

**RESOLUTION NO. 17-38**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GROVER BEACH,  
CALIFORNIA, AMENDING THE PERSONNEL RULES AND REGULATIONS**

**WHEREAS**, Resolution No. 94-18 was adopted by the City Council on April 4, 1994, establishing the City's Personnel Rules and Regulations; and

**WHEREAS**, the Personnel Rules and Regulations need to be updated to address changes in law, best practices, and City operations; and

**WHEREAS**, Staff has drafted updates to the City's Personnel Rules and Regulations of which the City's bargaining groups have reviewed and approved through the meet and confer process; and

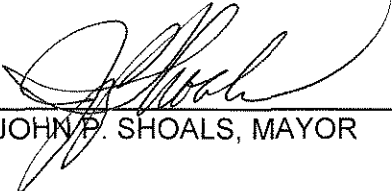
**WHEREAS**, revisions to the Personnel Rules and Regulations must be adopted by the City Council in order to become effective.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Grover Beach that the City of Grover Beach Personnel Rules and Regulations updates attached hereto and marked as Exhibit A are hereby adopted and effective immediately and supersede the previous version of the Personnel Rules and Regulations adopted by Resolution No. 94-18 in 1994.

On motion by Council Member Lee, second by Council Member Nicolls, and on the following roll-call vote, to wit:

AYES:	Council Members Lee, Nicholls, Peterson, and Mayor Pro Tem Shah.
NOES:	Council Members – None.
ABSENT:	Mayor Shoals.
ABSTAIN:	Council Members – None.

the foregoing Resolution was **PASSED, APPROVED**, and **ADOPTED** at a Regular meeting of the City Council of the City of Grover Beach, California this 17<sup>th</sup> day of July, 2017.

  
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JOHN P. SHOALS, MAYOR

Attest:

  
\_\_\_\_\_  
DONNA L. McMAHON, CITY CLERK



City of Grover Beach  
PERSONNEL RULES & REGULATIONS

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## SECTION I – GENERAL PROVISIONS

### City of Grover Beach PERSONNEL REGULATIONS

#### Section I – General Provisions

##### **A. Purpose**

The purpose of the Rules and Regulations is to facilitate effective and economical services to the public and to provide for a fair and equitable system of personnel management in the City of Grover Beach. These Rules set forth in detail those procedures which ensure equal treatment for employees, and define the obligations, rights and privileges, benefits and prohibitions placed upon all City employees. The purpose of the Regulations, collectively, with existing legislation, Memorandum of Understandings, and department policies is to establish a system of uniform personnel policies and procedures consistent with, but not limited to, the following principles:

1. Recruitment, appointment, and promotion of employees on the basis of their ability, knowledge, and skills, and the needs of the City.
2. Retention of employees on the basis of the adequacy of their performance, including the appropriate application of discipline.
3. Assurance of impartial treatment of applicants and employees in personnel administration without regard to political affiliation, race, religion, color, sex, gender identity, sexual orientation, marital status, national origin, citizenship, age, physical or mental disability, or medical condition, and with proper regard for their privacy and constitutional rights as citizens.
4. Assurance that employees are protected against coercion for partisan political purposes as well as employees being prohibited from using their official authority for political or other inappropriate purposes.
5. Use of appeal procedures which are consistent with the needs of the City and rights of the employee.
6. Appropriate use of City facilities, equipment, supplies and property.

##### **B. Definition of Terms**

The following definitions apply throughout these rules unless the context specifies another meaning.

**ACTING PAY:** The pay an employee receives when required to perform duties of a higher classification level for at least the qualifying period specified in the collective agreement.

## **SECTION I – GENERAL PROVISIONS**

**ADMINISTRATIVE LEAVE:** A temporary paid or unpaid leave from job assignment, with benefits intact.

**APPLICANT:** A person who has filed a complete application for employment with the City.

**APPOINTMENT:** The offer and candidate acceptance of a position of employment with the City.

**CATASTROPHIC LEAVE:** A catastrophic illness or injury is a severe illness or injury which is unusual, unexpected, or immediate in nature; and which is expected to preclude an employee from returning to work for an extended period of time, during which the employee will exhaust all of his/her accumulated leave balances.

**CLASS:** A group of one or more positions having sufficiently similar duties, responsibilities, minimum requirements, and education to warrant the same title and salary range;

**CLASSIFICATION:** A group of positions similar as to duties performed, degree of supervision and responsibility exercised or required, minimum requirements of education, experience, skill and such other qualifications, so that the same title, the same tests of fitness and the same schedule of compensation may be applied to each position in the group.

**CLASSIFIED POSITION:** A position in the classified service.

**CLASSIFIED SERVICE:** The group of employees of the City of Grover Beach who hold permanent or limited term positions, as defined by these Rules. Employees hired in temporary or at-will positions are not part of the classified service. Employment in the classified service is subject to these Rules and Regulations.

**CLASS SPECIFICATION:** A written description of the typical duties, tasks and responsibilities, educational requirements, and title for a class.

**CONFLICT OF INTEREST:** A situation or activity that is incompatible with the employee's position with the City.

**CONTRACTOR:** A person or persons performing work for the City on an independent contract basis, or employees of such persons, none of whom are employees of the City.

**DEMOTION:** The movement of an employee from one class to a lower class.

**DISCIPLINARY ACTIONS:** Actions taken with the objective of obtaining employee compliance with rules, orders, procedures, standards of conduct and/or expected job performance when non-disciplinary corrective actions do not achieve compliance, or a particular event is serious enough to warrant disciplinary action on its own. These actions are intended to be corrective and progressive in nature. Disciplinary actions under these rules include written reprimands, suspensions, and reductions in salary, demotion or dismissal.

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**ELIGIBLE LIST:** A list of one or more persons who have competed successfully in the recruitment and examination process for a position in the classified service, and from which appointments to such service may be made.

**EMPLOYEE:** A person employed by the City in a permanent, temporary, or part-time position.

**EXEMPT EMPLOYEES:** Exempt employees are exempt from the overtime requirements of federal and state law, and City personnel policies.

**GRIEVANCE:** A claimed violation, misinterpretation, inequitable application or non-compliance with a memorandum of understanding, City ordinance, resolution, rule or regulation affecting working conditions.

**INTERIM APPOINTMENT:** An appointment to a vacant permanent position which is not in the classified service, pending any recruitment or other action.

**MERIT INCREASE:** An increase in pay within the established salary range which may be granted to an employee.

**MINIMUM QUALIFICATIONS:** The baseline level of skill, education, abilities, licensure, certification, and/or experience necessary in order to successfully carry out the essential functions of a job classification.

**NON-EXEMPT EMPLOYEES:** Non-exempt employees are entitled to overtime pay or compensatory time off (CTO) for all hours worked in excess of the number of hours they are normally expected to work, in accordance with applicable federal and state law and City policy.

**PART-TIME EMPLOYEE:** An employee in a part-time position working a regular schedule of less than 30 hours per week.

**PART-TIME POSITION:** A position in City service which is not full-time is not in the classified service, and which receives only those benefits required by law.

**PERMANENT APPOINTMENT:** An appointment to a permanent position after satisfactory completion of probationary periods.

**POSITION:** A specific office or employment provided by the budget, whether occupied or vacant, calling for the performance of certain duties. Positions in the City of Grover Beach may be allocated on a permanent, temporary or at-will basis, as defined below:

- **PERMANENT POSITION:** Budgeted, full-time position, the duties of which do not terminate at any stated time.

## **SECTION I – GENERAL PROVISIONS**

- **TEMPORARY POSITIONS:** Established for a period of time to meet a specified need.
- **AT-WILL POSITION:** Budgeted full-time positions allocated by the City Council for an indefinite time period where the employee serves at the will of the City Manager. Employment may be terminated at any time by either party without cause. Employment in an at-will status is limited to employees in the City's Executive Management group and other classifications as may be designated by the City Council.

**PRE-DISCIPLINARY (SKELLY) HEARING:** A meeting which a department head must offer an employee who has been given written notice of proposed formal disciplinary action. At this meeting, the employee has the opportunity to present information relevant to the discipline recommendation.

**PROBATIONARY EMPLOYEE:** an employee in a full-time permanent position, serving a probationary period prior to becoming a permanent employee.

**PROBATIONARY PERIOD:** A test period during which an employee is required to demonstrate satisfactory performance of the duties of the position to which the employee has been appointed or promoted prior to becoming a permanent employee.

**PROMOTION:** The movement of a qualified employee from a position in one classification to a vacant position having a higher maximum rate of pay. Promotion occurs through the competitive examination process or through completion of prescribed criteria for promotion in a classification. General salary adjustments are not considered promotions.

**PROVISIONAL APPOINTMENT:** An appointment to a vacant position in the classified service, pending recruitment or other action.

**RETIREMENT:** All regular and regular part-time employees are members of the Public Employees' Retirement System and shall be subject to the terms and conditions of the prescribed system; the employees and the city shall be subject to changes in the exact contributions and benefits, as determined by the system. The actual terms of retirement benefits for miscellaneous members and local safety members shall be determined by retirement system contracts. The maximum age limit for all employees shall be that set forth by the California Public Employees' Retirement System.

**SUSPENSION:** The temporary removal of an employee from the workforce without pay for disciplinary purposes.

**TERMINATION:** Separation from City employment.



## SECTION I – GENERAL PROVISIONS

“Y” RATING: An employee's base salary is set above the maximum of the salary range assigned to the position's job classification.

### C. Administration

The City Manager shall manage the City's personnel system and may delegate any of the powers and duties to an employee of the City and may delegate the appointing authority granted by the City Council to any other officer or employee of the City.

Personnel duties may include:

1. Administration of all provisions of the *Personnel Rules & Regulations* is not specifically reserved to the Council, and review of these provisions annually or as time permits;
2. Recommending revisions and amendment to these *Personnel Rules & Regulations* and the Employer-Employee Relations Resolution;
3. Preparation and maintenance of a position classification plan, including class specifications, and periodic revisions of the plan as needed.
4. Provision for the administration of the recruitment and selection process as outlined in these *Personnel Rules & Regulations*;
5. Supervision and coordination of employee training programs;
6. Labor relations functions;
7. Administration of the compensation plan of the City, including comparison salary studies as necessary;
8. Promotion of the equal opportunity employment in all City departments.

### D. Application

The provisions of these regulations shall apply to officers, positions, and employments in the services of the City except for the provisions of Sections II, III, IV, V, VI, VIII, IX, X, and XI do not apply to the following:

1. City Manager and City Attorney;
2. Appointed members of boards, commissions, and committees;
3. Executive management, which includes all Department Directors.

Except for the provisions of Sections II, III, IV, V, VI, VIII, IX, X, and XI that do not apply to the following:

1. Elected Officials;

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2. Persons engaged under contract to provide expert, professional, or technical services;
3. Emergency employees who are hired to meet the immediate requirements of an emergency condition, including but not limited to, fire, flood, or earthquake, which threatens life and property;
4. Any position primarily funded under a state or federal employment program;
5. Part-time and temporary employees, including volunteers work/study students, and interns.

### **E. Exclusions**

All employees excluded from the regulations as listed in Section D - Application, shall serve at the will of their appointing authorities.

### **F. Provision for Departmental Policies**

The *Personnel Rules & Regulations* shall not preclude the development of rules, policies, and operating procedures within specific departments of the City nor the development of personnel or administrative policies and procedures governing the implementation of these regulations, rules, policies, and procedures; however, no departmental regulation, rule, policy, or procedure shall be in conflict with these *Personnel Rules & Regulations*.

### **G. Severability**

If any provision of these regulations or the application of such provision to any person or circumstance shall be held invalid, the remainder of the rules or the application of such provision to persons or circumstances other than those as to which are held invalid, shall not be affected.

### **H. Conflict with a Memorandum of Understanding**

In cases where these regulations conflict with any provision of a Memorandum Of Understanding (MOU) with a recognized employee organization, to the extent of such conflict the provisions of the Memorandum Of Understanding shall be controlling. In all other cases these *Personnel Rules & Regulations* shall apply.

### **I. Personnel Records**

The City Manager's Office shall maintain a personnel record for each employee in the service of the City showing the name, title of the position held, the department to which the employee is assigned, salary, changes in employment status, employee performance reviews, and such other information as may be considered pertinent to their employment with the City.

Information in the employee's personnel file is confidential and will not be revealed to outside sources except as required by law or with the consent of the employee. Upon request, an employee may inspect his/her personnel file during normal working hours in the City Manager's Office. The file may not be removed from the City Manager's Office. Upon written request, employees or duly appointed representative with written consent may obtain copies of materials maintained in their personnel files at the actual cost for reproduction.

## SECTION I – GENERAL PROVISIONS

### J. **Responsibility**

Each employee will be given a copy of these Rules and Regulations and is responsible for reading and complying with these Rules and Regulations.

### K. **Equal Employment Opportunity Statement**

The City of Grover Beach provides equal employment opportunities (EEO) to all employees and applicants for employment without regard to race, color, religion, gender, sexual orientation, gender identity, national origin, age, disability, genetic information, marital status, amnesty or status as a covered veteran in accordance with applicable federal, state and local laws. The City of Grover Beach complies with applicable state and local laws governing nondiscrimination in employment in every location in which the city has facilities. This policy applies to all terms and conditions of employment, including hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation and training.

The City of Grover Beach expressly prohibits any form of unlawful employee harassment based on race, color, religion, gender, sexual orientation, national origin, age, genetic information, disability or veteran status. Improper interference with the ability of the City employees to perform their expected job duties is not tolerated.

### L. **Americans with Disabilities Act (ADA) and Americans with Disabilities Act Amendment Act (ADAAA)**

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act, known as the ADAA, are federal laws that prohibit employers with 15 or more employees from discriminating against applicants and individuals with disabilities and that when needed provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.

It is the policy of the City to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is the City's policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

The City will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation and/or if the accommodation creates an undue hardship to the City. Contact the human resources with any questions or requests for accommodation.

### M. **Reasonable Accommodation Policy**

The City provides employment-related reasonable accommodations to qualified individuals with disabilities within the meaning of the California Fair Employment and Housing Act and the Americans with Disabilities Act.

## SECTION I – GENERAL PROVISIONS

### 1. Procedure

#### a. Request for Accommodation

An employee who desires a reasonable accommodation in order to perform essential job function(s) should make such a request in writing to a Human Resources staff member, unless the City is aware that an accommodation be required. The request must identify:

a. the job-related function(s) at issue; and b. the desired accommodation(s).

#### b. Reasonable Documentation of Disability

Following receipt of the request, a Human Resources staff member may require additional information, such as reasonable documentation of the existence of a disability.

#### c. Fitness for Duty Examination

The City may require an employee to undergo a fitness for duty examination, at City expense, to determine whether the employee can perform the essential functions of the job with or without reasonable accommodation. The City may also require that a City-approved physician conduct the examination. A sworn employee required to undergo a psychological examination by a City approved physician shall also have the right to undergo a psychological examination by a P.O.S.T. certified psychologist, at the members' expense.

#### d. Interactive Process Discussion

After receipt of the results of a reasonable documentation of disability and/or fitness for duty report, the City will arrange for a discussion, in person or by telephone conference call, with the employee and his or her representatives, if any. The purpose of the discussion is to work in good faith to discuss all feasible potential reasonable accommodation(s). A certification by a P.O.S.T. certified psychologist or physician clearing the employee to return to work will be considered to conclude that the member can perform the essential functions of the job.

#### e. Case-by-case Determination

The City will determine, whether reasonable accommodation(s) can be made and the type of accommodation(s) to provide. The City will not provide accommodation(s) that would pose an undue hardship upon City finances or operations, or that would endanger the health or safety of the employee or others. The City will inform the employee of its decision as to reasonable accommodation(s) in writing.

### N. Non-Discrimination and Anti-Harassment Policy

Employees shall not be discriminated against because of the exercise of their rights under Section 3502 of the California Government Code or under the City's Employer-Employee Relations Resolution.

## **SECTION I – GENERAL PROVISIONS**

### **1. Policy**

The City's policy strictly prohibits unlawful discrimination and harassment based on a persons on the basis of political affiliation, race, religion, color, sex, gender identity, sexual orientation, marital status, national origin, citizenship, age, physical or mental disability, or medical condition. The City considers discrimination and/or harassment a serious offense and is committed to the policy that every employee has the right to work in an environment free from discriminatory intimidation, ridicule and insult, and to be treated with courtesy, dignity and respect. Every employee is expected and required to adhere to a standard of conduct that is respectful to all persons within the work environment.

In keeping with this commitment, the City maintains and follows a strict policy prohibiting unlawful discrimination and harassment, in any form, including verbal, physical and/or visual harassment, coercion, and/or reprisal. This policy applies to all City employees, independent contractors, vendors, visitors, volunteers, elected officials, and members of Boards and Commissions. The City does not tolerate harassment based on sex, (including pregnancy, childbirth, breastfeeding, or related medical conditions), race, religion (including religious dress and grooming practice), color, gender (including gender identity and gender expression), national origin or ancestry, physical or mental disability, medical condition, genetic information, marital status, registered domestic partner status, age, sexual orientation, military and veteran status or any other basis protected by federal, state or local law or ordinance or regulation. If, after a prompt and thorough investigation, it is determined that an employee has engaged in discrimination and/or sexual or other harassment, that employee may be disciplined, up to and including discharge.

### **2. Purpose**

The City of Grover Beach (the "City") is committed to providing a work environment that is free from illegal discrimination and harassment. In keeping with this commitment, the City maintains a strict policy prohibiting discrimination and harassment, including sexual harassment.

The purpose of this Policy is to define and forbid discriminatory and/or harassing conduct, to prohibit the condoning or perpetuating of such conduct, and to provide an effective means for reporting and resolving complaints of discrimination and/or harassment.

State and/or federal law expressly prohibit discrimination and/or harassment of employees or applicants based upon political affiliation, race, religion, color, sex, gender identity, sexual orientation, marital status, national origin, citizenship, age, physical or mental disability, or medical condition;

Discrimination and/or harassment constitute misconduct that can decrease work productivity, decrease morale and cause emotional and physical damage. Incidents of discrimination and/or harassment can result in serious economic implications such as high turnover, ineffective use of time during working hours, costly salaries paid for

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nonproductive work hours, and employee absences due to hearings and meetings related to discrimination and/or harassment complaints.

### 3. Prohibited Conduct

The City's Anti-Discrimination and Harassment Policy prohibits the following types of conduct:

a. Discrimination

Discrimination is any action or conduct by which an employee is treated differently or less favorably than other employees similarly situated to him or her for the sole reason that he or she is a member of a legally protected category.

b. Harassment

Unlawful harassment is any verbal or physical conduct based on an employee's membership in a protected category that is sufficiently severe or pervasive so as to affect an employee's work performance negatively and/or alter the conditions of employment and create an intimidating, hostile or otherwise offensive working environment.

c. Sexual Harassment

Sexual harassment is defined as: Any action that constitutes an unwelcome sexual advance or request for sexual favors, or any verbal or physical conduct of a sexual nature that is (1) related to or conditional to the receipt of employee benefits, including, but not limited to, hiring and advancement; (2) related to or forms the basis for employment decisions affecting the employee; or (3) sufficiently severe or pervasive so as to affect an employee's work performance negatively and/or alter the conditions of employment and create an intimidating, hostile or otherwise offensive working environment.

Examples of the type of conduct that can constitute unlawful harassment or sexual harassment include, but are not limited to, the following:

1. Speech: epithets, derogatory comments or slurs, graphic commentaries about an individual's body or other suggestive comments made on the basis of a legally protected category.
2. Physical acts, including: assault, impeding or blocking movement, interference with normal work movement, massages, sitting on laps, or unwanted touching of any type based upon a legally protected category.
3. Visual acts, including: leering, making derogatory gestures, derogatory posters, notices, bulletins, cartoons, drawings, e-mails, faxes, or other depictions based upon a legally protected category.
4. Sexual conduct, including: unwelcome sexual advances, requests for sexual favors, propositions, and other verbal or physical conduct of a sexual nature which is made a condition of an employment benefit or unreasonably interferes with an individual's work performance and creates an offensive work environment.
5. Retaliation: taking or threatening to take adverse employment action against any employee for having reported or threatened to report unlawful discrimination or harassment on the basis of a legally protected category.

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If you have questions regarding these definitions of discrimination, harassment, sexual harassment, if you are uncertain what constitutes discrimination, harassment, or sexual harassment, or if you are uncertain as to what constitutes prohibited conduct under the City's Policy, contact your supervisor, a Human Resources staff member, the City Manager, or any other management official.

### **O. Reporting Discrimination or Harassment**

If an employee believes any comments, gestures or actions of a co-worker, supervisor, contractor, vendor or visitor to be discriminatory, harassing or offensive, the employee should immediately communicate to that person that such behavior is unwelcome; however, failure to do so does not prevent the employee from filing a complaint nor does it in any way exonerate the discriminating party or harasser.

City management is readily available and receptive to complaints of discrimination, sexual or other harassment. If an employee feels discriminated against or harassed at the workplace, the employee should immediately report the facts of the incident or incidents and the name(s) of the individual(s) involved to his/her immediate supervisor. If the employee does not feel that the matter can be discussed with his/her immediate supervisor, he/she should contact Human Resources staff and arrange for a meeting to discuss the complaint. If the employee does not feel that the matter can be discussed with Human Resources staff, the employee should contact the City Manager and arrange for a meeting to discuss the complaint. An anonymous written complaint also may be delivered to a Human Resources staff member or the City Manager. Employees are encouraged to make any such complaints no later than 15 working days after the incident. In addition, the employee should submit a written and signed statement of the complaint to the employee's supervisor, to a Human Resources staff member or to the City Manager within 10 days of the initial report. Employees in need of assistance in filing the complaint will be provided such.

Complaints must include the following information:

- 1) The employee's name, department, and position title;
- 2) The name of the person or persons committing the harassment, including their title(s) if known;
- 3) The specific nature of the harassment, how long it has gone on, and any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken or threatened against the victim as a result of the harassment (if applicable), or any other threats made against the victim as a result of the harassment;
- 4) Witnesses to the harassment;
- 5) Whether the victim previously has reported such harassment and, if so, when and to whom.

Notification to the City is essential. An employee will not be penalized in any way for reporting discrimination, sexual harassment or other harassment problems. This would be considered retaliation and it is unlawful for an employer to retaliate against employees who oppose practices prohibited by state and federal law, file complaints, or otherwise participate in an

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investigation, proceeding or hearing conducted by the Department of Fair Employment and Housing or the Equal Employment Opportunity Commission. Similarly, the City will not tolerate any employees who interfere with its own internal investigations and its own internal complaint procedure.

Employees are reminded that the City protects employees from sexual or other harassment by non-employees (e.g., vendors, contractors, visitors, volunteers, elected officials, or members of Boards and Commissions). Any employee who is the victim of any harassment by a non-employee or who observes this conduct toward another City employee should report such harassment to his or her immediate supervisor, so that appropriate action can be taken. Likewise, employees who observe or are advised about the sexual or other harassment of another employee are encouraged to follow these reporting procedures.

The City cannot resolve discrimination or a sexual or other harassment problem unless it knows about it. Therefore, it is the employee's responsibility to bring any such problem to the attention of the City so that the necessary steps can be taken to correct the problem, and the City encourages employees to do so.

### **P. Anonymous Complaints**

An employee who wishes to make a complaint of discrimination or sexual harassment or other harassment, but is uncomfortable disclosing his or her identity, may do so by following the above complaint procedure and filing the complaint anonymously with a Human Resources staff member or the City Manager. Employees must know, however, that anonymity in the complaint procedure may compromise the City's ability to complete a thorough investigation and/or take corrective action.

### **Q. The City's Response to Complaints of Discrimination or Harassment**

All complaints of discrimination or sexual harassment reported to management will be investigated immediately, thoroughly, objectively, completely, and as confidentially as possible. The City, as part of its investigation, will make every attempt to interview all individuals who may possess information pertinent to the complaint.

Any investigation related to a complaint under this policy will be conducted with as much confidentiality as possible and with respect for the rights of all individuals involved. Information related to the investigation will be provided on a "need to know" basis only.

The purpose of this provision is to protect the confidentiality of the employee who files a complaint, to encourage the reporting of any incidents of harassment, and to protect the reputation of any employee wrongfully charged with harassment.

It is a violation of this policy for the complaining party or the alleged harasser to discuss any investigation with other employees or to conduct a separate investigation at any time. If an employee has any information which may assist the City, he or she should contact the person conducting the investigation. Failure to follow this policy may subject an employee to



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discipline, as the confidential nature of the complaint and the investigation is vital in protecting the privacy rights of all parties involved.

The City will make its determination and communicate that determination to the complaining employee and to the alleged harasser. Employees are not entitled to copies of any notes or other written materials regarding the investigation, since these are confidential documents. If it is determined that the alleged harasser has violated City policies, appropriate corrective action will be taken in accordance with established City disciplinary procedures, up to and including discharge. Furthermore, as part of the City's attempt to remedy the complaining employee's concerns, the complaining employee will be informed if remedial measures and disciplinary actions have been taken.

Employees who believe that they have been harassed may, within one year of harassment, also file a complaint of discrimination with the California Department of Fair Employment and Housing ("DFEH"). The DFEH may also investigate and process the complaint. Violators are subject to penalties and remedial measures that may include sanctions, fines, injunctions, reinstatement, back pay, and damages. The address of the closest office of the Department of Fair Employment and Housing is:

1732 Palma Drive, Suite 200, Ventura, CA; (800) 884-1684.

While the City vigorously defends its employees' right to work in an environment free of sexual or other harassment, it also recognizes that false accusations of sexual or other harassment can have serious consequences. Accordingly, any employee who is found, through the City's investigation, to have deliberately and falsely accused another person of sexual or other harassment is subject to appropriate disciplinary action, up to and including discharge.

The City directs all employees to act responsibly to establish a pleasant working environment free of sexual or other harassment. The City encourages employees to raise questions they may have regarding discrimination, sexual or other harassment with their immediate supervisor(s), Department Director, a Human Resources staff member or the City Manager.

### **1. Confidentiality**

To the extent feasible and practical, proceedings under this policy and all reports and records filed shall be confidential to the parties involved, and all reasonable effort shall be made to protect the privacy interests of the parties and anonymity of reporting parties when possible.

### **2. Discipline**

To remedy instances of sexual harassment, the City may invoke disciplinary action(s) up to and including dismissal.

## **R. Retaliation**

It is the policy of the City to prohibit the taking of any adverse employment action against those who in good faith report, oppose, or participate (as witnesses or accused) in investigations into complaints of alleged violations of City policy or state or federal law in

## SECTION I – GENERAL PROVISIONS

retaliation for that reporting, opposition, or participation. Disciplinary action, up to and including termination, will be taken against an employee or officer who is found to have violated this policy. Any elected official or contractor who violates this Retaliation Policy will be subject to appropriate sanctions.

This policy prohibits City officials, officers, employees, or contractors from retaliating against applicants, officers, officials, employees, or contractors because of any of the protected activity as defined herein.

### 1. Definitions

a. “Protected Activity” includes any of the following:

Filing a complaint with a federal or state enforcement or administrative agency; participating in or cooperating with a federal or state enforcement agency that is conducting an investigation of the City regarding alleged unlawful activity; testifying as a party, witness, or accused regarding alleged unlawful activity; making or filing an internal complaint with the City regarding alleged unlawful activity; providing informal notice to the City regarding alleged unlawful activity; calling a governmental agency’s “Whistleblower hotline”; Filing a written complaint under penalty of perjury that the agency has engaged in “gross mismanagement, a significant waste of public funds, or a substantial and specific danger to public health or safety.”

b. “Adverse Action” may include, but not limited to, any of the following:

Real or implied threats of intimidation to attempt or prevent an individual from reporting alleged wrongdoing or because of protected activity; Refusing to hire an individual because of protected activity; or denying promotion to an individual because of protected activity.

## **Section II - Classification**

### **A. Classification**

#### **1. Position Classification**

Position classification provides an accurate class specification, characteristics, and requirements of positions to which these *Personnel Rules & Regulations* apply.

#### **2. Preparation and Content of Class Specifications**

Class specifications shall be prepared and classification of positions shall be performed by or under the direction of the City Manager, or designee.

When recommending the creation of a new class, the Department Head shall propose a new classification to the City Manager or designee for review and comment. All new classes and class specifications shall be submitted to the City Manager for approval. No position allocated to a new class shall be filled until such new class and assigned salary range has been approved by the City Council. Upon approval, the City Manager shall allocate such positions as required to the new class.

#### **3. Preparation of Classification and Compensation Plan**

The preparation and maintenance of the City's classification plan is the responsibility of the City Manager, or designee, who is authorized to examine records, consult with employees and Department Heads, regarding duties, job qualifications and responsibilities of a position, and conduct studies and collect such information as may be required to ensure that the classification is proper. It shall be the responsibility of the City Manager to recommend the establishment of new classes, or the combination, alteration or abolishment of existing classes to ensure the efficient and equitable operation of the classification Plan. Changes in classification also may result from the meet and confer process between the City and designated employee representative, subject to ratification by the City Council.

#### **4. Interpretation of Class Specifications**

All class specifications describe duties that employees occupying positions in the class will be required to perform. Class specifications are explanatory but not restrictive. The listing of particular tasks does not preclude the assignment of other tasks of related kind or character, or which would require different skills.

#### **5. Allocation of Positions**

The City Manager shall allocate every position to one of the classes established by the plan.

#### **6. Reclassification**

Whenever the assigned duties of a position have been materially changed by the City so as to require reclassification to a new or existing class, the City Manager or his/her designee shall reallocate such position to the more appropriate class. Reclassification shall neither be used for the purpose of avoiding restrictions concerning demotions and promotions, nor to

## **Section II - Classification**

effect a change in salary in the absence of a significant change in assigned duties and responsibilities. Reclassification may be initiated by an employee for their own position, by the City Manager, by a supervisor, or by a Department Director.

### **7. Reclassification Procedure**

The procedure for a reclassification initiated by an employee is as follows:

- a. An employee may submit a written request for a classification review to his/her supervisor. The request shall provide written justification and a proposed job description to support the request. The supervisor and Department Director shall each independently review the request, determine its appropriateness, prepare a recommendation for action, and forward it to the City Manager or his/her designee, who will acknowledge receipt of the request in writing to the employee and will consider the matter as provided in subsection six (6) above.
- b. The City Manager or his/her designee may review requests for reclassification at any time, and may defer implementation until the next budget is adopted by the City Council.

## **B. Compensation**

Compensation is the established wage reimbursement and benefits paid/provided for services rendered in the City service on an hourly or monthly basis. The City's Compensation Plan is to structure wage rates, benefits and salary administration systems which are competitive, equitable, and adequate.

### **1. Preparation of Compensation Plan**

The City Council may periodically modify the City's compensation plan. The compensation plan includes, for each class, a minimum and maximum salary rate and such intermediate rates as are considered necessary, as well as supplemental, retirement, insurance, and related fringe benefit provisions and additional authorized pay. Flat rates may be used instead of salary ranges where appropriate.

The rate or pay range assigned to each class shall reflect the differences in the duties and responsibilities among classes, the City's policies and financial condition, unusual problems of recruitment and turn-over, competitive posture within the appropriate market(s), and any other factors deemed relevant.

## **C. Administration of Plan**

### **1. Rates of Pay**

Each employee is paid a rate of pay within the salary range established for the class in which employed except in cases of reclassification or demotion to a lower salary range when a salary range is frozen due to the range compensation in excess of what the City deems appropriate.

## Section II - Classification

### a. Entrance Salary

An employee normally shall be appointed at the minimum rate for the class, except when the appointing authority believes it is necessary to make an appointment, reinstatement, or rehire above the minimum rate. Authorization for appointment above the entrance rate must be obtained in advance from the City Manager.

### b. Salary Adjustments

Employees may receive or be denied salary adjustments within the salary range applicable to their class. The purpose of the salary adjustment is to recognize individual employee performance. The anniversary date shall be the date recurring yearly upon an employee's date of hire for initial City service; without changing the date or anniversary of an employee's initial City service appointment. For the purposes of salary administration and related personnel actions, an employee will have an additional anniversary date recurring yearly upon the date of promotion.

#### 1) Merit Increases, Full-Time Employees

Full-time employees are eligible, based upon merit at a satisfactory level or higher, as evaluated on the annual performance evaluation, for compensation advancement to the next step upon becoming a regular employee or after the completion of a minimum of six months of service in the new position. Eligibility for subsequent step advancement may occur based upon satisfactory or higher performance annually thereafter until reaching top step. This period may be modified in conjunction with performance appraisal recommendations. Merit increases are not automatic and are to be based upon performance and are awarded at the discretion of the Department Director.

An employee reaching the top step is required to sustain performance at a level of satisfactory or greater to remain at the top step. Failure to perform at that level may result in placement at a lower step until performance improves.

#### 2) Merit Increases, Exceptional Performance

An employee may be eligible for step advancement sooner than the normal progression if the employee's performance has been exceptional. This decision shall be made by the Department Director.

#### 3) Denial of Step Increases

A step increase may be denied if a written performance evaluation indicates less than satisfactory performance. At the time of step denial, the evaluator shall prepare a specific written program of development designed to address the areas of less than satisfactory performance.

Performance shall be re-evaluated quarterly or more frequently until an acceptable, satisfactory level of performance is achieved. The duration of the development program may be as determined by the evaluator, appointing authority and City

## Section II - Classification

Manager, but will not normally be less than three months. If the employee's performance reaches an acceptable level, his/her step increase will then be granted, as approved by the Department Director.

### 4) Downward Pay Adjustment

An employee's pay may be reduced to a lower step or range as a disciplinary action or based upon a change in pay ranges as needed for the overall interest of the City. Reductions of pay or downward pay adjustments may also occur in cases of demotion.

### c. Salary Range Adjustments

Salary range adjustments are distinguished from merit salary increases, as they do not give recognition to length and quality of service. The salary rate of an employee whose salary range is adjusted will be adjusted to the same relative position in the revised salary range. This list will be reviewed periodically with the City Council and will include no more than six cities.

#### 1) Setting of Salary Levels

The City shall conduct salary comparisons of comparable job duties and titles periodically to evaluate existing salary levels. This information will be used annually in meet-and-confer discussions. Two basic areas of comparisons will be conducted:

- County-wide comparisons  
It is understood that employees must live within a reasonable distance of their place of employment and that the City will draw many of its employees from this area. It is reasonable to assume that this draw will include at least other jurisdictions within the County. Consequently, all cities within the County will be surveyed to provide a basis for the salary analysis.
- Comparable cities  
A second survey group will be considered that includes California cities of comparable size, budget, and services. This list shall be reviewed annually by the City Council and will be no more than six cities.

Based upon the outcome of both surveys, the City Council shall set policy as to the proper salary levels for its employees in any given fiscal year. Such decision shall include the city's overall fiscal condition.

Compensation Plan and/or salary range adjustments are effective on the date specified by the City Council.

## Section II - Classification

### D. Movement to a Higher Classification

Movement to a class having a higher salary range shall normally require assignment to the entrance step of the higher range. If the entrance step is lower than the employee's current salary, or the employee possesses unusually high qualifications and was previously granted an advanced step appointment, the employee may be paid at an intermediate or advanced rate within the range.

### E. Movement to a Lower Classification

When an employee moves to a class having a lower salary range, the following shall hold:

1. Appointment  
Placement in the step of the lower range nearest the employee's current rate of pay.
2. Reclassification  
Retain current rate of pay (if higher than the top step of the new class) until such time that the assigned class has a salary rate which is equal to or higher than the "Y" rate; if the current rate is less than the assigned class salary rate maximum, the appointment rule shall be followed.
3. Demotion  
Placement at any step in the assigned salary range is permissible. The City Manager is authorized to assign pay steps to demoted employees.
4. Anniversary Date  
Employees demoted, appointed, or reclassified to a lower position shall have no change made in their anniversary date.
5. Transfer  
When an employee is transferred from one position to another, the employee's pay and anniversary date shall remain unchanged.
6. Acting Pay  
Acting for an uninterrupted period of 20 working days in a higher classification or rank shall be compensated at no more than ten percent above the acting employee's rate of pay for the full acting period. Said amount of compensation shall be approved by the City Manager.
7. Retroactive Pay  
No retroactive pay is provided to employees unless specifically authorized by the City Manager or City Council.

## **Section II - Classification**

### 8. Provisional Employees

Provisional employees shall be paid salary pursuant to their assigned position's classification as outlined in the Compensation Plan and may receive benefits as determined by the City Manager.



## **Section III – Recruitment and Selection Process**

### **A. Policy**

The City is committed to employ, in its best judgment, the best qualified candidates for approved positions while engaging in recruitment and selection practices that are in compliance with all applicable employment laws. It is the policy of the City to provide equal employment opportunity for employment to all applicants and employees.

### **B. Purpose**

The intent of this policy is to ensure that recruitment and selection decisions are made consistently, fairly, and equitably across the City and meet all legislative requirements.

### **C. Recruitment**

#### **1. Employment Applications**

Applications for employment with the City shall be made on official application forms available from the City Management department. A separate application must be submitted for each position for which an applicant applies.

- 1) The application shall be received by the City on or before the announced final filing date and time.
- 2) Applicants may be required to furnish certified copies of any diploma, license or any other accreditation or certification required to meet the qualifications established for the recruitment of which the applicant claims to hold.
- 3) During the course of the employment process, information presented on an application may be verified and supplemented by investigations which may include, but not be limited to, the employment record, character and personal history of the applicant. Incomplete or inaccurate applications are rejected and the applicant is not eligible for consideration for that position.

#### **2. Citizenship of Applicants**

Employment is open to qualified persons who are citizens of the United States and to qualified persons who are not citizens of the United States but who have complied with state and federal laws defining the eligibility of non-citizens for employment in state and local government.

#### **3. Recruitment Process**

- a. The City Manager or designee shall schedule recruitments as deemed necessary for maintaining a continuity of City services.
- b. Open recruitments are open to all persons who meet the requirements and conditions set forth in the recruitment announcement. They may be conducted on a continuous basis when the City Manager determines such recruitments are in the best interest of the City.

## **Section III – Recruitment and Selection Process**

c. The City Manager or designee shall determine or approve the manner and methods of preparation of recruitments, and by whom they are administered, and shall be responsible for the conduct of recruitments for all classes of positions within the City service.

d. The recruitment selection process is intended to test for the job functions identified in the job analysis and job description. Human Resources may examine applicants by a variety of techniques to include, but not be limited to: achievement tests; aptitude tests; evaluation of training, experience, and education assessment centers; personal interview; performance tests; evaluation of work performance and/or work samples; physical agility tests; written tests; review and investigation of personal background and references; medical, physical and/or psychological examinations; successful completion of prescribed training; and/or by such other techniques as determined by the City Manager.

### **4. Ratings**

a. Following the recruitment process, a candidate will be rated according to his or her overall performance and by his or her eligibility to proceed to the next level of screening in the recruitment process.

b. Rating determinations to advance through the recruitment process will be established by the City Manager or designee. Failure on any one part of the recruitment may be grounds for declaring that the applicant has failed the entire recruitment, or that the applicant is disqualified from subsequent parts of the recruitment.

c. Each applicant in recruitment shall be sent notice of his or her outcome.

## **D. Employment Testing**

### **1. Nature and Types of Examinations**

Examinations will be designed to test factors related to the requirements of a specific position or positions within a class. The selection techniques used in the examination process shall be impartial and related to those subjects who, in the opinion of the City, fairly measure the relative capabilities of the persons examined to execute the duties and responsibilities of the position(s). Examinations may consist of one or more testing/selection techniques.

#### **a. Promotional Examinations**

Promotional examinations may be conducted whenever, in the opinion of the City Manager/designee or Department Director, the needs of the City require. Promotional examinations may include any appropriate selection technique(s).

#### **b. Continuous Examination**

Open competitive examinations may be administered periodically for a single class as the needs of the City require. Names may be placed on eligibility lists, and shall remain on such lists, as provided herein.

### **Section III – Recruitment and Selection Process**

c. Conduct of Examination

The City may, at its discretion, perform the preparation and/or administration of examinations, or contract with any competent agency or individual.

d. Scoring Examinations and Qualifying Scores

An applicant's score in an examination process may be the average of his/her scores on each part of the examination, weighted in a manner consistent with the requirements of the position and class specification.

The City Manager/designee or Department Director may, at his/her discretion, include as a part of the examination, tests which are qualifying only.

e. Notification and Review of Examination Results

Each applicant shall be given written notice of the success or failure of his/her examination effort.

Upon request, any applicant may inspect his/her own written examination papers within ten (10) working days after the notices of examination results are mailed, except that oral interview rating sheets, test booklets, and related examination materials are not open to candidate inspection. Any error in computation, if called to the attention of the City Manager/designee or Department Director within this period, shall be corrected. Such corrections shall not, however, invalidate or delay recruitment selection or appointment in process or previously made.

f. Other Testing

Fingerprinting, substance, drug, and other testing will be conducted as deemed appropriate

#### **E. Background**

Candidates testing for all positions in the Police Department are subject to an extensive background investigation. Candidates will also be required to pass a psychological examination, polygraph examination, and physical agility for sworn positions. Medical examinations, including a psychological examination, will only be required following a conditional offer of employment.

Nothing in these rules precludes the City from conducting background investigations for other positions as deemed necessary. Candidates are required to meet all P.O.S.T. requirements if applicable to the position they are applying for.

#### **F. Pre-employment Physicals**

All job offers with the City are conditional upon successfully passing a pre-employment physical. The purpose of the exam is to assure that the applicant is physically capable of performing the duties of the job.

## **Section III – Recruitment and Selection Process**

The results of pre-employment physical shall be used as provided below. Pre-employment physical exams are permitted for positions as authorized under the Americans with Disabilities Act (ADA) and other Federal and State regulations.

Medical examinations may be required under the following circumstances:

- In order to meet state and federal safety standards for the performance of job duties.
- Whenever it is determined by the City Manager or designee that reasonable cause exists to believe that work impairment or medical condition(s) may exist which may affect the candidate's ability to perform the essential job duties.

All medical examinations will be performed by a licensed physician approved and funded by the City Manager/designee. All reports, examination results or other information belong to the City and shall be treated as confidential insofar as public law and these rules and regulations permit.

Psychological testing may also be required for certain positions.

### **G. Eligibility Lists**

#### **1. Preparation and Availability**

The City Manager or designee shall prepare an eligibility list consisting of the names of applicants who qualified in the examination, determining those candidates who are "qualified" and "non-qualified." Only those "qualified" shall be maintained on the Eligibility List. Once interviewed by the Department Director, and determined to be unacceptable for the position, an applicant may be removed from the Eligibility List.

##### **a. Duration of List**

Eligibility Lists, other than those resulting from a continuous examination, shall remain in effect for six months, unless sooner exhausted or abolished by the City Manager or designee. At the request of a Department Director, such lists may be extended, by action of the City Manager or designee, for additional periods, but in no event shall an Eligibility List remain in effect for more than two years. A Department Director may request the decertification of an Eligibility List when it contains less than three (3) names.

##### **b. Removal of Names from List**

The names of any person appearing on any Eligibility List may be removed by the City Manager/designee:

- If the eligible person requests removal;
- If the applicant is non-responsive to the City during the selection process; or
- For any of the reasons specified under these regulations.

## Section III – Recruitment and Selection Process

The person affected shall be notified of the removal of his/her name by notice mailed to his/her last known address. The names of persons on promotional employment lists who resign from City service shall automatically be removed from such lists.

### H. Appointments

#### 1. **Method of Filling Vacancies**

Vacancies may be filled by transfer, promotion, demotion, reclassification, reinstatement, rehire, or from eligible candidates certified by the City Manager/designee or Department Director from an appropriate eligibility list, when available. In the absence of persons eligible for appointment, provisional or interim appointments may be made. If there are no eligibility or reinstatement lists available for the class, the Department Director may recommend to the City Manager to fill the vacancy by another method.

##### a. Notice to City Manager/designee

Whenever a vacancy is to be filled, the Department Director shall notify the City Manager or designee and request authorization to proceed.

##### b. Permanent Appointment

After completion of the examination process and background investigation, the Department Director will recommend to the City Manager the appointment(s) from among those certified. The City Manager has final appointing authority. The appointed candidate shall present himself/herself to a member of the Human Resources staff for processing on or as soon as possible after appointment. The applicant must have successfully completed all phases of the pre-employment testing, including background investigation and/or medical examination, if required, and must present documentation of the right to work in the United States, and provide proof of a valid California Department of Motor Vehicles drivers' license (when required in the class specification). Once these requirements, and confirmation of any/all other specialized requirements for a particular position, are satisfied, and the candidate is present for duty within such period of time as the Department Director shall prescribe, he/she shall be deemed to be appointed; otherwise, he/she shall be deemed to have declined the appointment.

##### c. Temporary Appointment (Upgrade Pay)

An employee who is in a temporary appointment may be removed from such appointment and returned to his/her original probationary or regular position at any time without the right of appeal or hearing.

An employee must be approved by the City Manager as meeting all the qualifications for the position prior to promotion.

##### d. Provisional Appointment

In the absence of persons willing to accept appointment from appropriate employment lists, a provisional appointment may be made by the City Manager.

### **Section III – Recruitment and Selection Process**

A provisional employee may be removed at any time without the right of appeal or hearing. A permanent employee receiving a provisional appointment shall receive the benefits applicable to the employee's permanent position, except overtime if the provisional appointment is to an exempt position. A provisional appointee who is not a permanent City employee may receive benefits comparable to those received by a probationary employee if approved by the City Manager. If a provisional appointee is selected for a full-time position with the City, the time served as a provisional appointee may be counted toward fulfillment of the required probationary period. At the expiration of a provisional appointment, the individual will return to his/her prior status.

No special credit shall be allowed in meeting any qualifications or in the giving of any test or the establishment of any employment list(s), for service during a provisional appointment.

e. Interim or Temporary Promotional Appointments

Interim or temporary promotional appointments may be made under the same provisions as provisional appointments.

**I. Employee Oath of Office**

Every employee, before entering upon the duties of employment, shall take and subscribe to the Oath of Office required by the California Constitution (Government Code Section 3100). The Oath of Office shall be administered and witnessed by, and in the presence of the City Clerk, or the appropriate person deputized by the City Clerk.

## **Section IV – Probationary Period**

### **A. Purpose**

The probationary period is a part of the testing process, and shall be used for observing the employee's work and for securing the most effective adjustment of an employee to his/her position. Initial and promotional appointments are subject to a probationary period of not less than twelve (12) months actual service for non-sworn personnel and for sworn police personnel promoted from within, and eighteen (18) months for all other sworn police personnel.

In the event of illness or injury requiring absence from work for more than five days, the number of days absent may be added to the length of the probationary period.

A written performance evaluation is required after six months and also immediately before completion of the probationary period. The Department Director may conduct evaluations more frequently to address any performance issues during the probationary period.

#### **1. Permanent Appointment Following Probationary Period**

The Department Director shall file with Human Resources a completed performance evaluation and a request for personnel action to advance the probationary employee to permanent status. If an unsatisfactory performance evaluation is filed, employment may be immediately terminated. If no evaluation is filed, the employee will have been presumed to have advanced to permanent status.

#### **2. Release During Probationary Period**

With approval of the City Manager, a probationary employee may be released at any time during the probationary period. Such action shall not be subject to appeal. The effective date of release shall be no later than the last day of the probationary period.

An employee released during the probationary period from a position to which he/she has been promoted shall be reinstated to the position from which he/she was promoted, unless he/she is dismissed from the service of the City for cause.

#### **3. Release Following Appointment to Another City Position**

Probationary employee who fails to complete the probationary period, but who previously held non-probationary status in another permanent position and who has been continuously employed since holding said position and status, may, at the discretion of the appointing authority, be reinstated to the position, or a comparable one, from which he/she came, unless there is no vacant position for the employee.

## **Section V – Changes in Employment Status**

### **A. Purpose**

Every appointment, transfer, promotion, demotion, change of salary rate, resignation, suspension, vacancy, and any other temporary or permanent change in status of employment shall be reported to the City Manager or his/her designee.

### **B. Transfers**

An employee may be reassigned to a position in the same class and within the same department at the discretion of the department head. In the case of the transfer (lateral) of an employee from one position to another in the same classification to which the same salary range is applicable, the employee shall remain at the same pay level and shall retain the same anniversary schedule. There may be an additional probationary period. An employee shall not be transferred to a position for which he/she does not possess the minimum qualifications.

Transfers between departments must have the approval of both Department Directors involved and the City Manager. The City Manager can transfer an employee if it is in the interest of the City for purposes of economy and efficiency. A transfer shall not be used in place of a promotion or demotion.

### **C. Promotion**

If it is consistent with the best interest of the City, vacancies in the classified services may be filled by promotion from within the classified service; otherwise an open, competitive recruitment will be conducted.

When an employee is promoted, the employee shall be paid at the first step in the salary range for the new position which the base salary is at least five (5) percent above that step last held in the former position. If the promotion is to a supervisory position, the promoted employee shall receive no less than the next higher step in his/her new salary range which is at least five (5) percent above the highest step being paid to his/her subordinates; however, in no case shall the new base salary be higher than the fifth step in the new salary range.

### **D. Provisional And Temporary Appointment**

The temporary appointment of an individual, who possesses the appropriate minimum qualifications, to a regular/full-time authorized and budgeted position pending the establishment of an eligible list. The City Manager may make provisional and/or temporary appointments without regard for these *Personnel Rules & Regulations* during emergency conditions, including those which threaten public health and safety. A temporary appointment in an “acting” assignment without examination of an employee to a vacant position, or a position open for a limited period of time for emergency or interim conditions, may be made by the City Manager.



## **Section V – Changes in Employment Status**

Temporary pay shall not exceed ten (10) percent or closest available step of the employee's current base salary.

### **E. Demotion**

The Department Director may recommend demotion of an employee whose performance is not satisfactory, or for disciplinary purposes, subject to principles of progressive discipline and with just cause. Upon request of the employee, and with the consent of the Department Director, voluntary demotion may be made to a vacant position. In the event of a disciplinary demotion, they shall be assigned to the step as determined through the disciplinary process. An employee so demoted shall maintain their original anniversary date with respect to evaluations and step increases.

### **F. Reinstatement And Rehire**

A permanent or probationary employee who has resigned with a good record may be rehired, or a laid-off employee reinstated, within one year of the effective date of resignation/layoff, to a vacant position in the same or comparable class, without having to go through the recruitment and selection process. The police department employees will need to comply with Police Officer Standard and Training (P.O.S.T.) standards. Upon rehire or reinstatement, the employee shall serve the probationary period applicable to the class. No credit for former employment shall be granted in computing salary, vacation, sick leave, or other benefits, except on the specific recommendation of the Department Director and with approval of the City Manager.

### **G. Procedure for Reclassification of Job**

A written request is forwarded to the City Manager or designee for a classification study to be conducted on a position. Such request shall include supporting evidence/information justifying the study. The City Manager shall determine if the classification study is warranted.

The City Manager shall determine whether the reclassification of a position constitutes a review or modification of job specifications, lateral or upward movement of the position relative to its current allocation. The following actions prevail with regard to each of the following kinds of changes:

- Modify Job Specifications.
- Downward: The incumbent may accept a demotion to the reallocated position or be reassigned to a vacant position in the same class and retain regular/fulltime status.
- Lateral: The incumbent will remain unchanged in the class to which the position is reallocated.
- Upward: Upward reclassifications. Upward reclassifications require City Council approval.

The City Manager shall recommend the appropriate action to be taken regarding the incumbent whose position is being reclassified.

## **Section V – Changes in Employment Status**

An employee may appeal a reclassification according to the following procedure:

The appeal shall be submitted in writing to the City Manager, within fifteen (15) business days of the date of notification of action.

The City Manager shall respond in writing within fifteen (15) business days of the date of receipt of the appeal. The City Manager shall respond in writing within fifteen (15) business days of the date of receipt of the appeal.

The decision of the City Manager shall be final and binding, except as to upward reclassifications which require City Council approval.

## **Section VI – Disciplinary Action**

### **A. Discipline Guidelines**

The rules governing employee discipline for the City of Grover Beach apply to full time regular City employees in the classified service who have successfully completed their probationary period. If the discipline guidelines are defined in a Memorandum of Understanding (MOU), the Memorandum of Understanding (MOU) shall be used for the purposes of discipline. All other City employees who are part-time, provisional, or temporary may be disciplined without reference to these provisions. Such employees have no property interest in their employment, express or implied.

1. The normal disciplinary progression consists of the following steps:
  - a. verbal counseling
  - b. verbal reprimand
  - c. written reprimand
  - d. suspension without pay
  - e. demotion
  - f. termination

Progressive discipline may be imposed whenever good cause exists, including but not limited to violations of City policies, misconduct, or poor job performance. The penalty and its severity will depend on such factors as the nature of the employee's duties, the conduct warranting discipline, previous conduct and disciplinary record, the employee's length of service with the City, and the employee's willingness and ability to change his/her behavior.

### **B. Notice of Discipline**

Except in cases where public health and/or safety are threatened, notice of recommended disciplinary action shall be given by the supervisor to the Department Director and the affected employee. Notice shall be served by personal delivery, or after having reasonably attempted personal delivery, by first class mail, and shall be deemed served when actually served or deposited with the U.S. Mail, with proper postage prepaid and addressed to the employee at his/her last known address. A copy shall be filed with Human Resources at least one day prior to delivery to the employee.

1. The notice shall contain the following information:
  - a) The action proposed and effective date intended;
  - b) A statement of the rule(s) and/or regulation(s) allegedly violated;
  - c) The specific charges against the employee and reason(s) for the proposed action;
  - d) Copies of records and documentation on which the proposed action is based;

A statement of the employee's right to respond to the charges orally or in writing within fifteen (15) days of receiving the notice; the employee's right to a pre-disciplinary hearing; and the employee's right to have a representative of the employee's choice present at the pre-disciplinary hearing.

## **Section VI – Disciplinary Action**

### **C. Pre-Disciplinary (SKELLY) Hearing**

The pre-disciplinary hearing is an informal meeting at which the employee has an opportunity to rebut the charges against him/her, or to state any mitigating circumstances. Usually the Department Director or the employee's supervisor will hear and consider the employee's response. The City Manager or designee shall have the discretion to decide who shall conduct the hearing depending upon the severity of the proposed discipline and circumstances involved.

### **D. Notice of Disciplinary Action**

Within ten (10) days after the pre-disciplinary hearing, (thirty (30) days for sworn personnel as described in the Public Safety Officers' Procedural Bill of Rights (POBR) the hearing officer who held the pre-disciplinary hearing shall provide to the employee notice of the action to be taken, if any, and effective date. In addition to the action to be taken and the effective date, the notice shall include a statement regarding the employee's right to appeal, if any, and, if appeal is provided, the method of appeal required.

### **E. Appeal of Disciplinary Action**

Appeals shall be in writing by the employee appealing, and shall contain a brief statement about the action being appealed and the reason(s) the employee believes the disciplinary action is not appropriate. The letter of appeal shall be filed with the City Manager within fifteen (15) business days of receiving the notice of disciplinary action.

Upon the filing of an appeal, the City Manager or his/her designee shall set a date for a hearing on the appeal not less than ten (10) days or more than sixty (60) days from the date of filing. The City Manager or his/her designee shall appoint a hearing officer and notify all interested parties of the date, time, and place of the hearing.

### **F. Hearing**

The appellant shall appear personally, unless physically unable to do so, at the time and place of the hearing(s) as well as all witnesses. The appellant may be represented by any person or attorney as may be arranged for by the appellant at appellant's expense, and may produce relevant oral and/or documentary evidence at the hearing.

The hearing shall proceed in the following order, unless the hearing officer, for appropriate reason, otherwise directs:

- 1) The appellant shall state the issue being appealed in the form of an opening statement.
- 2) The party imposing such disciplinary action shall be permitted to make an opening statement and shall present the evidence supporting the action.
- 3) The appellant may then open his/her defense and offer his/her evidence in support of his/her position.

## **Section VI – Disciplinary Action**

- 4) The parties may then, in order, respectively offer rebutting evidence only, unless the hearing officer for good reason permits them to offer evidence upon their original case.
- 5) Arguments shall be permitted at the discretion of the hearing officer.
- 6) Cross examination of witnesses shall be permitted. The conduct and decorum of the hearing shall be under the control of the hearing officer, with due regard to the rights and privileges of the parties appearing before it.
- 7) Disciplinary hearings need not be conducted according to technical rules of evidence and testimony. Hearings shall be closed unless the appellant, in writing, requests an open.
- 8) The hearing officer shall determine relevancy, weight, and credibility of testimony and evidence, and shall base his/her findings on the evidence presented.

The hearing shall be recorded and a copy of the recording shall be made available to the appellant.

During the examination of a witness, all other witnesses, except the parties, shall be excluded from the hearing upon motion of either party.

### **G. Findings of the Hearing Officer**

The hearing officer, may recommend sustaining, rejecting, or modifying the disciplinary action imposed by the City.

### **H. Timetable for Recommendations**

The hearing officer shall provide his/her findings and recommendations to the employee and City Manager no later than fifteen (15) working days after conducting the hearing unless otherwise stipulated by the parties. His/her decision shall set forth the recommendations as to each of the charges and the reasons therefor.

### **I. Final Decision**

The findings of the hearing officer are advisory only to the City Manager. The determination of the City Manager is final, and shall be provided to the employee and the Department Head within ten (10) business days of receiving the recommendation of the Hearing Officer.

### **J. Retribution for Appeal**

No employee shall be penalized in any way for availing him/herself of the disciplinary appeal process.

### **K. Assistance for Disciplining Department**

The Department Director may seek the assistance of the Human Resources staff, the City Attorney, or another Department Director throughout the disciplinary process. A Human

## **Section VI – Disciplinary Action**

Resources staff member or assisting Department Director may be present at any of the disciplinary meetings.

## **Section VII – Grievance Procedure**

### **A. Purpose**

The purpose of the grievance procedure is to enhance communications between employees and employer by providing a fair and impartial review and consideration of grievances within a reasonable time period, and at the level closest to their point of origin, without jeopardizing employee's position or employment.

### **B. Procedure**

The Grievance Procedure affords employees a systematic means of obtaining consideration of concerns or problems, provides settlement as near as possible to the point of origin, and appeals are as informal as possible. If the procedures for resolution of grievances are incorporated into a Memorandum of Understanding (MOU), the MOU shall be used for resolution of grievances filed by employees covered by that MOU or policy.

A grievance may be filed by an individual employee, or jointly by a group of employees, or by an employee organization. Grievances may be processed and appeals may be filed on behalf of an employee who has completed the required initial probationary period and attained permanent status. All grievances shall be filed in accordance with this procedure.

### **C. Grievance Process**

Any employee who has a grievance shall first try to resolve it through a discussion with his/her immediate supervisor within ten (10) business days of the incident leading to the grievance. Every effort shall be made to find an acceptable solution at the lowest possible level of supervision.

If, after such discussion, the employee does not believe the grievance has been satisfactorily resolved, he/she may file a formal appeal in writing to the Department Director, with a copy to human resources within ten (10) business days after receiving the informal decision of the immediate supervisor.

The written grievance shall include a citation of the section of the Personnel Rules and Regulations, Memorandum of Understanding, statute, and/or department policy alleged to have been violated, the date(s) and time(s) of the violation and the remedy sought by the employee. The Department Director will begin the investigation and fact finding process immediately upon receipt of the grievance and will make whatever investigation he/she deems necessary to allow fair consideration of the situation which may include a meeting with a concerned party or parties, and shall present a written reply to the employee within ten (10) working days after completion of the investigation. A copy of the reply shall be forwarded to human resources.

If, after receipt of the written decision of the Department Director, the employee is still dissatisfied, he/she may appeal the decision of the Department Director to the City Manager. Such appeal shall be made by filing a written appeal to the City Manager within ten (10) days

after receipt of the written decision of the Department Director, and his/her decision shall be rendered in writing within twenty (20) days after the appeal is made. The City Manager's decision shall be final and binding.

Grievance appeals, or the circumstances or allegations which prompted them, are not subject to additional action under any other grievance or disciplinary appeal procedures within these rules.

**D. Conduct of Grievance Procedure**

Time limits specified above may be extended by written mutual agreement of the employee and the reviewer concerned.

The employee may request the assistance of another person of his/her choice at any level of the appeal process.

The employee and his/her representative may be permitted to use a reasonable amount of work time as determined by the appropriate Department Director or supervisor in conferring about and presenting the appeal.

The employee is assured freedom from reprisal for using the grievance procedure. No City official, department head, or any other person or body shall harass, coerce, intimidate, or threaten an employee, group of employees, or employee organizations because of the exercise of their rights under this procedure.



## **Section VIII – Layoff Procedure**

### **A. Notification**

Employees to be laid off shall be given at least fourteen (14) calendar days - notice prior to the effective date of the layoff, whenever reasonably possible, or such longer period as may be required by law. The notice shall include the reason for layoff, effective date of the action, and an explanation of how seniority was determined, if applicable.

Layoffs shall be made without regard to political affiliation, race, religion, color, sex, gender identity, sexual orientation, marital status, national origin, citizenship, age, physical or mental disability, or medical condition.

### **B. Order of Layoff**

In the event of layoff, employees shall be laid off, by class, in the following order:

- 1) Temporary employees;
- 2) Probationary employees;
- 3) Part-time employees;
- 4) Permanent employees.

Unless the provisions of an MOU provide otherwise, for permanent employees, factors to be considered for layoffs include: skills and capabilities, job performance, seniority, and general needs of the City within a particular department and/or class. Employee has no right to appeal.

### **C. Reinstatement**

To be considered for reinstatement, a person laid off shall report to work within five business days after the City sends to the last known address a written notification of an available position. This period may be extended at the discretion of the Department Director.

The names of persons laid off in accordance with these rules shall be entered upon a reinstatement list for one year for those classes requiring substantially the same basic qualifications, duties and responsibilities of the class from which the layoff was made. This list will be considered first for the filling of any such vacancy.

## **Section IX – Separation**

### **A. Separation**

Separation from City service may occur due to resignation, termination, layoff, medical reasons, or retirement.

### **B. Resignation**

An employee leaving City employment shall notify his/her Department Director and the City Manager, preferably in writing stating the effective date and reasons for leaving. The resignation should be submitted at least two weeks before leaving, unless such time limit is waived by the City Manager. The employee is encouraged to report to the City Manager or a Human Resources staff member for an exit interview prior to leaving employment.

### **C. Medical Separation**

Consistent with the provisions of the California Fair Employment and Housing Act and the Americans with Disabilities Act, an employee may be separated for medical reasons when a chronic or frequently recurring mental or physical condition renders the employee inefficient or incapable of performing the essential duties of his/her position. At the request of the Department Director, the City Manager may require an employee to submit to an examination by one or more medical examiners. If the results of the examination indicate that the employee is incapacitated for performance of essential duties, the employee may be placed on sick leave or other leave as accrued, as a preliminary to restoration of adequate mental or physical fitness or disability retirement or disability separation. A reasonable effort shall be made to accommodate an employee who becomes disabled.

### **D. Termination**

Employees may be terminated from City service in accordance with the provisions of these Regulations.

### **E. Probationary Termination**

During the probationary period, an employee may be terminated at any time by the appointing authority with or without cause and without the right of appeal or hearing.

## **Section X – Employee Benefits**

### **A. Leave of Absence**

Certain designated management employees will receive paid administrative leave in lieu of compensatory time, in accordance with the Fair Labor Standards Act (FLSA). The amount of time for administrative leave shall be set by the City Council. Use of Administrative Leave days shall require approval of the Department Director.

#### **1. Military Leave**

Military leave shall be granted in accordance with the provisions of California Military and Veterans Code section 395 et seq. and the Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. 4301 et seq. The employee shall furnish the City Manager or designee with copies of the military orders, whenever possible.

It is the City's policy to compensate permanent, full-time employees required to serve in an active duty military camp as the result of membership in the National Guard or Armed Service Reserve. Such compensation shall be at the employee's regular rate. The employee will also continue to accrue vacation and sick leave at his normal rate, provided the period of active duty does not exceed thirty (30) days per year.

Military leave of absence in excess of thirty (30) days per year may be granted without pay. The City will not be held responsible for any expense to the employee in connection with attending military training.

#### **2. Jury Duty and Court Appearances**

The City desires that its employees perform their duty as jurors when called upon. To insure that this may be done without disrupting normal City business, the following procedure has been adopted.

Upon receiving a jury duty notice, the City employee will first notify his/her supervisor who will, in turn, notify the Department Director.

The employee will receive his/her normal payroll check during the time served. The employee may retain any stipend paid for the service to defray expenses related to jury duty service.

An employee subpoenaed to appear in court in a matter unrelated to his/her City employment shall be permitted time off without pay unless the employee chooses to utilize available comp time and/or vacation pay.

## **Section X – Employee Benefits**

The employee is responsible for keeping his/her department head informed of his/her court schedule. Department heads shall be responsible for assuring employees' compliance with these provisions.

### **3. Maternity Leave and Pregnancy Disability**

Employees shall be entitled to leave benefits as provided by Pregnancy Disability Leave Law ("PDLL), the Family Medical Leave Act (FMLA) and the California Family Rights Act (CFRA). Specific guidelines regarding PDLL, FMLA, and CFRA are contained within the administrative policies.

Employees disabled due to pregnancy, childbirth or related medical conditions are entitled to a leave of absence for the time they are disabled up to a maximum of four months. Employees are eligible for pregnancy disability leave upon hire. The City shall comply with all state and federal rules and regulations governing pregnancy disability leaves. Leave shall be concurrent when applicable.

### **4. California Paid Family Leave**

Employees who are covered by State Disability Insurance (SDI) are eligible for Family Temporary Disability Insurance (FTDI) (also known as the California Paid Family Leave program) benefits while taking care of sick or injured family member(s). These benefits are paid by the State Employment Development Department. There is no requirement that the employee work for the City any particular length of time before becoming entitled to this leave. However, no employee can receive more FTDI benefits than he/she earned in wages during the base period for calculating benefits. Employees are not eligible if they are receiving SDI benefits for workers' compensation benefits. FTDI benefits may be integrated with other City benefits/leaves where applicable.

### **5. Family Care or Medical Leave**

It is the City's intent to provide its employees with benefits equivalent to those required by the Federal Family Medical Leave Act (FMLA) and the California Family Rights Act (CFRA). It is further the City's intent that its employees are subject to the same obligations provided by FMLA and CFRA.

Employees who have been employed by the City for twelve (12) months or more and who have worked at least twelve hundred and fifty (1250) hours during the preceding twelve (12) month period are eligible to take an unpaid leave of absence under the following circumstances:

- 1) The birth and care of a newborn child;
- 2) The placement and initial care of an adopted or foster care child;
- 3) Due to the employee's own serious health condition; or
- 4) To care for an employee's spouse, registered domestic partner, child or parent with a serious health problem.

## **Section X – Employee Benefits**

### **Medical Certification**

Leave requests based on the serious health condition of the employee, the employee's spouse, registered domestic partner, child or parent, must be supported by written medical certification from a health care provider on a form provided by the City. If there is a dispute about the initial medical opinion as to the employee's own serious health condition, the City may require a second opinion by a health care provider of its choice at the City's expense. If a third opinion is necessary, a third health care provider may be selected by the City and the employee, also at the City's expense. Failure to provide the required medical certification may result in denial of a request for leave of absence. All employees returning to work from a medical leave must provide medical certification of their fitness to return to work. All employees requesting a leave extension must provide medical certification of the need for continued leave prior to the expiration of their approved leave.

### **Duration of Family and Medical Leave**

Eligible employees are entitled to up to a cumulative maximum of twelve (12) weeks of family and/or medical leave within a twelve-month period. For purposes of this policy, "12-month period" means a rolling 12-month period measured backward from the date leave is first taken. Parents who are both employed by the City are entitled to a combined total of twelve (12) weeks leave in a 12-month period for the birth, adoption or foster care placement of a child in their home.

Employees on a Workers' Compensation leave of absence will be granted leave consistent with the City's obligations under Workers' Compensation law. If the employee's work-related injury also meets the criteria of a serious health condition, the absence will be counted against an employee's family and medical leave entitlement. However, public safety employees' Labor Code Section §4850 shall not be counted against the employee's family and medical leave entitlement. Employees disabled due to pregnancy, childbirth, or related conditions may be entitled to additional leave.

### **6. Bereavement Leave**

Each City employee is entitled to a paid bereavement leave of absence, not to exceed three (3) working days, in the event of the death of a member of the employee's immediate family to include an employee's or spouse's parents, spouse, children, brother, sister, stepchildren, grandparents or grandchildren providing persons in such relationships have lived or have been raised in the family home and have continued an active family relationship. Such leave is independent of sick leave.

### **B. Leave Request Procedure**

Requests for family and medical leaves must be approved by the City Manager or designee. If the need for leave is foreseeable, employees must provide the City with at least thirty (30) days advance notice before the leave is to begin. Leave requests must set forth the reasons for the leave, the anticipated start date of the leave, the anticipated duration of the leave, or the anticipated schedule for medical treatment. Additionally, all leave requests should be made in writing. If the need for leave is not foreseeable, and thirty (30) days' notice is not

## **Section X – Employee Benefits**

possible, notice must be given at least verbally, within two (2) days of learning of the need for leave or as soon as practical.

Generally, the City requires that leave for medical or family reasons be taken in one consecutive period of time. Under certain circumstances, eligible employees may take leave intermittently or on a reduced work schedule. If the employee takes intermittent or reduced work schedule leave, the City may temporarily transfer him/her to another position of equivalent pay and benefits in order to better accommodate the leave. If the employee requires leave for a regiment of medical treatments, he/she should make a reasonable effort to schedule leave so as not to disrupt the City's operations.

### **C. Catastrophic Leave**

#### **1. Purpose**

To establish a program whereby City employees can donate vacation, compensatory time off, administrative leave and/or sick leave to the sick leave bank of a permanent full-time employee who is incapacitated due to a catastrophic off-duty illness or injury or is unable to work due to a catastrophic illness or injury of an immediate family member (spouse, child, or parent).

#### **2. Policy**

City employees may donate vacation, compensatory time-off, administrative leave and/or sick leave to a permanent full-time employee if:

- a. A full-time employee or an immediate family member of a full-time employee experiences a catastrophic illness or injury which requires the employee to be absent from work for an extended period of time;
- b. The employee has exhausted all leave balances (vacation, compensatory time off, administrative leave, sick leave); and
- c. The employee, or if incapacitated, the legally recognized representative, has agreed to accept the donation if approved by the Department Head and the City Manager;
- d. The Department Head will take action to ensure that each employee's decision to donate or not donate to a Personal Catastrophic Leave Account is kept confidential and that the donor and recipient employees are not pressured to participate.

#### **3. Procedures**

- a. A request is made by the recipient employee, or if incapacitated, the legally recognized representative, in writing to the Department Head for Catastrophic Leave. This request may be made prior to the employee exhausting all of his/her paid leave balances so that time donated may be utilized immediately upon exhaustion of the employee's leave balances, but not before.

## Section X – Employee Benefits

- b. If approved, the recipient employee, or if incapacitated, the legally recognized representative, will sign a “Request to Receive Donation(s)” form allowing publication and distribution of information regarding his/her situation.
- c. The employee, or if incapacitated, the legally recognized representative, will be required to provide verification of the illness or injury from an attending physician before and while using time donated under the program. All information provided by the employee’s physician will remain confidential.
- d. The request for donations shall occur in three month intervals and may be extended up to a maximum of twelve (12) continuous months for any one catastrophic illness/injury, based upon approval of the Department Head and City Manager.
- e. Donated hours of vacation, compensatory time off, administrative leave and/or sick leave shall be credited to the recipient employee’s sick leave bank in equivalent hours of sick leave.
- f. Employees will use the “Donation of Leave” form to submit donations of vacation, compensatory time off, administrative leave and/or sick leave directly to Personnel. All donations will be reviewed for compliance with this policy. After review, the form will be forwarded to Payroll for action and adjustment to the donor’s and recipient’s paid leave balances.
- g. All donations of vacation, compensatory time off, administrative leave and/or sick leave shall be in increments of four (4) hours or more (e.g., 4, 8, 12 hours) with a maximum donation of 16 hours per employee in any three month period. Maximum donations in any six-month period for the same injury or illness shall not exceed 24 hours per employee. An employee may not donate sick leave which would reduce his or her total accrued sick leave bank to less than 120 hours after the donation.
- h. Should the recipient employee not use all the donated time for the catastrophic illness or injury, any balance will be returned to the donating employees on an equal basis (e.g., 20 hours unused / 20 donating employees = one hour per donating employee returned).

### **D. Leave without Pay**

The City Manager may grant a permanent employee leave of absence without pay for a period not to exceed three months. Upon expiration of a regularly approved leave of absence without pay, the employee shall be reinstated in the position held at the time the leave was granted. Failure on the part of an employee to report promptly at leave expiration shall be cause for discharge.

The decision by the City Manager to grant such leave shall be based upon recommendation by the Department Director and shall include consideration of the staffing levels and the impact upon services and the employee's department during the absence, if granted.

Department Directors may grant a permanent employee leave of absence without pay for a period not to exceed one calendar week. All leaves of absence without pay shall be reported to the City Manager.

## Section X – Employee Benefits

### E. Sick Leave

Sick leave is defined as time off with pay when it is occasioned by genuine illness, physical injury, necessary medical appointment, or physical disability to the employee and immediate family member who is a child, parent, or spouse of the employee.

Every employee in City service covered under these Rules accrues one (1) day of sick leave monthly.

Any employee who is absent because of sickness or other physical disability shall notify the immediate supervisor or Department Director as soon as possible but in any event during the first day of absence. Any employee who fails to comply with this provision without having a valid reason may be placed on leave of absence without pay during the unexcused absence and be subject to disciplinary action in accordance with established procedures.

The Department Director may require written proof of illness from an authorized medical authority at the employee's expense for sick leave use in excess of three consecutive working days by personnel in the department.

In the event an employee is absent due to disability incurred on duty, the employee may use a portion or all of accumulated sick leave to supplement compensation received under the Worker's Compensation Act of California in an amount not to exceed the employee's regular rate of pay.

No payment shall be made for accumulated sick leave at the time of termination of employment unless an employee has worked for the City over 20 years or upon retirement as defined in the *Personnel Rules & Regulations*. In that case the employee will receive all accumulated sick leave up to the present accumulation upon leaving City service.

Employees who have accumulated in excess of 60 full days (480 hours) of sick leave will be reimbursed in December of each year for one-half of any such sick leave in excess of 480 hours.

The City also provides a long-term disability insurance plan for injuries or illnesses which exceed the amount of accumulated sick leave available to individual employees.

### F. Holiday Leave

All full-time permanent employees of the City, except designated police personnel who receive holiday pay in lieu thereof, shall receive the following paid holidays:

- New Years' Day, January 1st
- Martin Luther King's Birthday
- Lincoln's Birthday,
- President's Day
- Memorial Day



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- Independence Day
- Labor Day
- Columbus Day
- Veteran's Day
- Thanksgiving Day and the day following
- Christmas Eve, half day with pay
- Christmas Day
- New Year's Eve, half day with pay

Designated police personnel shall accumulate holiday compensation equal to the above, payable bi-weekly on each paycheck.

All holidays in the above schedule which fall on a Saturday will be observed on the preceding Friday; all holidays in the above schedule which fall on a Sunday will be observed on the following Monday.

### **G. Vacation**

City employees become eligible to use accumulated vacation time upon accrual. Employees cannot accumulate vacation time while on a Leave of Absence or an Off Duty status. Vacation time will not be charged to holidays falling within a vacation period. Accrual of vacation and any buy-back provisions shall be specified in Memorandum of Understanding with the affected bargaining groups.

The City's procedure for scheduling vacations is to submit a request in advance for a specific time. This request will be subject to the approval of the employee's Department Director.

All City employees will accumulate vacation time in accordance with their Memorandums of Understanding (MOU's) or Agreements. Employees with over ten years may accumulate up to thirty-four days of vacation time. Employees are to be notified in writing by the Administrative Services Director as they approach their maximum accumulation. Any vacation time accumulated by any employee in excess of these amounts will be forfeited unless approved in advance by the City Manager.

Employees who leave City service and have accrued vacation will be reimbursed for the accumulated amount as a part of their final pay check.

### **H. Worker's Compensation**

Employees are insured by the City, under the State Worker's Compensation Act, against illness or injury occurring in the course of employment.

In the event a work-related illness or injury occurs, the Department Director shall provide the necessary Workers Compensation claim forms to the employee and insure the employee receives immediate medical attention, if other than first aid is necessary, at a City-authorized

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medical facility. The Department Director shall insure the necessary forms are completed and returned within the required time frame.

Claim forms must be forwarded to the City Manager/designee for review. The City Manager/designee shall immediately transmit the forms to the City's Claims Administrator for processing and investigation.

Employees required to be absent from work due to a work-related illness or injury may use sick leave, vacation or other compensatory time off during their absence. Any compensation received under the Worker's Compensation Act of California shall be considered part of the salary to be paid to the employee. The employee may use a portion of or all of accumulated paid leave to supplement compensation received under the Worker's Compensation Act of California in an amount not to exceed the employee's regular rate of pay.

In the event that the employee returns to work but requires follow-up physician visits and/or rehabilitative treatments, the employee should schedule such appointments so that as little work disruption as possible will occur, including the scheduling of appointments during off-duty hours.

The City Manager/designee shall continually monitor all active Workers Compensation claims and assist the employee and Claims Administrator as necessary.

## **Section XI – Employee Behavior and Workplace Regulations**

### **A. Purpose**

This section establishes standards of conduct that are consistent with the values and mission of this City and are expected of its members. The standards contained in this section are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning member conduct. Members are also subject to provisions contained throughout this manual as well as any additional guidance on conduct that may be disseminated by the City or the member's supervisors.

### **B. Employee Conduct**

An employee on duty is required to present an appropriate appearance and to perform his or her duties attentively and without unnecessary non-work-related interruption.

### **C. Improper Employee Conduct**

The term "improper conduct" means not only any improper action by an employee in the employee's official capacity, but also conduct by an employee not connected with the employee's official duties which brings discredit to the City, or which adversely affects the ability to perform the employee's duties, or any improper use of the position as an employee for personal advantage. Improper conduct may be cause for disciplinary action up to and including termination. In addition, improper conduct includes, but is not limited to, the following:

- 1) Fraud in securing employment
- 2) Incompetence, inefficiency, or neglect of duty
- 3) Insubordination, willful disobedience
- 4) Use of foul or abusive language
- 5) Dishonesty or immorality
- 6) Possession, distribution, sale or use of narcotics or controlled substances or being under the influence of alcohol or illegal drugs while on duty.
- 7) Failure to maintain minimum qualifications for a position, including required licenses or certificates.
- 8) Unauthorized leave of absence or excessive tardiness
- 9) Claim of sick leave under false pretense, or other abuse of sick leave
- 10) Violation of federal, state or local law.
- 11) Consumption and/or being under the influence of any prescription drug which adversely affects the employee's performance or ability to perform his/her duties.
- 12) Failure or refusal to comply with a lawful order or to accept a reasonable and proper assignment from an authorized supervisor.
- 13) Inattention to duty, tardiness, indolence, carelessness, or damage to or negligence in the care or handling of City property.
- 14) Misappropriation of supplies or improper or unauthorized use of City vehicles or equipment, including but not limited to: telephones, cell phones, desks, computers (including hardware and software), file cabinets, lockers, communications stored or

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transmitted on City property (such as e-mail and voice-mails), City-issued credit cards, and any other City property used by City employees in their work.

- 15) Acceptance by an employee of any bribe, gratuity, kickback, or other form of remuneration in addition to regular compensation given as an attempt to influence the action or opinion of an employee in the performance of his/her duties.
- 16) Any action, including negative attitude or behavior, which is a direct hindrance to the effective performance of City functions.
- 17) Outside work which creates a conflict of interest with City work or detracts from the efficiency of the employee in the employee's City work.
- 18) Sexual harassment or other illegal, improper, or inappropriate harassment of another employee.
- 19) Political activity during working hours, in City uniform or using City facilities, vehicles, equipment, or supplies for political purposes. "Political activity" includes any activity that may give an appearance of favoring or opposing any issues, including support of or opposition to candidates that have been scheduled for action by the voters at an election. When engaging in political activities, a City employee must make clear that he/she is exercising the rights of a private citizen and not acting on behalf of the City
- 20) Use of public resources, including the employee's position and time on the job, to advocate for or against a candidate or a particular position on a ballot measure.
- 21) Using the employee's position with the City to coerce or intimidate anyone to promote, support, propose, oppose, or contribute to any political cause or candidate.
- 22) Willful violation of these rules and regulations, departmental rules and policies, or any written policies which may be prescribed by the City.

### **D. Conflict of Interest**

Every employee is expected and required to avoid situations that might give rise to a conflict of personal interest(s) with those of the City or that might do harm to City operations. In particular, City funds, materials, supplies, information, or other resources shall not be used or promised in any way to advance an employee's personal business, financial, political, or other interests.

An official or employee of the City shall not engage in conduct which would or could discredit or dishonor his/her position with the City. Appointed officials and employees must avoid conflicts of private interests with public duties and responsibilities, and shall not do indirectly what may not be done directly.

Employees occupying designated positions are required to file an annual statement of financial interest with the City Clerk as prescribed by the conflict of interest code as adopted by the City. Each new employee shall be informed of the obligation to submit a statement of financial interests if he/she falls within the designated position categories in the conflict of interest code.

Each employee is required to familiarize him/herself with City standards and statutory provisions relating to ethical and other standards of conduct. Each employee should secure the advice of his/her supervisor or the City Manager or other appropriate officials when in

## **Section XI – Employee Behavior and Workplace Regulations**

doubt about the meaning of application of any conduct requirement applying to his/her particular situation.

### **E. Outside Employment**

Employees may engage in employment outside of their regular working hours if such employment is requested in advance on the appropriate form and approved by the Department Director. The City Manager may establish a maximum time period worked on such outside employment and a maximum number of hours of outside work per week so as to not interfere with the employee's work duties.

Incompatible employment includes, but is not limited to:

- 1) Work which tends to impair mental or physical capacity to perform City duties efficiently and effectively;
- 2) Work which takes the employee's time and attention during his/her official working hours;
- 3) Activities which create a conflict of responsibility or duty between the employee's City work responsibility and the proposed outside employment. This includes work which would, by its nature, tend to reduce the ability of the employee to exercise completely independent and unfettered judgment with respect to effectively discharging City work responsibility.
- 4) An employee's primary responsibility is to City employment, which shall not suffer as a result of outside employment.

### **F. Workplace Regulations**

#### **1. Drug-Free Workplace**

It is the policy of the City to maintain a drug free workplace at all times.

The unlawful manufacture, use, sale, distribution or possession of alcohol or a controlled substance while on duty, while subject to being called to duty, while on City property, or at a City work site, is strictly prohibited and constitutes grounds for disciplinary action up to and including dismissal. Compliance with this policy is a condition of employment. In order to promote a safe, productive and efficient workplace, the City has the right to search and inspect all City property, including but not limited to, lockers, storage areas, furniture, City vehicles, and other places under the common control of the City and employees when there is a reasonable suspicion of criminal activity.

##### **a. Prescribed Treatment**

Any employee who is undergoing medically prescribed treatment with a controlled substance which may limit the employee's ability to perform the job must report this treatment to his/her supervisor prior to beginning work. Failure to report this to the supervisor may be grounds for disciplinary action.

## Section XI – Employee Behavior and Workplace Regulations

### b. Criminal Conviction

Employees must notify their Department Director or the City Manager of any criminal drug/alcohol statute arrest and/or conviction occurring in the workplace no later than five (5) days after such arrest and/or conviction.

Employees who are required to participate in the City's "Federally mandated Commercial Driver's License Holders Drug/Alcohol Testing Education Program" are subject to the requirements of those regulations.

### c. Employee Assistance Programs

Employees requiring assistance may be referred to employee assistance, drug abuse and/or rehabilitation programs.

Participation in these programs will not jeopardize future employment or advancement, nor will it preclude disciplinary action for continued substandard job performance or rule infractions.

### d. Confidentiality

To the extent feasible and practical compliant with law, proceedings under this policy and all reports and records filed shall be confidential to the parties and agencies involved or requiring notification, and all reasonable effort shall be made to protect the privacy of the parties.

### e. Discipline/Sanctions

In its enforcement of this policy, the City may invoke disciplinary action(s) up to and including dismissal.

### f. Required Testing

The City retains the right to require the following tests:

**Reasonable suspicion:** Employees are subject to testing based on observations by at least (2) two supervisor of apparent workplace use, possession or impairment. Human Resources must be consulted before sending an employee for reasonable suspicion testing.

**Post-accident:** Employees are subject to testing when they cause or contribute to accidents that damage a company vehicle, machinery, equipment or property and/or result in an injury to themselves or another employee requiring off-site medical attention. In any of these instances, the investigation and subsequent testing must take place within two (2) hours following the accident, if not sooner.

**Follow-up:** Employees who have tested positive, or otherwise violated this policy, are subject to discipline up to and including termination.

## **Section XI – Employee Behavior and Workplace Regulations**

### **2. Use of City Property and Equipment**

City property is to be used only for conducting City business unless otherwise authorized. City property includes, but is not limited to: telephones, cell phones, desks, computers (including hardware and software), file cabinets, lockers, communications stored or transmitted on City property (such as e-mail or voice-mail), vehicles, and any other City property used by City employees in their work. Employees have no expectation of privacy while using City property or equipment, except as may be provided by State or Federal law, or applicable Court decision.

City property may be monitored and searched at any time and for any reason. Messages sent or received on City equipment may be saved and reviewed by others. As a result, City employees have no expectation of privacy in the messages sent or received on City property or equipment.

### **3. Training**

Supervisors shall familiarize new employees with their obligations and rights and also inform the employee about the functions and operations of his/her particular job and the City.

Training will be conducted during regular working hours. Attendance of non-exempt employees at mandatory training sessions conducted after regular working hours will be compensated in accordance with the overtime provisions established in these rules, the applicable Memorandum of Understanding, and/or FLSA.

'In-service training' is any formal training or development program that is directly sponsored and offered by the City.

'Out-service training' is any formal training or development program that is sponsored and conducted by an agency or organization other than the City. Department Directors may authorize participation in approved out-service training courses and attendance at meetings of professional organizations and other groups where such attendance will benefit the City.

No out-service training may be authorized or expenses paid without recommendation by the supervisor and approval of the Department Director and/or City Manager.

When attending a required out-services training during regular working hours, the employee receives his/her regular salary and is reimbursed for tuition, travel and miscellaneous required expenses.

When authorizing an employee to attend voluntary career-related out-service training, the Department Director may request reimbursement for the employee for tuition and other necessary expenses such as books and required materials to the limits established in the Educational Reimbursement Policy and/or applicable MOU.

In the event training funds are not available for a specific course or training, an employee may pay for his/her tuition and costs, and may attend during work time, with prior approval of the Department Director.

## **Section XI – Employee Behavior and Workplace Regulations**

### **4. Safety**

The City wishes to maintain a safe and healthful work environment. As an aid in accomplishing this goal, a Safety Committee of managerial, supervisory and general employees shall meet on a regular basis to evaluate occupational safety problems and to discuss and institute appropriate remedies where unsafe working conditions may be identified. Safety training sessions shall be conducted regularly to ensure employees are properly educated and informed of safe practices and procedures.





**EMPLOYEE ACKNOWLEDGMENT OF RECEIPT OF HARASSMENT,  
SEXUAL HARASSMENT AND NON-DISCRIMINATION POLICY**

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This acknowledges I have received my copy of the City of Grover Beach Harassment and Discrimination Policy (“Policy”), that I have read the Policy, and that I understand my rights and obligations under the Policy.

I understand that this Policy represents only current policies, procedures, rights, and obligations, and does not create a contract of employment. Regardless of what the Policy states or provides, the City retains the right to add, change or delete provisions of the Policy and all other working terms and conditions without obtaining another person's consent or agreement.

My signature below further signifies that I have read this Policy and that I accept and will abide by all of its provisions.

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Print Name

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Department Position

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Signature Date



## EMPLOYEE ACKNOWLEDGMENT OF RECEIPT OF PERSONNEL RULES & REGULATIONS

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This acknowledges I have received my copy of the City of Grover Beach Personnel Rules & Regulations, that I have read the personnel rules & regulations, and that I understand my rights and obligations under the personnel rules & regulations.

My signature below further signifies that I have read the Personnel Rules & Regulations and that I accept and will abide by all of its provisions.

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Print Name

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Department

Position

---

Signature

Date