Pre-disciplinary Requirements

#### 14.2.1 Procedure

Prior to imposing a suspension, a demotion, a reduction in pay or a dismissal on a regular employee, the following procedure shall be followed:

(1) A written "Notice of Charges" to include the charges brought against the employee, a statement of the factors upon which disciplinary action shall be taken, and a statement explaining what disciplinary actions are being proposed. The Notice of Charges shall inform the employee of the employee's right to respond to the proposed action(s) as provided for by these Rules and the date by which the employee must respond to the charges.

(2) A copy of all materials upon which the proposed action(s) are based shall be included with the Notice of Charges.

#### 14.2.2 Working Days

For purposes of Rules 14, 15, and 16, "working days" are defined as the period from 8 a.m. to 5 p.m. excluding weekends and holidays.

#### 14.2.3 Response to Notice of Charges

Within five (5) working days of receipt of the Notice of Charges, a regular employee has the option to respond to them either orally or in writing to the employee's department head. Upon a written request, an extension of up to five (5) working days within which to respond may be

granted by the above mentioned City authority. The purpose of this response is to allow that employee an opportunity to state objections to proposed disciplinary actions and not to provide an evidentiary hearing at this stage of the disciplinary process. Failure of the employee to timely exercise the employee's right to respond to the Notice of Charges shall be deemed a waiver of the employee's procedural rights at this stage of the disciplinary process. In the event the City amends or supplements the Notice of Charges, Rules 14.2.1 and 14.2.3 shall be followed as to the new charges. (17270, 9-19-90)

#### 14.3 Dismissal, Suspension, Demotion and Reduction in Pay

##### 14.3.1 Written Statement of Cause

A regular employee who is being dismissed, suspended, demoted, or whose pay is being reduced will be served personally or by mail pursuant to Rule 1.10, a written "Notice of Discipline". The Notice of Discipline shall include the grounds upon which the discipline is based, a statement of the facts related thereto, the effective date or dates of such discipline and a statement of the employee's right to appeal in writing to the Personnel Board within ten (10) working days of receipt of the Notice of Discipline and that failure to file a timely appeal shall be deemed a waiver of the right of appeal.

##### 14.3.2 Relief from Duty

The City retains the right in any case to relieve an employee immediately from duty or to exclude the employee from the post or place of duty pending investigation or preparation and giving the Notice of Discipline, but pay shall not be withheld for disciplinary reasons until the effective date of such discipline as determined by the City Manager or the City Manager's delegate.

##### 14.3.3 Amended or Supplemental Notice of Discipline

Any time before receiving the Personnel Board's notice of the time and place of hearing, the City may serve on the employee and file with the Personnel Officer and, if an appeal of the Notice of Discipline has been filed, with the Personnel Board, an amended or supplemental Notice of Discipline.

##### 14.3.4 Request for Additional Pre-Disciplinary Response and Continuance of Personnel Board Hearing

If an employee contends that a Notice of Discipline (or an amended or supplemental Notice of Discipline) states grounds that were not included within the related Notice of Charges, or that an amended or supplemental Notice of Discipline states new grounds not included within the previously served Notice of Discipline, the employee may request the City Manager or delegate (if no appeal of the Notice of Discipline has been filed) or the Personnel Board (if an appeal of the Notice of Discipline has been filed) for a right to respond to the new charges pursuant to Rule 14.2.3 and, if applicable, for a continuance of the Personnel Board hearing. Such a request shall be made in writing within three (3) working days of receipt of the Notice of Discipline (or the amended or supplemental Notice of Discipline) and shall state the ground or grounds alleged to be new and shall indicate whether the employee is seeking a continuance of a Personnel Board hearing, if applicable, or seeking an opportunity to respond to charges pursuant to Section 14.2.3, or both. In the event the employee receives the Notice of Discipline (or amended or supplemental Notice of Discipline) less than three (3) working days before the start of the Personnel Board hearing, the employee shall submit such request before or at the

commencement of the Personnel Board hearing. The City Manager (or delegate) or Personnel Board, whichever is applicable, shall determine: (1) whether the grounds alleged to be new by the employee are tantamount to new charges or grounds; (2) whether the employee shall be provided an opportunity to respond pursuant to Section 14.2.3, and the time period for such a response, if granted; and (3) whether a Personnel Board hearing shall be continued and the period of such a continuance. If the City Manager or Personnel Board determines the employee has the right to respond to new charges, the procedures established by 14.2.3 and 14.3 shall be followed.

#### 14.4 Maximum Length of Suspension

Except as otherwise provided by Ordinance or in these Rules, suspensions without pay shall not exceed thirty (30) calendar days for any single suspension.

#### 14.5 Maximum Length of Salary Reduction

As a disciplinary measure, the City Manager (or delegate) may reduce the salary, up to five percent (5%) but not below the first step of the employee's pay range, of any employee for a period of up to six (6) months.

As a disciplinary measure, the City Manager (or delegate) may also reduce the salary, up to ten percent (10%) for an unspecified period of time, of Group III employees and employees designated as Department Heads in the City Manager's department. (16549, 8/9/88)

#### 14.6 Discipline During Probationary Period

An employee may be disciplined, including without limitation release or dismissal, without the right of appeal at any time during the employee's initial probationary period after hire, reinstatement or reemployment.

#### 14.7 Causes for Disciplinary Action

The City may discipline (including reprimand, suspend, demote, reduce in salary, or dismiss) any employee. Causes for disciplinary action must be related to the job or City Service and include, but are not limited to the following: (15994, 9/3/86)

- (1) Willful misrepresentation of any information in any way pertaining to City business or employment.
- (2) Incompetency; negligent or substandard performance of duties.
- (3) Violating fire or safety standards.
- (4) Resistance in following instructions or directions.
- (5) Insubordination that constitutes a serious breach of discipline.
- (6) Dishonesty.
- (7) Unauthorized removal, possession, consumption, or use of City funds, equipment, records, or other property.

- (8) Absence without leave.
- (9) Conviction of a criminal offense or engaging in conduct tantamount to a criminal offense.
- (10) Discourteous treatment of the public or City employees.
- (11) Political activity in violation of the law.
- (12) Engaging in disorderly conduct, quarreling or fighting, or threatening any member of the public or a City employee.
- (13) Use of official position for personal advantage.
- (14) Excessive tardiness or absences; tardiness or absence without proper notice to management.
- (15) Carelessness or negligence on working time or in a City workplace which could or has endangered the health or safety of that employee or others or could or has caused damage to property.

## **Rule 15 - Appeals**

### 15.1 Matters Which May be Appealed

An employee in the Competitive Service who has attained regular status may appeal within ten (10) working days of receipt of a Written Notice of Discipline for dismissal, demotion, suspension, or reduction in salary.

### 15.2 Employee Rights and Restrictions

#### 15.2.1 Right to Representation

The appellant has the right to a representative throughout the appeal process, at the appellant's own cost. That representative is chosen by the appellant and may be an attorney, an outside representative, or another City employee. If a City employee is selected as the representative, that employee's immediate supervisor must be notified in order to get permission to be absent from assigned duties to attend the hearing. Such permission shall not be unreasonably withheld.

#### 15.2.2 Right to Investigate

The appellant and the appellant's representative wishing to enter a work area for the purpose of investigating the Notice of Discipline must first obtain permission to do so from the work area supervisor. Any investigation shall be conducted on non-working time unless the department head has granted prior approval to use City time. Permission in either case shall not be unreasonably withheld, giving consideration to the work of the department and occupational safety.



### 15.3 Appeals before the Personnel Board

#### Request for Appeal

Every appeal to the Personnel Board must be timely filed in writing with the Personnel Officer. Failure to file a timely appeal shall be deemed a waiver of the right of appeal. The appeal shall state the facts upon which it is based, any Palm Springs Personnel Rule alleged to have been violated, the action requested by the Board and it shall be signed and dated by the appellant. The statement of facts in the appeal shall provide (in sufficient detail) the necessary facts and identify all persons or departments concerned in order that the Board may understand the nature of the proceeding and appeal. The appellant's department head shall be considered the only respondent unless the written appeal identifies other respondents. The Personnel Officer shall serve a copy of the appeal on the respondent.

The appellant or respondent may, at any time prior to the hearing, file a written statement setting forth in detail all facts essential and necessary to support its position. The parties are encouraged to include with and set forth in the statement all exhibits essential and necessary to support its position and which it intends to offer into evidence (15621, 9/4/85).

#### 15.3.2 Answer

The respondent is not required to file an answer to the appeal. If an answer is filed prior to the hearing, a copy thereof shall be sent to the appellant by the Personnel Officer. If no answer is filed, every relevant and material allegation of the appeal is in issue; but in any case, irrelevant and immaterial issues may be excluded by the Personnel Board.

#### 15.3.3 Time for Hearing

Every hearing on an appeal shall commence within twenty (20) days from receipt by the Personnel Officer of the written request for an appeal unless;

- (1) the time is extended by mutual consent of the appellant and respondent;
- (2) a quorum of the Personnel Board cannot be assembled within that time, in which case such hearing shall be scheduled by the Personnel Board as soon as practicable;
- (3) the Personnel Officer or the Personnel Board has granted an extension of time within which to commence the hearing.

#### 15.3.4 Notice of Hearing

Written notice of the time, date, and place of hearing of appeal shall be served by the Personnel Officer on the appellant and the respondent at least five (5) working days before the date of such hearing. This notice may be delivered personally or by mail pursuant to Rule 1.10. A respondent or appellant may seek a continuance of the hearing date by making a written request to the Personnel Officer stating the grounds for such a request and the requested date for the hearing. The Personnel Officer shall have the authority to determine whether to grant a continuance and to set the hearing date.

### 15.3.5 Rehearing Meeting

The Personnel Board has the authority to require an appellant and respondent to meet prior to the commencement of a hearing for the purpose of using a good faith effort to prepare a joint written statement of the claims and defenses and disputed and undisputed facts and to submit separate written statements where concurrence on such items could not be achieved. Parties are encouraged to voluntarily meet for this purpose and submit such statements.

### 15.3.6 Witness List and Subpoenas

The respondent and appellant shall submit in writing to the Personnel Officer, at least three (3) working days prior to the start of the hearing, the name(s) of any witnesses expected to be called during the hearing. The Personnel Officer shall provide each party the names of witnesses, so submitted in advance of the hearing. A respondent or appellant may request approval from the Personnel Board for the issuance of subpoenas to compel the person(s) to testify at a hearing or the production of documents to be brought to a hearing by submitting a written request to the Personnel Officer. Such a request must state with particularity the person(s) or document(s) sought to be compelled, and the relevancy of that person(s) or that document(s) or both to the matters to be tried in the hearing. The Personnel Board or the Personnel Officer, if so delegated, shall cause subpoenas to be issued when the Personnel Board or the Personnel Officer, whichever applies, deems appropriate.

### 15.3.7 Nature of Hearing

Each hearing shall be open unless the appellant requests a closed hearing. Any party may be self represented, have legal counsel or another representative of choice. The hearing shall be conducted by the Personnel Board pursuant to these Rules. The Board shall have the authority to:

- (1) open and adjourn the hearing;
- (2) rule on evidentiary questions;
- (3) call, question, and cross-examine witnesses;
- (4) call for and introduce documentary evidence for the purpose of adequately understanding the facts and issues of the hearing; and
- (5) otherwise control the conduct of the hearing.

The hearing shall be informal and technical rules of evidence shall not apply to the proceedings, except that irrelevant, immaterial, incompetent or unduly repetitious evidence or evidence protected by the rules of privilege recognized by law may be excluded. All testimony at the hearing shall be recorded manually or by mechanical device. All testimony shall be given under oath. Stipulations of fact may be introduced into evidence with respect to any issue. Each respondent and appellant shall have the right to appear, to speak, to call, to examine, and to cross-examine witnesses including those called by the Personnel Board and to introduce documentary and other evidence.

#### 15.3.8 Exclusion of Witnesses

Upon the motion of any appellant, respondent or upon its own motion the Personnel Board may exclude from the hearing room any witnesses not at the time under examination; but an appellant or respondent to the proceedings or their representatives in the case shall not be excluded.

#### 15.3.9 Proposed Findings of Fact

Both appellant and respondent shall have the right to file proposed findings of facts or a brief or both with the Board on or before the date the hearing is closed. Any party who submits proposed findings of facts, a brief, or both, must serve such document immediately upon all other parties to the hearing.

#### 15.3.10 Findings of Fact and Recommendations to the City Manager

The Board shall make and certify written findings of fact and recommendations to the City Manager without undue delay. If the Personnel Board recommends the affirmation of the discipline for which an appeal was taken, then such discipline shall be deemed final and binding. A copy of the Board's certified written findings of fact and recommendations shall be sent by registered mail or personally delivered to the appellant and the respondent at the addresses given at the hearing or to a representative designated to receive same and to the City Manager. If the Personnel Board recommends any modification to such discipline, a copy of the entire hearing record shall also be delivered to the City Manager.

#### 15.4 Disposition of Appeal

If the Personnel Board recommends any modification to the discipline for which an appeal was taken, the City Manager, within ten (10) working days of the receipt of the Board's findings of fact and recommendation, shall adopt or modify in whole or in part, the recommendation of the Personnel Board and shall so notify the employee, respondent, and the Personnel Board. If the City Manager adopts the recommendations of the Personnel Board, the City Manager's decision will be final and binding.

If the City Manager rejects or modifies the Board's recommendation(s), the appellant may, by written notice filed with the Personnel Officer within ten (10) working days following notice of the City Manager's decision, appeal the matter further to the City Council whose action shall be final and binding.

#### 15.5 Withdrawal of an Appeal

The appellant may submit a written request to withdraw the appeal at any time before a final and binding decision is made.

### **Rule 16 - Grievance Procedure**

#### 16.1 Policy

It is the policy of the City of Palm Springs that all employee grievances be resolved promptly. The purpose of the grievance procedure is to provide a uniform and equitable procedure for the handling and resolution of employee grievances. All employees shall be assured freedom from

discrimination, coercion, restraint, or reprisal on account of presenting grievances under this Rule.

## 16.2 Definition of a Grievance

A grievance is a complaint by an employee or group of employees concerning the interpretation or application of policies and procedures governing personnel practices or work rules, health, or safety of working conditions, alleged improper treatment, employee complaints concerning alleged violations of the City's non-discrimination policies particularly with respect to reasonable accommodation, disciplinary actions which are not subject to the appeal process, and personnel decisions which are not subject to Rule 4.3.3 or 7.7 and are not excluded from the grievance procedure elsewhere in these rules. Complaints involving sexual harassment shall be handled by a separate procedure. Release or lay-off of employees during an initial probationary period after hire, reinstatement, or reemployment is not subject to the grievance procedure.

## 16.3 Responsibilities in Handling Grievances

### 16.3.1 Employee

The employee has the responsibility to discuss the grievance with the immediate supervisor or appropriate official at a time mutually satisfactory to both parties. Discussion of the grievance shall take place before initiating a written grievance.

### 16.3.2 Supervisor/Division Head

16.3.2.1 - For Police and Fire Safety Unit employees, the Supervisor is responsible for attempting to resolve grievances within the supervisor's level of responsibility (16549, 8/9/88).

16.3.2.2 - For all other employees, the Division Head is responsible for attempting to resolve grievances within the Division Head's level of responsibility (16549, 8/9/88).

### 16.3.3 Department Head

The department head has the responsibility for attempting to resolve grievances within the department or working with other department heads if the grievance crosses departmental lines; for informing the employee if the complaint is not a recognizable grievance within the scope of this grievance procedure and notify the Personnel Officer of such action; for informing the employee of any limitations of the department head's authority to fully resolve the grievance; for supplying answers to any questions concerning the processing of a grievance.

### 16.3.4 Personnel Officer

The Personnel Officer is responsible for answering any question concerning the grievance procedure and monitoring the administration of the grievance procedure.

## 16.4 Employee Rights and Restrictions

### 16.4.1 Right to Representation

The grievant has the right to a representative throughout this grievance procedure. A City employee selected as a representative in a grievance shall give the employee's supervisor reasonable advance notice and shall obtain the permission of the immediate supervisor to be

absent from assigned duties to attend a grievance meeting. Such permission shall not be unreasonably withheld.

#### 16.4.2 Right to Investigate

A grievant and a grievant's representative wishing to enter a work area for the purpose of investigating a formal grievance must first obtain the permission of the work area supervisor. The grievant and grievant's representative shall conduct their investigation on non-working time unless they have prior approval from their department heads. Permission in either case shall not be unreasonably withheld, giving consideration to work of the department and occupational safety.

#### 16.4.3 Right to Use City Time

Employees shall be given a reasonable amount of City time to present their grievance and shall not lose their rights because of management imposed limitations in scheduling meetings.

#### 16.5 Time Limits and Waivers

##### 16.5.1 Working Days

For purposes of Rules 14, 15, and 16, "working days" are defined as the period from 8 a.m. to 5 p.m. excluding weekends and holidays.

##### 16.5.2 Initiation

An employee must initiate the grievance within fifteen (15) working days of the occurrence of the event giving rise to the grievance or within fifteen (15) working days after the grievant should, with reasonable diligence, have had knowledge of such occurrence, whichever is later.

##### 16.5.3 Management Reply

Failure by management to reply to the employee's grievance within the time limits specified under the grievance procedure (Rule 16.6) shall automatically grant the employee the right to process the grievance to the next level of review. For Police and Fire Safety Unit employees, the Personnel Officer shall be notified by the next level of supervision and shall review any failure by management to respond to a grievance. For all other employees, the Personnel Officer shall be notified and shall review any failure by management to respond to a grievance (16549, 8-9-88).

##### 16.5.4 Failure to Appeal to Next Level

If an employee fails to appeal from one level to the next level within the time limits and in the manner provided under the grievance procedure, the grievance shall not be subject to further appeal or consideration.

##### 16.5.5 Waiver by Mutual Agreement

Any level of review or any time limits established in the procedure may be waived or extended by mutual agreement between the employee and management, which must be confirmed in writing.

## 16.6 Grievance Procedure

### 16.6.1 Step One: Informal Grievance Discussion

16.6.1.1 - For Police and Fire Safety Unit employees, the grievant shall submit the grievance to the attention of the grievant's immediate supervisor within the time period established in Section 16.5.2. A meeting shall be held between the grievant, the grievant's representative, if applicable, and the immediate supervisor within three (3) working days after such submission, to attempt to resolve the grievance, and the immediate supervisor shall answer orally then or within three (3) working days of such meeting (16549, 8/9/88).

16.6.1.2 - For all other employees, the grievant shall submit the grievance to the attention of the grievant's Division Head within the time period established in Section 16.5.2. A meeting shall be held between the grievant, the grievant's representative, if applicable, and the Division Head within three (3) working days after such submission to attempt to resolve the grievance. The Division Head shall answer orally then or in writing within three (3) working days of such meeting. Non-safety employees in the Police Department shall follow the department chain of command in using the grievance procedure (16549, 17270, 9/19/90).

### 16.6.2 Step Two: Written Grievance

For Police and Fire Safety Unit employees, the written grievance must be submitted by the grievant, if not resolved in Step One, to the supervisor of the grievant's immediate supervisor, with a copy to the Personnel Office, within seven (7) working days of the informal grievance meeting provided for in Step One. For all other employees, if not resolved in Step One, a written grievance must be submitted by the grievant to the department head, with a copy to the Personnel Office, within seven (7) working days of the informal grievance meeting provided for in Step One. The form must be completed as follows (16549, 8-9-88).

- (1) Written statement of the facts on which the grievance is based, the problem those facts represent, and, if applicable, the Palm Springs Personnel Rule which interpretation or application is in question;
- (2) If the employee wishes to have a grievance representative as provided by these Rules, the employee should name the representative;
- (3) Statement of remedy sought;
- (4) Signature of the employee or employees.

### 16.6.3 Response to Written Grievance in Step Two

16.6.3.1 - For Police and Fire Safety Unit employees, the supervisor who is designated by these Rules to receive the Step Two written grievance shall investigate the grievance as deemed appropriate by that supervisor and respond to that grievance within seven (7) working days of its receipt. A copy of the written grievance answer shall be provided to the grievant and the grievant shall be requested to initial it only as acknowledgement of receipt and a copy thereof shall be forwarded to the department head and the Personnel Officer. If the supervisor designated by these Rules to receive the Step Two written grievance determines that the supervisor does not have the authority to resolve it, that supervisor shall so inform the grievant and shall forward the written grievance to the next higher level of supervision with authority to resolve it in Step Two. (16549, 8-9-88)

16.6.3.2 - For all other employees, the department head who receives the step two written grievance shall investigate the grievance as deemed appropriate.

If the grievance is outside the department head's authority, the department head shall indicate this in writing, provide a copy to the grievant and the grievant shall be requested to initial it only as acknowledgement of receipt and a copy thereof shall be provided to the Personnel Officer.

If the grievance is within the department head's authority, the department head shall hold a meeting with the grievant and the grievant's representative, if applicable, within seven (7) working days following receipt of the written grievance. The department head shall respond in writing to the grievance within seven (7) working days of the meeting. A copy of the written grievance answer shall be provided to the grievant and the grievant shall be requested to initial it only as acknowledgement of receipt and a copy thereof shall be forwarded to the Personnel Officer. (16549, 8/9/88)

#### 16.6.4 Step Three: Submission of Written Grievance to Department Head/Personnel Officer

16.6.4.1 - For Police and Fire Safety Unit employees, if the grievance is not resolved in Step Two, the grievant may submit the written grievance to the department head within ten (10) working days after it was submitted in writing in Step Two (16549, 8-9-88).

16.6.4.2 - For all other employees, if the grievance has not been resolved in Step Two, the grievant may submit it to the Personnel Officer within fourteen (14) working days after receipt of the response in Step Two. (16549, 8-9-88)

#### 16.6.5 Department Head's Investigation in Step Three for Police and Fire-Safety Unit Employees

The department head shall investigate the grievance as deemed appropriate by the department head and within ten (10) working days of its receipt, do one of the following:

(1) Provide a written grievance answer to the grievant and the grievant shall be requested to initial it only as acknowledgement of receipt and a copy thereof shall be forwarded to the Personnel Officer;

(2) If the grievance is outside the department head's authority, the department head shall indicate this in writing, provide a copy to the grievant and the grievant shall be requested to initial it as acknowledgement of receipt and a copy thereof shall be provided to the Personnel Officer.

#### 16.6.6 Step Four: Submission to the City Manager for Police and Fire Safety Unit Employees

If the grievance has not been resolved in Step Three, the grievant may submit it to the Personnel Officer within fourteen (14) working days after it was submitted in Step Three. The Personnel Officer shall deliver the grievance within two (2) working days to the City Manager. (16549, 8-9-88)

#### 16.6.7 City Manager's Decision in Step Four for Police and Fire Safety Unit Employees

When the grievance has been forwarded to the City Manager for a decision, the City Manager may appoint a delegate (hereinafter call "delegate") who shall not be a party to any portion of the grievance and who shall have the same authority to render a decision on the grievance as

does the City Manager. The City Manager (or delegate) shall either (1) render a written decision within ten (10) working days of the receipt of the grievance in the City Manager's office; or (2) refer the grievance to an informal hearing. If an informal hearing is held, it may be held before the City Manager (or delegate), in which case a written decision must be rendered within five (5) working days of the conclusion of the hearing. The City Manager also has the discretion to refer the grievance to an advisory board made up of City employees, City officials, or other persons deemed appropriate by the City Manager; except that no board member shall have a direct interest in the outcome of the grievance. The purpose of such an advisory board is to investigate and report facts and make recommendations to the City Manager (or delegate). The advisory board must send its recommendations to the City Manager (or delegate) within five (5) working days of the conclusion of the hearing and the City Manager (or delegate) must render a written decision within five (5) working days of receiving the recommendations of the advisory board. Any decision of the City Manager (or delegate) shall be delivered to the employee with a copy to the Personnel Office and department head. The decision of the City Manager (or delegate) shall be final and binding (16549, 8/9/88).

Effective August 1, 1992, a Police Safety Unit Employee grieving a Letter of Reprimand shall, before the City Manager issues a final determination, have a grievance on a Letter of Reprimand heard before a hearing officer or a committee, as provided for above, unless the officer waives his or her right to said hearing. (18257, 12/15/93)

#### 16.6.8 Personnel Officer's Response to Written Grievance for All Other Employees

When the grievance has been forwarded to the Personnel Officer for a decision, the Personnel Officer may appoint a delegate (hereinafter called "delegate") who shall not be a party to any portion of the grievance and who shall have the same authority to render a decision on the grievance as the Personnel Officer.

The Personnel Officer (or delegate) shall hold an informal hearing with the grievant, the grievant's representative, the department head and any relevant witnesses for either side within ten (10) working days of receipt of the grievance. The Personnel Officer (or delegate) shall render a written decision within five (5) working days of the informal hearing. Copies of that written decision shall be sent to the grievant, the grievant's representative, the department head, and the Personnel Office.

The Personnel Officer also has the discretion to refer the grievance to an advisory board of no more than five (5) members and made up of City employees, City officials, or other persons deemed appropriate by the Personnel Officer, except that no member shall have a direct interest in the outcome of the grievance. The grievant or grievant's representative shall submit a list of acceptable advisory board members to the Personnel Officer within three (3) working days of the Personnel Officer's decision to use an advisory board. Such list shall be used to fill no less than two-fifths (2/5) of the advisory board positions. The purpose of such an advisory board position is to hold a hearing to investigate and report facts and make recommendations to the Personnel Officer (or delegate). The advisory board must send its recommendation to the Personnel Officer (or delegate) within five (5) working days of the conclusion of the hearing and the Personnel Officer must render a written decision within five (5) working days of receiving the recommendations of the advisory board. Any written decisions by the Personnel Officer regarding a grievance shall be delivered to the grievant, the grievant's representative, the department head, and the Personnel Office. The decision of the Personnel Officer (or delegate) shall be final and binding (16549, 8-9-88).



## 16.7 Administrative Appeal Under California Government Code 3304(b)

A grievance under Rule 16 or an appeal under Rule 15, whichever applies pursuant to these Rules, shall constitute an administrative appeal for a person in the City Service entitled to administrative appeal pursuant to California Government Code 3304(b); provided further that notwithstanding any provisions in these rules to the contrary, the Police Chief may bring an appeal pursuant to Rule 15 and a probationary police officer may bring a grievance pursuant to Rule 16 for purposes of an administrative appeal to which that person is entitled under California Government Code 3304(b).

## **Rule 17 - Sexual Harassment Complaint Procedures**

### 17.1 Definition of Sexual Harassment

Sexual harassment includes, but is not limited to, making unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature where: submission to such conduct is made an explicit or implicit term or condition of employment; or submission to or rejection of that conduct by an individual is used as the basis for employment decisions affecting that individual; or such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

### 17.2 Policy

It is the policy of the City that complaints of sexual harassment be presented through this Sexual Harassment Complaint Procedure in the interest of protecting the reputation and privacy of the individual bringing the complaint and of the individual(s) about whom the complaint is made.

### 17.3 Procedure

The employee should report facts dealing with an alleged incident (or incidents) of sexual harassment to the Personnel Officer or to the employee's immediate supervisor or, if the incident involves the immediate supervisor, to the supervisor of the employee's immediate supervisor, as soon as possible. If a satisfactory solution is not accomplished through informal means with supervisors, the employee may pursue the sexual harassment complaint with the Personnel Officer.

#### 17.3.1 Supervisor's Responsibility

In the event the employee initiates discussion concerning the sexual harassment allegations with a supervisor, that supervisor should immediately report the facts surrounding the alleged incident to the Personnel Officer.

#### 17.3.2 Personnel Officer's Responsibility

In the event the Personnel Officer receives a complaint of sexual harassment, whether directly from the complaining employee, or through a supervisor or another source, the Personnel Officer shall immediately commence an investigation of that complaint and, when practicable, complete the investigation within seven (7) calendar days of receipt of the complaint.

### 17.3.3 City Manager's Responsibility

The Personnel Officer shall report the results of the investigation conducted by the Personnel Officer, with recommendations, to the City Manager. The City Manager or the City Manager's delegate, who shall not be a party to any portion of the complaint, (hereinafter referred to as "delegate") shall render a final and binding decision within five (5) calendar days of receiving the recommendations or, in the discretion of the City Manager (or of the delegate), conduct an informal hearing for the purpose of further investigation. In the event the City Manager (or delegate) conducts the hearing, the City Manager (or delegate) shall render a written decision within five (5) calendar days after the conclusion of the hearing. The decision of the City Manager (or delegate) shall be provided to the complainant and to the other employee or employees complained about and shall be final and binding.

## **Rule 18 - Employee Training, Development, and Welfare**

### 18.1 Training

It is the responsibility of the Personnel Officer, with cooperation from department heads, to foster and promote in-service training of employees for the purpose of improving the quality of personnel services rendered to the City and to encourage employees to prepare themselves for advancement in the service.

### 18.2 Education Reimbursement

#### 18.2.1 Prerequisites

Employees in good standing who hold regular appointments in the City Service shall be eligible for educational reimbursement as provided by these Rules. Written approval by the department head and Personnel Officer for reimbursement should be obtained prior to enrollment. Prerequisites to approval for reimbursement include:

- (1) That the course be job-related;
- (2) That sufficient funds have been budgeted for educational reimbursement and are still available;
- (3) That the course work will be taken at an accredited college or university unless other courses are approved by the Personnel Officer;
- (4) That Federal and State educational benefits for which the employee may be eligible have been exhausted;
- (5) That no employee shall receive reimbursement for more than two courses or six (6) credits per term without specific prior department head and Personnel Officer approval. No employee shall receive reimbursement for more than 25 credits per academic year. "Term" as used herein shall include "semester," "trimester," "quarter," or "month." (15994, 9-3-86);
- (6) That no employee shall receive more than \$1,500 per fiscal year in educational reimbursement. Degree programs, in concept, should be approved in advance by the Personnel Director. However, approval of a degree program shall not be construed as approval to receive more than \$1,500 per fiscal year in Educational Reimbursement except for those who are

currently enrolled in a degree program which had been approved by the Personnel Director prior to July 1, 1992. (18257, 12/15/93)

#### 18.2.2 California Community College Courses

Approved courses taken at any California Community College shall be reimbursable at full tuition and one-half the cost of required books, upon successful completion of the course with a grade of "C" or its equivalent or better and evidence to that effect produced in the form required by the Personnel Officer.

#### 18.2.3 Four-Year College or University Courses

All courses taken at accredited institutions of higher learning, other than California Community Colleges, shall be reimbursable at one-half (1/2) tuition and one-half (1/2) the cost of books upon successful completion of the course with a grade of "C" or its equivalent or better; except that graduate level courses must have been successfully completed with a grade of "B" or its equivalent or better to receive reimbursement. In the case of pass-fail or credit-no credit classes, reimbursement shall be made for successful completion of the course(s): Evidence of grades must be produced in the form required by the Personnel Officer.

#### 18.2.4 Repayment

Employees who receive educational reimbursement pursuant to 18.2.2 and 18.2.3 are required to remain in the City service for a two (2) year period following completion of the courses reimbursed. An employee who resigns or retires during the first year of the two year period shall reimburse the full City contribution. If the employee resigns or retires during the second year of the two year period, reimbursement shall be prorated over the twenty-four (24) months.

#### 18.2.5 Seminars and Workshops

The City agrees to pay the full cost including mileage, room and board, where applicable, for seminars or workshops especially designed for personnel in their job classification, whether or not such seminars or workshops may be taken for university or college credit, provided such seminars or workshops are taken at the direction of the department head and approved in advance in writing by the Personnel Officer.

#### 18.2.6 Training

General Unit and Confidential employees participating in training required by the City (including organizational development training) outside normal work hours shall do so at a rate of 50% above the employee's regular rate of pay if said training causes the employee to work in excess of forty (40) hours per week. Time spent in training outside of normal work hours which is completely voluntary on the part of the employee shall not be compensated by the City (15994, 9/3/86).

### 18.3 Performance Evaluation

#### 18.3.1 Nature and Purpose

The Personnel Officer shall establish, and periodically review and modify as deemed appropriate, a performance evaluation system for all employees in the City Service, except

those appointed by City Council. A copy of all performance evaluations shall be forwarded to the Personnel Office.

### 18.3.2 When Received

Performance evaluations are required at the following times:

- (1) Halfway through the probationary period
- (2) At the completion of the probationary period
- (3) At the time of separation to serve as a matter of record of the exact status of the individual's performance
- (4) Within six (6) months when an employee's overall performance is rated below "meets job requirements"
- (5) When an employee or supervisor moves to another job assignment, the supervisor should complete a performance evaluation if it has been six (6) months or more since the last evaluation
- (6) By the employee's anniversary date
- (7) When the employee's performance falls below acceptable standards

### 18.3.3 Objective Rating Scale

Performance evaluation forms shall be designed to evaluate an employee objectively within a rating scale substantially as follows:

- (1) Unsatisfactory
- (2) Needs Improvement
- (3) Meets job requirements
- (4) Exceeds job requirements
- (5) Outstanding

**End of Personnel Rules**