



PERSONNEL RULES AND REGULATIONS

CITY OF ARCATA, CALIFORNIA

PERSONNEL RULES AND REGULATIONS

(Amended 7/95)

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The Personnel Rules and Regulations were **adopted by the City Council on February 15, 1984**, with passage of Resolution No. 834-46. This document was **revised January 16, 1985** (Resolution No. 845-36), **February 15, 1989** (Resolution No. 889-35), **September 16, 1992** (Resolution No. 923-16), **July 5, 1995** (Resolution 956-10).

CHAPTER I

DEFINITION OF TERMS

As used in this resolution, the following terms shall be defined as indicated:

- (a) **“Appeal”**: The action of an employee in bringing before the Personnel Board any decision by the City Manager concerning any disciplinary action interpretation or alleged violation of the Personnel Ordinance.
- (b) **“Class”**: A grouping under a common title of positions of work in the service of the City substantially similar with respect to duties, authority, and the character of work
- (c) **“Class Series”**: A grouping from the highest to the lowest of two or more classes where the next higher class contains the duties, knowledge, skills, and abilities applying to the next lower class.
- (d) **“Classification”**: The act of defining positions of work in the service of the City and assigning them to appropriate classes.
- (e) **“Classification Plan”**: A document listing and defining all classes of position in the competitive service
- (f) **“Competitive Service”**: All positions of employment in the service of the City except those specifically excluded by the personnel ordinance.
- (g) **“Competitive Examination”**: One or more selection techniques used to measure the relative merit fitness of candidates competing for positions in the competitive service.
- (h) **“Department Head”**: A position responsible to the City Manager for the administration and performance of a designated department of the City government.
- (i) **“Disciplinary Action”**: An action taken against an employee resulting in suspension, reduction in pay, or discharge. For the purposes of this ordinance and the Personnel System Rules and Regulations, marginally acceptable or unacceptable performance evaluations, withholding of merit pay increases and verbal or written warnings or reprimands are not in themselves disciplinary actions.
- (j) **“Discrimination”**: The basing of any decision affecting personnel on distinctions that are unrelated to merit.
- (k) **“Employment List”**: A list of names of persons who may be considered for appointment to positions in the competitive service. The different types of employment lists are promotional, original appointment, re-employment, and reinstatement lists.

- (l) **“Examination”**: The selection techniques used to measure the capacities of job applicants to perform the duties and responsibilities of the class to which they applied.
- (m) **“Grievance”**: A dispute between any competitive employee(s) and the City about the interpretation or application of any ordinance, rule, or regulation governing personnel practices or working conditions, the practical consequences of a City decision on hours and other terms and conditions of employment.
- (n) **“Lay-Off”**: The separation of an employee from the classified service for reasons of economy or because the need for a position no longer exists. Not a disciplinary action.
- (o) **“Merit”**: Real worth, value, and ability in relation to preparedness for job performance in comparison with other competitors for a position in the competitive service, and in relation to maintenance of performance standards once employed.
- (p) **“Part-Time Appointment”**: Employment in the service of the City for less than (40) hours per pay period or one thousand forty (1040) hours per year.
- (q) **“Permanent Appointment”**: An appointment to a position in the competitive service granted to an employee upon satisfactory completion of the probationary period established for the position.
- (r) **“Pay Plan”**: A document establishing salary ranges and steps and assigning each class of position in the competitive service to an appropriate salary range that is adopted yearly by the City Council.
- (s) **“Position”**: A group of duties and responsibilities in the competitive service requiring the regular employment of one person.
- (t) **“Probationary Appointment”**: Employment in a position in the competitive service pending completion of the probationary period established for the position.
- (u) **“Probationary Period”**: An examination period during which an employee is required to demonstrate satisfactory performance of the duties and responsibilities of a position to which the employee has been given a probationary appointment.
- (v) **“Promotion”**: The movement of an employee from one class to another class having a higher maximum rate of pay.
- (w) **“Provisional Appointment”**: The employment of a person who possesses the minimum qualifications established for a particular class and who has been employed temporarily in a position in that class without examination in the absence of persons available from employment lists.
- (x) **“Re-Employment”**: The appointment of a person laid off, to a position in a class for which the employee is qualified on the basis of previous performance.

- (y) **“Reinstatement”**: The appointment of a person to a position in the competitive service from which he/she resigned under honorable conditions.
- (z) **“Seniority”**: Actual time of employment in the service of the city excluding leaves of absence.
- (aa) **“Separation”**: Termination of an employee from the competitive service by means of discharge, layoff, or resignation.
- (bb) **“Shared Job”**: Two or more employees who jointly perform the duties and responsibilities of a single position.
- (cc) **“Temporary Assignment”**: Employment in the service of the City that is more than part-time but for a fixed period of time of less than one year or limited by the length of applicable grant funding.
- (dd) **“Transfer”**: A change of an employee from one position to another position in the same class or in a comparable class.
- (ee) **“Sexual Harassment”**: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decision affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.
- (ff) **“Reasonable Accommodation”**: An adjustment to examinations/examination methods, job duties, performance methods to meet the individualized need of a disabled applicant, candidate for employment or employee.

CHAPTER II

GENERAL PROVISIONS

SECTION 1 - VIOLATION OF RULES: Violation of the provisions of these rules shall be grounds for disciplinary action.

SECTION 2 - AMENDMENT AND REVISION OF RULES: Amendments or revisions to these rules may be suggested by any interested party and shall be submitted to the City Council through the City Manager. Proposed amendments or revisions shall be publicly posted at least ten (10) days prior to consideration by the City Council. The City Manager shall give reasonable written notice to each recognized employee organization affected by the amendments or revisions in advance of consideration by the City Council when such amendments are within the scope of representation as defined in State law. Amendments and revisions shall become effective upon adoption by resolution of the City Council unless otherwise specified.

SECTION 3 - FAIR EMPLOYMENT PRACTICES: No person in the competitive service, or seeking admission thereto, shall be employed, promoted, disciplined, or discharged, or in any way favored, harassed or discriminated against because of political opinions or affiliations, race, color, ancestry, national origin, religious creed, sex, handicap (as defined in Resolution No. 845-35), medical condition, marital status, sexual preference, age, or because of the exercise of rights under Section 3502 of the Government Code of the State of California relating to participation in the activities of employee organizations. Reasonable accommodation for handicapped persons shall be assured. Recruitments to fill vacant positions in the competitive service shall be conducted so that all population segments in the recruitment area including racial and ethnic minorities, handicapped and women, shall have the opportunity to know of position openings and the procedure for applying and competing. All selection techniques shall be job-related.

CHAPTER III

CLASSIFICATION

SECTION 1 - PREPARATION OF PLAN: The Personnel Officer, or a person or agency employed for that purpose, shall ascertain and record the duties and responsibilities of all positions in the competitive service and, after consulting with department heads and any recognized employee organizations involved, shall recommend a Classification Plan for such positions. The Classification Plan shall consist of definitions of all classes of positions in the competitive service, including the title. The Classification Plan shall be so developed and maintained that all positions substantially similar with respect to duties, responsibilities, authority, and character of work are included with the same class, and that the same schedules of compensation may be made to apply with equity under like working conditions to all positions in the same class.

SECTION 2 - ADOPTION, AMENDMENT, AND REVISION OF PLAN: The Classification Plan shall be adopted by the City Manager and may be amended from time to time. During the process of consideration, any recognized employee organization affected shall be advised and any other interested party may appear and be heard. Amendments and revisions of the Plan may be suggested by any interested party, including any recognized employee organization, and shall be submitted to the City Manager.

SECTION 3 - ALLOCATION OF POSITIONS: Following the adoption of the Classification Plan and consultation with any recognized employee organization affected, the Personnel Director shall allocate every position in the competitive service to one of the classes established by the Plan.

SECTION 4 - NEW POSITIONS: When a new position is created within the classified service, no person shall be appointed or employed to fill any such position until the Personnel Officer has allocated the position to an appropriate class or the Classification Plan has been amended to provide therefore.

SECTION 5 - RECLASSIFICATION: Positions, the assigned duties of which have changed materially so as to necessitate reclassification, whether new or already created, shall be allocated by the Personnel Director to a more appropriate class after consultation with any recognized employee organization affected. Reclassifications shall not be used for the purpose of avoiding restriction concerning promotions.

SECTION 6 - CLASSIFICATION IN CASES OF PERMANENT REDUCTION OF PERFORMANCE ABILITY: When a regular employee is determined by the Personnel Officer with reference to the advice of a licensed physician, to be incapable of permanently performing the tasks of his/her position because of illness or injury, the Personnel Officer shall either restructure the tasks and reclassify the position according to the tasks the employee can perform if in the best interest of the City or terminate the employee and declare the position vacant and initiate recruitment of an employee who can carry out the existing tasks. If the position is reclassified, the Personnel Officer shall develop the new class and salary level of the position in accordance with the principles of classification expressed in Section 1 of this chapter and the employee shall be reclassified. If the position

is declared vacant, the Personnel Officer shall place the name of the employee on a re-employment list for positions in the competitive service the duties of which the employee is capable of performing in full.

CHAPTER IV

COMPENSATION

SECTION 1 - PREPARATION OF PLAN: The Personnel Officer, or a person or agency employed for that purpose, shall prepare a Pay Plan consisting of a schedule of salary ranges and a chart showing the allocation of each class in the Classification Plan to an appropriate salary range. The Pay Plan also shall include a schedule of hourly wage rates applicable to part-time and temporary positions not in the competitive service. The level of compensation applicable to any class or position shall be determined with due consideration to prevailing compensation levels for comparable work, trends in cost of living, suggestions from department heads, the meet and confer process with recognized employee organizations, the financial condition of the city, and other relevant factors.

SECTION 2 - ADOPTION, AMENDMENT, AND REVISION OF PLAN: The Pay Plan shall be adopted and may be amended or revised from time to time by resolution of the City Council. Amendments or revisions to the plan may be suggested by any interested party and should be submitted through the Personnel Officer. At the time of consideration by the City Council, any interested party may appear and be heard.

SECTION 3 - SCHEDULE OF SALARY RANGES: The Schedule of Salary Ranges shall be an integrated schedule consisting of five-step salary ranges with a five (5) percent differential between steps in each range.

SECTION 4 - APPLICATION OF PAY LEVELS: Employees occupying a position in the competitive service shall be paid a salary or wage rate established for that position or the class within which the position is included. The minimum step of a salary or wage range generally shall apply to employees upon original appointment. However, the City Manager may, when circumstances warrant it, authorize original appointment above the minimum step, but not higher than the third step except with concurrence of the City Council.

SECTION 5 - ADVANCEMENT OF PAY LEVEL: No advancement of pay level shall be made above the highest step established in the Pay Plan for the advanced employee's class or position except in accordance with an approved incentive pay plan. Advancements from step to step within a salary or wage range shall not be automatic but shall be based upon merit as exemplified by recommendations of supervisors and department heads, performance evaluations, special training undertaken, or other pertinent evidence.

Every new employee entering the competitive service at the first step of a salary range shall be eligible for consideration for advancement to the second step upon completion of six months of satisfactory service, and the anniversary date for merit increase consideration shall be adjusted to the effective date of this initial merit increase. Upon receiving permanent status in the competitive service, every employee shall be eligible for consideration for advancement to the next higher step, if any, whenever the employee has been compensated at a step for one (1) year and satisfactory standards of performance have been met. At any time, in the event of clearly exceptional performance and upon the

written recommendation of the department head, the City Manager may grant an employee an extra merit advancement.

The department head shall recommend to the City Manager that merit advancements be either approved or disapproved. Upon determination by the City Manager, the employee shall be notified of the approval or disapproval of a merit increase. Failure to receive a merit increase as herein provided is not a disciplinary action and shall not preclude any employee from thereafter receiving such increase upon improvement in his work and a recommendation by the department head.

At the time an employee is promoted from one class to a higher class in the competitive service within the same career pattern, the employee shall receive not less than the equivalent of one step (5 percent) advancement in pay level. The employee's anniversary date for merit advancement consideration shall be adjusted to the effective date of the promotion.

SECTION 6 - SUPPLEMENTARY COMPENSATION: Council may, by resolution, grant supplementary compensation to employees, including but not limited to contributions toward retirement, health insurance, physical examination, uniform allowances, incentive pay, education, training, and benefits involving time off with pay. Such supplementary compensation shall be determined with due consideration to the factors specified in Section 1 of this Chapter.

CHAPTER V

APPLICATIONS AND APPLICANTS

SECTION 1 - ANNOUNCEMENT: All open examinations for positions in the competitive service shall be publicized by posting announcements in City Hall on official bulletin boards, by advertising at least one time in a newspaper of general circulation, and by such other methods as the Personnel Officer deems advisable. Special recruiting shall be conducted, if necessary, to insure that all segments of the recruiting area population are aware of the forthcoming examinations. Announcements of promotional examinations shall be circulated to each department. All announcements shall specify the title and pay of the class for which the examination is announced. The nature of the work to be performed, minimum qualifications necessary to perform the work of the class, the manner of making application, and other pertinent information.

SECTION 2 - APPLICATION FORMS: Applications shall be made as prescribed on the examination announcement. Applications must be signed by the person applying and must be filed in the personnel office on or before the closing date specified in the announcement or postmarked before midnight of that date. To protect applicants, all applications shall be confidential records of the personnel office.

SECTION 3 - DISQUALIFICATION: The Personnel Officer may reject any application, which indicates on its face that the applicant does not possess the minimum qualifications required for the position. Applications may be rejected if the application indicates facts that show that the applicant is physically or psychologically unable to perform the job applied for, and no reasonable accommodation can be made for such disability; is addicted to the habitual excessive use of drugs or intoxicating liquor; has made any false statement of any material fact, or practiced any deception or fraud in an application. Whenever any application is rejected, notice of such rejection shall be mailed to the applicant by the Personnel Director.

SECTION 4 - CRIMINAL CONDUCT - INELIGIBILITY FOR EMPLOYMENT: Conviction, including pleas of guilty or nolo contendere, of a felony shall be prima facie disqualification of an applicant for employment; provided, however, that the appointing authority may disregard such conviction if it is found and determined by such appointing authority that mitigating circumstances exist. In making such determination, the appointing authority shall consider the following factors:

- (a) the classification, including sensitivity, to which the person is applying or being certified and whether the classification is unrelated to the conviction;
- (b) the nature and seriousness of the offense;
- (c) the circumstances surrounding the conviction;
- (d) the length of time elapsed since the conviction;
- (e) the age of the person at the time of conviction;

- (f) the presence or absence of rehabilitation or efforts at rehabilitation;
- (g) contributing social or environmental conditions.

An applicant who is disqualified for employment under this section may appeal the determination of disqualification. Such appeal shall be in writing and filed with the City Manager within ten (10) calendar days of the date of the notice of disqualification. The City Manager shall hear and determine the appeal within ninety (90) calendar days after it is filed. The determination of the City Manager on the appeal is final.

Notwithstanding the foregoing, an applicant for a peace officer position shall be disqualified, without right of appeal, from employment if the applicant shall have been convicted of a felony.

CHAPTER VI

EXAMINATION

SECTION 1 - EXAMINATION PROCESS: The selection techniques used in the examination process shall be impartial and relate to those subjects which, in the opinion of the Personnel Officer, fairly measure the relative capacities of the persons examined to satisfactorily perform the duties and responsibilities of the class to which they seek to be appointed. Examinations shall consist of selection techniques which will test fairly the job-related qualifications of candidates such as achievement and aptitude test, other written tests, personal interviews, performance tests, physical agility tests, evaluation of work performance work samples, reference and background checks medical tests, successful completion of prescribed training, or any combination of these or other test. The probationary period shall be considered as an extension of the examination process. Examinations shall be designed to provide equal opportunity to all candidates by being based on an analysis of the essential requirements.

SECTION 2 - PROMOTIONAL EXAMINATIONS: Promotional examinations may be conducted whenever, in the opinion of the Personnel Officer, the needs of the service require. Promotional examinations may include any of the selection techniques mentioned in Section 1 of this Rule, or any combination of them. Permanent, probationary, part-time, or temporary employees who meet the requirements set forth in the promotional examination announcements may compete in promotional examinations. Eligibility to compete in promotional examinations shall be determined in accordance with the following priorities:

- (a) permanent employees in the competitive service;
- (b) probationary, part-time, and temporary employees

SECTION 3 - OPEN EXAMINATIONS: Open competitive examinations may be conducted periodically for a single class whenever, in the opinion of the Personnel Officer, the needs of the service require. Open examinations may include any of the selection techniques mentioned in Section 1 of this Chapter, or any combination of them.

SECTION 4 - CONDUCT OF EXAMINATIONS: The City Council may contract with any competent agency or individual for the preparing, administering, and/or grading of both written and oral examinations. In the absence of such contract, the Personnel Officer shall see that such duties are performed and shall arrange for the use of public buildings and equipment for the conduct of examinations.

SECTION 5 - NOTIFICATION OF EXAMINATION RESULTS AND REVIEW OF PAPERS: Each candidate in an examination shall be given notice of the results thereof, and if successful, of the final earned score and range on the employment list.

All candidates shall have the right to inspect their own test answer sheet within five working days after the notification of examination results.

CHAPTER VII

EMPLOYMENT LISTS

SECTION 1 - PROMOTIONAL AND ORIGINAL APPOINTMENT EMPLOYMENT LISTS: Within a reasonable time after completion of examinations, the Personnel Officer shall prepare and keep available employment lists consisting of the names of candidates who qualified in an examination, arranged in order of final scores from the highest to the lowest qualifying score.

SECTION 2 - RE-EMPLOYMENT LISTS: The names of probationary and permanent employees who have been laid off in accordance with Section 2 of Chapter XII of these rules shall be placed on re-employment lists for classes for which they are qualified. Lists from different departments or at different times for the same class of position shall be combined into a single list.

SECTION 3 - REINSTATEMENT LISTS: The names of employees leaving the competitive service under honorable conditions may be placed on a reinstatement list for the classes for which they are qualified.

SECTION 4 - REMOVAL OF NAMES FROM LIST: The name of any person appearing on any employment list shall be removed by the Personnel Officer if the person requests in writing that his name be removed or fails to respond to a notice mailed to the last known address. The names of persons on employment lists resulting from promotional examinations who resign from the classified service shall automatically be dropped from such lists.

SECTION 5 - PRECEDENCE OF LISTS: If more than one current list is in effect for any one class, lists shall be considered in the following order of precedence: **a)** re-employment lists; **b)** promotional employment lists, **c)** reinstatement lists, **d)** original appointment list. Generally, re-employment lists shall be exhausted before any other employment lists are used.

SECTION 6 - DURATION OF LISTS: Names shall remain on employment lists for one year unless lists are extended by the Personnel Officer upon the recommendation of the department head, or if otherwise specified in agreement with employee organization.

CHAPTER VIII

METHOD OF FILLING VACANCIES

SECTION 1 - TYPES OF APPOINTMENT: All vacancies in the competitive service shall be filled by transfer, re-employment, reinstatement, or from eligibles certified by the Personnel Officer from a promotional or original employment list, if available. In the absence of persons eligible for appointments in these ways, provisional appointments may be made in accordance with these personnel rules.

SECTION 2 - NOTICE TO PERSONNEL OFFICER: If a vacancy in the competitive service is anticipated, the department head shall notify the Personnel Officer.

SECTION 3 - CERTIFICATION OF ELIGIBLES: When a department head requests that a vacancy be filled by appointment from an employment list, the Personnel Officer shall certify from the appropriate list the names of all individuals willing to accept appointment. Whenever there are fewer than three names of individuals willing to accept appointment on an employment list, the department head may make an appointment from among such eligibles or may request that the Personnel Officer furnish additional names. If necessary, the Personnel Officer shall hold a new examination and establish a new employment list.

SECTION 4 - APPOINTMENT: After personal interview and investigation, the department head shall recommend a person on an employment list to the City Manager for appointment. The person shall be notified in writing of the appointment and of the terms and conditions of employment. If the person accepts the appointment and reports for duty within such period of time, as the City Manager shall prescribe, the person shall be deemed to be appointed; otherwise, the person shall be deemed to have declined the appointment. Reinstatement employees, for all supplemental compensation purposes, shall be considered as though they had received an original appointment.

SECTION 5 - TIME LIMIT: Vacancies should be filled in the shortest practical time for all positions in the competitive service. In no case shall a vacancy go unfilled for over one hundred and twenty (120) calendar days. If the City Manager is unable to fill the vacancy within this time limit, a provisional appointment shall be made as provided for in Section 6 of this Chapter.

SECTION 6 - PROVISIONAL APPOINTMENT: In the absence of names of individuals willing to accept appointment from appropriate employment lists, a provisional appointment may be made by the City Manager of a person meeting the minimum training and experience qualifications for the position. A provisional employee may be removed at any time without the right of appeal or hearing. No special credit shall be allowed in meeting any qualifications or in the giving of any test or the establishment of any employment lists for service rendered under a provisional appointment. No provisional appointee shall accrue the same benefits as probationary employees. If a provisional appointee is selected for a full-time position with the City, the time served as a provisional appointee shall be counted as time toward the fulfillment of the required probationary period.

CHAPTER IX

PROBATIONARY PERIOD

SECTION 1 - OBJECTIVE OF PROBATIONARY PERIOD: The probationary period shall be regarded as part of the examination process and shall be utilized for closely observing the employee's work and the employee's ability to work with other employees, and for securing the most effective adjustment of a new employee to his or her position.

SECTION 2 - LENGTH OF PROBATIONARY PERIOD: All original and promotional appointments shall be tentative and subject to a probationary period of not less than six (6) months actual service for general employees, twelve (12) months actual service for police dispatchers, and eighteen (18) months actual service for police officers. Upon the recommendation of a department head, the City Manager may extend the probationary period for a period not to exceed six (6) months.

SECTION 3 - PERMANENT APPOINTMENT: If the service of a probationary employee has been satisfactory to the department head, then the department head shall notify the City Manager to such effect, recommending that the retention of such employee in the competitive service is desired. The Personnel Officer shall notify probationary employee of successful completion of probationary period. Permanent employment shall begin with the day following the expiration date of the probationary period upon approval of permanent status by the City Manager.

SECTION 4 - REJECTION OF PROBATIONER: During the probationary period, an employee may be recommended for rejection at any time by the department head without cause and without right of appeal or grievance. Notification of intention to reject shall be filed in writing with the City Manager. The probationary employee shall be notified of rejection in writing by the City Manager.

SECTION 5 - REJECTION FOLLOWING PROMOTION: An employee rejected during the probationary period following a promotional appointment shall be given the opportunity to be reinstated to a position in the class from which the employee was promoted. If there is no vacancy in such position, the employee may request to be placed on a re-employment list. Such opportunity will to be given if the employee is discharged pursuant to disciplinary action under these rules.

CHAPTER X

NON-DISCIPLINARY CHANGE IN STATUS

SECTION 1 - TRANSFER: A request for transfer may be initiated by an employee or by an employee's supervisor, division head, or department head. Transfers may be made between positions within the same class and shall be made at the same salary level. No person shall be transferred to a position who does not possess the minimum qualifications. The employee's anniversary date shall not be affected by a transfer. Transfers may be authorized by the City Manager upon the recommendation of the department head. If the transfer is from one department to another, both department heads must consent thereto unless the City Manager orders the transfer for purposes of economy and efficiency.

The City Manager shall refuse to transfer any employee when he/she finds upon investigation the transfer is requested to effectuate a promotion, salary advancement, or salary reduction, each of which may be accomplished only as provided in these rules; the transfer is requested with intent of forcing or causing an employee to resign; or, the transfer is requested because of political or other improper interference or influence.

SECTION 2 - PROMOTION: Insofar as practicable and consistent with the best interest of the City, vacancies in the competitive service shall be filled by promotion from within the City service after a promotional examination has been given as outlined in these rules. In case of promotion of any employee, such employee shall be entitled to receive a rate of compensation at least five percent (5%) higher than the base salary earned in the class from which promoted, but in no case higher than the top step of the salary range of the class to which promoted, except in accordance with an approved incentive pay plan. If, in the opinion of the Personnel Officer, a vacancy in any position could be filled better by open-competitive examination instead of promotional examination, then the Personnel Officer shall arrange for an open-competitive examination as outlined in these rules.

SECTION 3 – MOVE UP PAY: If an employee is required to assume the duties and responsibilities of a position other than his/her own for a period greater than 160 hours within a calendar year, the employee's rate of pay shall be increased to a level commensurate with the duties and responsibilities of such a position. Such a process shall only be used in cases of necessity such as the lack of manpower occurring during vacations, extended illnesses, leaves of absence, maternity leave, or other unforeseen circumstances requiring out of classification work. Under no circumstances shall this procedure be used in lieu of promotion, transfer, or for the purposes of reduction in pay.

CHAPTER XI

DISCIPLINARY ACTION

SECTION 1 -REDUCTION IN PAY: The City Manager may reduce the pay level of an employee at any time for a disciplinary purpose. Such reduction shall be to a lower step in the salary range to which the employee's class is assigned and shall be lower than the first step of the salary range. Reductions in pay shall be for a specific period of time following which period the employee shall return to his or her normal pay level. The procedure designated in Section 4 of this chapter shall be followed.

SECTION 2 SUSPENSION: The City Manager may suspend an employee from his position at any time for a disciplinary purpose. Suspension without pay shall not exceed thirty (30) calendar days, nor shall any employee be penalized by suspension for more than thirty (30) calendar days in any fiscal year. Department heads may suspend a subordinate employee for not more than three (3) working days at any one time, and not more than once in a thirty-calendar period. Other management level personnel may suspend a subordinate employee for not more than one (1) working day under circumstances warranting immediate action. Such suspensions shall be reported to the City Manager. For any employee who is to be suspended for more than three days, the procedure designated in Section 4 of this chapter shall be followed.

SECTION 3 - DISCHARGE: Any employee in the classified service may be discharged for just cause at any time by the City Manager. Whenever it is the intention of a department head to discharge an employee in the competitive service, a written recommendation shall be submitted to the City Manager citing the reasons for such action. For any permanent employee to be discharged, the procedure designated in Section 4 of this chapter shall be followed.

SECTION 4 - PROCEDURE: Prior to reduction in pay, suspension, or discharge of a permanent employee for disciplinary purposes, the procedure set forth in this rule shall be complied with:

- a) **Written Notice:** written notice of the proposed disciplinary action shall be given to the employee. Such notice shall include a statement of the reason(s) for the proposed action and the charge(s) being considered,
- b) **Employee Review:** The employee shall be given an opportunity to review the documents or materials upon which the proposed disciplinary action is based.
- c) **Employee Response:** Within five (5) working days after the employee has had the review opportunity provided above, the employee shall have the right to respond, orally or in writing, at the employee's option, to the appointing authority concerning the proposed action.
- d) **Relief of Duty:** Notwithstanding the provisions of this Rule, upon the recommendation of the Personnel Director, the City Manager may approve

the temporary assignment of an employee to a status of leave with pay pending conduct or completion of such investigations or opportunity to respond as may be required to determine if disciplinary action is to be taken.

- e) Appeal: Regular employees may appeal disciplinary actions to an administrative hearing before the City Manager by filing a written request with the City Manager within five (5) working days of the imposition of the action.

SECTION 5 - GROUNDS FOR DISCIPLINE OF AN EMPLOYEE

- a. Fraud in securing appointment
- b. Incompetency
- c. Inefficiency
- d. Inexcusable neglect of duty
- e. Insubordination
- f. Dishonesty
- g. Intoxication on duty, or alcoholism, which affects performance of duty
- h. Being under the influence of narcotics or habit-forming drugs on duty, or addiction to such drugs which affect the performance of duty
- i. Inexcusable absence without leave
- j. Conviction of a felony or conviction of a misdemeanor involving moral turpitude
- k. Discourteous treatment of the public or other employees
- l. Willful or negligent misuse, damage, or destruction of government property
- m. Failure to maintain satisfactory standards of job performance
- n. Violation of any of these rules or regulations
- o. Fraud in the use of supplemental benefits
- p. Any conduct which violates Section 3 of Chapter II

CHAPTER XII

SEPARATION FROM THE CLASSIFIED SERVICE

SECTION 1 - RESIGNATION: An employee wishing to leave the classified service in good standing shall file a written resignation with his/her department head at least two (2) weeks before leaving the service. Such resignation shall state the effective date and reasons for leaving. The two (2) week time limit may be waived by the City Manager. Failure to give notice as required by this rule may be cause for denying future reinstatement by the City. A permanent or probationary employee who has resigned with a good record may be reinstated in accordance with Chapter VIII.

SECTION 2 - LAY-OFF: Whenever in the judgment of the City Council it becomes necessary in the interest of economy, or because the necessity for a position no longer exists, the City Council may, after due consideration of the recommendations of the City Manager, abolish any position in the competitive service; and the employee holding such position may be laid off or demoted in lieu of lay-off without the necessity for the City to take disciplinary action and without the right of appeal.

- a) Notification: Employees to be laid off shall be given at least thirty (30) calendar days written prior notice.
- b) Vacancy and Demotion: Except as otherwise provided, whenever there is a reduction in the work force, the appointing authority shall first demote to a vacancy, if any, in a lower class for which the employee who is the latest to be laid off in accordance with Subsection e) is qualified. All persons so demoted shall have their names placed on the re-employment list.
- c) Employee Rights: An employee affected by layoff shall have the right to displace an employee in the same department who has less seniority in a lower class in the same class series or in a lower classification in which the affected employee once had permanent status. For the purpose of this section and Subsection d), seniority includes all periods of full-time service at or above the classification level where layoff is to occur.
- d) Seniority: In order to retreat to a former or lower class, an employee must have more seniority than at least one of the incumbents in the retreat class and request displacement action in writing to the Personnel Director within five (5) working days of receipt of notice of layoff.

Employees retreating to a lower or similar 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.

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

- e) Employment Status: In each class of position, employees shall be laid off according to employment status in the following order: temporary, provisional, probationary, and permanent, according to class series as established in Subsection f) of this section.

If two (2) or more employees have an equal amount of departmental seniority, the senior employee shall be determined on the basis of job performance. The City Manager shall review the job evaluations of those employees involved and make a decision on who should be laid off.

- f) Class Series: Class series shall consist of two or more classes where the next higher class contains the duties, knowledge, skills and abilities applying to the highest class to lowest class in each series as follows and shall be amended by resolution of the City Council:

- 1) Public Works/Superintendent/Parks Superintendent - Maintenance Crew Leader - Equipment Operator - Senior Maintenance Worker - Maintenance Worker
- 2) Lead Mechanic-Mechanic-Assistant Mechanic
- 3) Water treatment Lead Plant Operator – Water Treatment Plant Operator
- 4) Wastewater treatment Lead Plan Operator – Water Treatment Plant Operator
- 5) Administrative Secretary – Secretary – Police Dispatch/Steno Clerk – Administrative Aide – Clerk Typist II
- 6) Police Lieutenant – Police Sergeant – Police Officer – Poundmaster
- 7) Finance Officer Supervisor – Finance Clerk
- 8) Grant Administrator – Administrative Assistant
- 9) Community Development Planner – Assistant Planner

All classes not mentioned as part of a series are distinctive in terms of duties, knowledge, skills, and abilities.

- g) Re-Employment List: The names of regular and probationary employees laid off or demoted in lieu of layoff shall be placed on re-employment lists for those classes for which an employee is qualified requiring basically similar qualifications, duties, and responsibilities of the class from which lay-off or demotion in lieu of lay-off was made. Persons whose names are placed on re-employment within one (1) year, unless otherwise provided in the agreement with the employee organization shall be regarded as having been on leave of absence without pay during this period of absence and entitles to all benefits accruing from such leave as specified in these rules.

CHAPTER XIII

ATTENDANCE AND LEAVES

SECTION 1 - NORMAL WORK PERIOD: For all employees, except Police Sergeants and Police Officers, the normal work period shall be forty (40) hours during a seven (7) consecutive calendar day period. For Police Sergeants and Police Officers, the normal work period shall be eighty (80) hours during a fourteen (14) consecutive calendar day period. The work period shall begin and end at eleven (11:00) p.m. on Saturday unless otherwise provided by contract with employee organization and adopted by the City Council. Schedule of hours of employment shall be established by the department head with the approval of the City Manager.

SECTION 2 - ATTENDANCE: Employees shall be in attendance at their place of work in accordance with the established schedule of hours of employment, departmental policy, the instruction of their supervisors, and these rules.

SECTION 3 - MILITARY LEAVE: Military leave shall be granted in accordance with the provision of State law. See Resolution No.978-16

SECTION 4 - ANNUAL VACATION LEAVE: All employees in the competitive service shall be entitled to annual vacation leave with pay as adopted by resolution or by contract with employee organization by the City Council. Vacation leave may be accumulated up to amount equal to an employee's allowable vacation credits for two (2) years.

No Employee who has left the employ of the City can return and be credited with prior employment toward vacation benefits with the exception of employees who are returning after lay-off Employees who are returning after lay-off (see Chapter XII Section 2.f). Each employee shall be considered to work not more than forty (40) hours each week. Each employee in the classified service who works less than full-time, but no less than half-time, or is in a shared job, shall be credited vacation on a pro-rata basis.

Vacation should be taken as soon as possible after the time of entitlement. The times during a calendar year at which an employee may take vacation shall be determined by the department head with due regard for the wishes of the employee and particular regard for the needs of the service. Vacations shall be taken in minimum increments of two hours.

Holidays occurring during vacation leave shall not be counted as days of vacation. Vacation credit shall continue to accrue while on vacation or sick leave.

The policy regarding annual accrual rate of vacation leave, period of employment necessary to qualify for vacation benefits, accumulation of vacation credits from year to year, and pay-out of accrued vacation with employee organization and adopted by City Council.

SECTION 5 - SICK LEAVE: Sick leave with pay shall be granted by the City at a rate to be set by the City Council. Each employee in the classified service who works less than

full-time, but not less than half-time, or is in a shared job, shall be credited sick leave on a pro-rata basis.

Sick leave shall not be considered as a privilege, which an employee may use at his/her discretion, but shall be allowed only in case of necessity and actual sickness or disability. Sick leave may be used, with prior department head approval, for dental, eye and doctor appointments. Misuse of sick leave privileges is grounds for disciplinary action.

Holidays occurring during sick leave shall not be taken as days of sick leave. For the purpose of computing sick leave, each employee shall be considered to work not more than forty (40) hours each week, and the minimum sick leave chargeable shall be one (1) working hour. Sick leave credit shall continue to accrue while an employee is on paid leave. Sick leave shall not be granted in lieu of vacation while on vacation.

In order to receive compensation while absent on sick leave, the employee shall notify his or her immediate supervisor prior to, or within one (1) working hour after the time set for beginning his or her daily duties, or as may be otherwise specified by the employee's department head. After being away from the job for three (3) working days of sick leave, or as provided by contract with employee organization, the Department Head may require that the employee must submit a physician's certificate indicating that the employee is not able to return to work and estimating the additional time required for recovery. When an employee has been on sick leave for a period longer than three (3) days, he/she may be asked to provide a physician's certificate to the Department Head indicating that the employee is able to resume work.

An advance of sick leave of up to six (6) days may be granted by the City Manager upon request in writing by the employee when an employee uses up all other time-off benefits because of illness. The dollar value of any advance remaining upon termination of an employee shall be repaid to the City.

The City will make every reasonable effort to provide part-time or light duty work for which the employee is qualified until he or she is able to perform the regular duties of his or her classification in full. The employee shall provide to the department a physician's certificate which identifies the job duties as described in the employee's job description. Such light duty or part-time work shall be compensated at the employee's regular salary level, or the hourly equivalent thereof, for up to thirty (30) calendar days.

The policy regarding accrual rate of sick leave and accumulation of sick leave shall be set by resolution or by contract with employee organization and adopted by the City Council.

SECTION 6 - PREGNANCY DISABILITY LEAVE: A female employee affected by pregnancy, childbirth, or related medical conditions may take a leave for a reasonable period of time, provided such period does not exceed four months. For the purposes of this section, pregnancy, childbirth, and related medical conditions are treated as any other sick leave or short-term disability leave. The employee must submit a physician's certificate indicating that employee is no longer able to perform the essential functions of the job and estimating the additional time required for recovery. The physician's certificate must be submitted prior to use of pregnancy disability leave. On the first day the employee returns

to work, she must submit a physician's certificate stating that she is able to perform the essential functions of her job.

SECTION 7 - WORKER'S COMPENSATION LEAVE: When an employee is injured or becomes ill from job-related causes, the employee shall be responsible for notifying his or her supervisor immediately. Upon being notified, the supervisor shall provide the employee with an employee claims form for workers' compensation benefits. Within twenty-four (24) hours from having been notified, the supervisor shall submit a report of the injury or illness to the Personnel Officer via the Department Head. The Personnel Officer shall process the report in accordance with the Workers' Compensation Law of the State of California and the procedures of the City's self-insurance plan.

In the event a job-related injury or illness results in time lost from the job, the employee shall be entitled to benefits as provided for under Workers' Compensation Law. In addition to such benefits, the City shall pay regular salary or supplement temporary disability benefits payable under the law, so that the amount of temporary disability benefit plus the amount of the supplement shall equal the employee's regular salary, for a period not to exceed thirty (30) work days, unless otherwise specified in agreement with employee organization. For peace officers, the City shall pay regular salary or supplement temporary disability benefits payable under the law, so that the amount equals the employee's regular salary for a period not to exceed one (1) year.

If the lost time exceeds thirty (30) work days, or the time specified in the agreement with employee organization, the employee shall have the option of using accrued paid leave to further supplement temporary disability benefits up to an amount equal to the employee's regular salary. Paid leave used in this manner shall be charged on a pro-rated basis. If any period of lost time during which regular salary, supplemental salary, paid leave benefits are paid is subsequently covered or partially covered by workers' compensation benefits, the amount of benefits covering such period shall be rebated to the City by the employee. Neither full salary, supplemental salary, nor paid leave benefits shall be payable in the event of lost time due to job-related illness or injury when such illness or injury is determined by the Personnel Officer to be the result of negligence or failure to follow instructions or comply with safety regulations on the part of the affected employee, unless otherwise provided by law.

The City will make every reasonable effort to provide part-time or light duty work for which the employee is qualified until he or she is able to perform the regular duties of his or her classification in full. The employee shall provide to the department head a physician's certificate which identifies the job duties as described in the employee's job description which may or may not be performed by the employee. Such light duty or part-time work shall be compensated by the employee's regular salary level, or the hourly equivalent thereof, for up to thirty (30) calendar days.

Any period of time lost from the job during which an employee is receiving benefits under Workers' Compensation Law shall not be considered a break on continuous service for the purpose of eligibility for salary adjustments, sick leave and vacation accrual, or seniority.

In the case of temporary disability, the City shall make every reasonable effort to provide part-time or light duty work for which the employee is qualified until he or she is able to perform the regular duties of his or her classification in full. Such part-time or light duty work shall be compensated at the employee's regular salary level, or the hourly equivalent thereof, for up to thirty (30) calendar days.

SECTION 8 - FAMILY AND MEDICAL CARE LEAVE: Family and Medical Care Leave (FMLA) entitles employees to take up to twelve (12) weeks of unpaid leave during any twelve (12) month period as a result of the birth of a child, the placement of a child for adoption or foster care, to care for a spouse or immediate family member with a serious health condition, or when an employee is unable to work due to a serious health condition.

FMLA provides that, during FMLA leave, the City's monthly contribution for health benefits will continue to be paid by the employer and the employee is returned to the same or equivalent position held prior to the FMLA leave.

An employee may use paid vacation, compensatory time, paid family leave, paid sick leave, floating holidays, workers compensation benefits, or management leave (if applicable) concurrently with FMLA. The City has the right to require an employee to use paid vacation, paid family leave, paid sick leave, floating holidays, workers compensation benefits, or management leave (if applicable) concurrently with FMLA leave. Employee must have been employed for twelve months to be eligible for FMLA. When an employee's leave is foreseeable, at least 30 days notice must be given by the employee to the City.

An employee may use FMLA for his/her own serious health condition. A serious health condition means an illness, injury, impairment, or physical or mental condition involving in-patient care or continuing treatment by a health care provider. Continuing treatment involves a period of incapacity of more than three consecutive calendar days. A doctor's certificate is required on the fourth consecutive calendar day. If the fourth consecutive calendar day falls on a weekend or holiday, the doctor's certificate is required on the next business day.

Forms must be submitted by the employee for certifying employee's serious health condition or a family member's serious health condition. Forms are available in the City Manager's Office.

The 12-month period of accumulated FMLA leave is measured forward from the date an employee's first FMLA leave begins.

SECTION 9 - FAMILY ILLNESS/BEREAVEMENT LEAVE: An employee in the competitive service may be granted up to five (5) days per year family illness/bereavement leave with pay which shall be charged against his or her accumulated sick leave. Family illness leave is applicable when the employee's presence is necessary to provide or arrange proper care for an ill member of the employee's immediate household. Bereavement leave is applicable when death occurs in an employee's immediate family; such family shall include spouse, parents, children, and other close relatives. Misuse of bereavement leave privileges is grounds for disciplinary action. If a contract with an employee organization differs from these provisions, the contract provisions shall supersede this action.

SECTION 10 - LEAVE OF ABSENCE: Department heads may grant a permanent or probationary employee leave of absence without pay or benefits for a period not to exceed three (3) work days. The City Manager may grant such leave for a period not to exceed thirty (30) work days. Leave of absence without pay or benefits in excess of thirty (30) work days may be granted by the City Council for a period not to exceed six (6) calendar months. NO leave of absence shall be granted in excess of three (3) work days except upon written request to the City Manager by employee setting forth the reasons for the request, and the approval, if granted, will be in writing from the City Manager. All accrued vacation must be used before a leave of absence may be granted. The convenience of the City shall be a primary consideration in deciding whether or not to grant a leave of absence.

The employee has the option of paying the health and welfare plan premiums during the leave of absence.

The City Manager may determine that an employee's anniversary date, for purposes of merit pay increase, vacation accrual, or sick leave accrual shall not change if leaves of absence taken by the employee do not exceed ten (10) working days in any one year.

Upon expiration of a regularly approved leave of absence, the employee shall be returned to the same position held at the time leave was granted. Failure on the part of an employee to report promptly at the expiration of such leave, or within a reasonable time after notice to return to duty, shall be just cause for discharge.

After an investigation instituted upon his/her own motion or complaint, the City Manager may deny or revoke such leave of absence upon determination that it was for the purpose of accepting other employment; enabling the employ of a temporary employee in the same position; political pressure or other improper influence, or for any other purpose contrary to the good of the City.

SECTION 11 - HOLIDAYS: All employees in the competitive service shall be entitled to holidays with pay as adopted by the City Council annually by resolution or by contract with employee organization. Floating holidays shall be pro-rated for each employee in the competitive service, who works less than full-time, but not less than half-time, or who is in a shared job.

SECTION 12 - JURY DUTY: Any competitive employee who is required to report for jury duty shall receive full pay for such absence from duty provided the employee endorses to the City any checks or warrants received in payment for jury duty exclusive of mileage for personal vehicle or other out-of-pocket expenses incurred due to jury service.

SECTION 13 - SHORT-TERM DISABILITY: The purpose of the short-term disability benefit provided by the City is to furnish the disabled employee in the competitive service with a partial income should he/she become disabled due to a covered non-occupational illness or accident.

The term "disability" means the complete inability of the employee to engage in his/her regular occupation.

The maximum benefit period for short-term disability is six months following a thirty (30) calendar day waiting period or following the exhaustion of all accumulated sick leave time, whichever takes longer. The waiting period starts when illness or disability begins and is reported as provided under the City's sick leave policy. After being away from the job for five days of sick leave, the City Manager may require that the employee submit a physician's certificate to the department head indicating that the employee is not able to return to work and estimating the additional time required for recovery. During the short-term disability benefit period, the employee shall submit additional physician's certificates upon request by the City Manager. The City Manager has the right to ask for a second medical opinion by a physician chosen by the City and at City's expense. The waiting period for a pregnant employee shall begin on the date the child is born or earlier upon submission of a physician's certificate indicating the employee's inability to perform assigned job duties.

Employees who are in a short-term disability status must submit a physician's certificate to the City Manager, stating that they can resume their job duties before returning to work.

No benefits are payable during the waiting period other than sick leave, vacation pay, CTO, and/or floating holidays or management leave. A disabled employee who temporarily returns to work during the waiting period will not necessarily have to begin a new waiting period, as long as the period of temporary recovery does not exceed five days during the thirty days waiting period. Leave of absence may be granted following the end of the short-term disability benefit period, according to the provisions in Section 8 of this Chapter.

The short-term disability benefit shall be sixty percent of basic monthly earnings. Basic monthly earnings is the salary quoted in the current budget of the City of Arcata at the step level deducted from an employee's short-term disability benefit: a) Any salary, wage or other compensation paid by any employer, or profit from self-employment, b) Any disability and retirement benefits from pension programs toward which any employer contributed or made payroll deductions (this excludes lump sum payments of contributions only made by the employee), c) Any benefits paid to and for the disabled employee due to other government programs, such as Social Security payments, worker's compensation. (This policy in no way affects the benefits for police officers as provided under Labor Code Sec. 4850.)

The employee shall have the option of using accrued paid leave, other than sick leave, to further supplement short-term disability benefits up to an amount equal to the employee's regular salary.

Every reasonable effort will be made to provide part-time or light duty work for disabled employee wishing to enter a period of rehabilitation. The period of rehabilitation shall not exceed one month, or as the City Manager determines. Full-time light duty work shall be compensated at the employee's regular salary level. Part-time work (up to half-time) shall be compensated by paying the short-term disability benefit plus 50% of pro-rated regular salary.

During the short-term disability benefit, no vacation or sick leave time will accrue to the employee. The short-term disability benefit period will be excluded from the time necessary for salary step increases.

Short-term disability benefits will not be paid for pre-existing conditions until after one year of employment. A pre-existing condition is defined as a mental or physical condition for which an employee received treatment, took prescribed drugs, or consulted a physician in the three consecutive month period preceding employment with the City.

Short-term disability benefits are not paid for disability from war, intentionally self-inflicted injuries or self-inflicted injuries occurring while the employee is unable to form the intent to harm himself, committing or attempting to commit an assault or felony, or participating in a violent disorder except in self-defense or when performing official duties. Benefits are not payable to the employee while confined in jail, scheduled to be away from work without pay, or if the employee is not regularly seen and treated by a physician.

CHAPTER XIV

GRIEVANCE AND APPEAL PROCEDURES

SECTION 1 - GRIEVANCE PROCEDURE:

A. PURPOSE:

The grievance process is designed to provide employees with a procedure that will facilitate a satisfactory resolution of problems that may arise during the course of their employment. For the purposes of these rules, a grievance shall be:

1. A dispute about the interpretation or application of any ordinance, rule, or regulation governing personnel practices or working conditions affecting an employee in the competitive service.
2. A dispute about the practical consequences of a City decision on hours, and other terms and conditions of employment affecting an employee in the competitive service.

B. INFORMATION RESOLUTION:

An employee should attempt to resolve any problems through informal discussion with the appropriate supervisor before filing a grievance. If, however, a satisfactory resolution is not achieved, the employee may file a formal grievance.

If an employee perceives the problem to be one of sexual harassment, the employee shall first discuss the problem informally with an officer designated for this purpose in the personnel department.

C. GRIEVANCE STEPS:

An employee wishing to file a grievance must do so in a manner that seeks resolution at the lowest possible level.

1. a) The grievant shall submit to his/her immediate supervisor a brief statement in writing of the complaint.
- b) Within five (5) working days thereafter, the immediate supervisor shall either alone, or together with his supervisors, reach a decision and communicate it to the employee in writing.
2. a) If the grievance is not settled at the first step, the employee and his/her representative may submit the original complaint and the decision of the supervisor to the department head

- b) The department head shall notify the employee and his/her representative of his/her decision in writing within five (5) working days after receipt of the grievance.
- 3. a) If the grievance is not settled at the second step, the employee and his/her representative may submit the original complaint and the previous decisions to the Grievance Committee.
- b) The Grievance Committee will, within a period of fourteen (14) calendar days of receipt of the grievance, meet, review all facts, and render a recommendation to the City Manager. The review of fact shall include information presented by both the employee and the department involved. The Committee may request such additional information or interview additional persons as may be necessary to reach a decision.
- c) With due consideration for the recommendation of the Grievance Committee, the City Manager shall render a decision in writing to the employee and his/her representative within fourteen (14) calendar days after receiving such recommendation.

D. GRIEVANCE COMMITTEE:

There will be two grievance committees, one for sworn police officers and one for all other employees. Each grievance committee shall consist of three members. The committee for all other employees shall consist of one full-time employee selected by the bargaining unit and one full-time employee selected by the employees not represented by a bargaining unit and one full-time employee selected by the first two selectees. For each representative, there shall also be selected an alternate in the same manner. Selections shall take place in January of even numbered years. Should a member of the Grievance Committee separate from the competitive service or be unable to serve, his/her group shall select another member to fill his/her term within one (1) month of separation.

SECTION 2 - APPEAL PROCEDURE:

A. RIGHT OF APPEAL:

Any employee in the competitive service shall within seven (7) days after the completion of the grievance procedure process, has the right to appeal the decision of the City Manager concerning any disciplinary action, interpretation or alleged violation of the personnel ordinance to the Personnel Board.

B. METHOD OF APPEAL:

Appeals shall be in writing, signed by the appellant, and filed with the Personnel Director, who shall within five (5) working days after receipt of the appeal, inform each member of the Personnel Board, the department head, and such other persons or officers named or affected by the filing of the appeal. The appeal shall be a written statement, addressed to

the Personnel Board, explaining the matter appealed and setting forth therein a statement of the action desired by the appellant, with his/her reasons thereof. The formality of a legal pleading is not required.

C. NOTICE:

Upon the filing of an appeal, the Personnel Director shall set a date for a hearing on the appeal not less than ten (10) calendar days, nor more than thirty (30) calendar days from the date of filing. The Personnel Director shall notify all interested parties of the date, time and place of the hearing at such places as the Personnel Board shall prescribe.

D. INVESTIGATIONS:

Upon the filing of an appeal, the Personnel Board may make such independent investigation of the matter as it may deem necessary. The results of such investigation shall be made a part of the record of the proceedings and the appellant shall have the right to have a reasonable time within which to answer or to present evidence in opposition to the findings of this independent investigation.

E. HEARINGS:

The appellant shall appear personally unless physically unable to do so, before the Personnel Board at the time and place of the hearings. The appellant may be represented by any person or attorney and may at the hearing produce relevant oral or documentary evidence. The appellant shall state the case first and, at the conclusion, opposition matter may be presented. Rebuttal matter, which is not repetitive, may be allowed at the discretion of the Personnel Board. Cross-examination of witnesses shall be permitted. The conduct and decorum of the hearing shall be under the control of the Chair of the Personnel Board with due regard to the rights and privileges of the parties appearing before it. Hearings need not be conducted according to technical rules relating to evidence and witnesses. Hearings shall be closed unless the appellant, in writing, requests an open hearing.

F. FINDINGS:

The Personnel Board shall, within ten (10) calendar days after the conclusion of the hearing, certify its findings and decision in writing to the appellant and to the City Manager. Action taken pursuant to the decision of the City Council, acting as the Personnel Board, shall be final within the framework of the City government.

SECTION 3 - CONDUCT OF APPEAL OR GRIEVANCE PROCEDURES:

- a) The time limits specified in these rules may be extended, for cause, by either party for a period not to exceed fourteen (14) calendar days unless further extension is agreed to by mutual consent.
- b) The employee may request the assistance of another person of his or her own choosing in preparing or presenting an appeal or grievance at any level of review.

- c) The employee and representative may be privileged to use a reasonable amount of work time, with the consent of the City Manager, in preparing and presenting an appeal or grievance.
- d) Employees shall be treated fairly at all times and shall be assured freedom from reprisal for using the appeal or grievance procedures.
- e) The City Attorney shall be the attorney of record to the Personnel Officer. The Personnel Board may choose to hire an attorney other than the City Attorney.

CHAPTER XV

PERSONNEL RECORDS AND IDENTIFICATION

SECTION 1 –PERSONNEL RECORDS: The Personnel Director shall maintain a service or personnel record for each employee in the service of the City showing the name, title of position held, the department to which assigned, salary, changes in employment status, and such other information as may be considered pertinent by the Personnel Director.

SECTION 2 - IDENTIFICATION CARDS, BADGES, OR INSIGNIA: No employee in the service of the City who uses an identification card, badge, or insignia as evidence of the employee's position or authority shall allow it to be used by any other individual nor shall the employee use it in any way to advance a private interest. All identification cards, badges, or insignia issued by the City shall be turned in to the department head or Personnel Officer upon change of status within the competitive service or termination of employment.