



CITY OF MILL VALLEY

PERSONNEL RULES

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1. INTRODUCTION

These Personnel Rules (“Rules”) generally describe the administration of the personnel system of the City of Mill Valley. According to the City’s Municipal Code, these are policies and procedures which create a personnel system designed to institute equitable and uniform procedures for managing personnel matters, recruit and retain qualified employees, and ensure that compensation/advancement of employees is based on merit and ability. The City Council of the City has approved the provisions of these Personnel Rules, and must approve all additions, amendments and revisions to the personnel policies and procedures contained in these Rules. Changes to the Rules are made by resolution.

It is intended that these Rules be a living document, one which is revised to meet the needs of the organization over time. These Rules are supplemented by administrative policies established by the City Manager to conform with and be complementary to these Rules. Except for matters of legal compliance, where there is deemed to be a conflict between a Rule and an administrative policy, the Rules prevail. Additional terms and conditions of employment for a specific group of employees may be defined in a bargained agreement. Where an applicable bargaining agreement specifically conflicts with a Rule, the bargaining agreement provision governs. In the event there is a discrepancy between the language in these Rules and federal or state law, federal or state law prevails over these Rules. If any part of these Rules is determined to be unconstitutional or illegal, that part will be severed from these Rules and the remaining Rules given full force and effect.

Subject to the City Manager’s approval, members of the City's management team may issue additional departmental policies as deemed necessary for the efficient administration of particular units of the organization. However, such policies shall not conflict with these Rules. In cases where there is deemed to be a conflict between a unit policy or rule and these Rules, these Rules will prevail.

These Rules, together with adopted administrative citywide and departmental policies apply to employees across departments and bargaining units. Some employees may be exempt from certain provisions of these Rules; such exemptions are listed in each section where they occur. All employees will receive, or be provided access to, a copy of these Rules when they are hired. The Rules may be updated from time to time and be redistributed, and/or made available on the City’s shared drive(s) or intranet. The City may require employees to sign a statement of receipt acknowledging that he or she has received a copy of, or has been provided access to the Rules.

2. DEFINITIONS

The following definitions apply to key terms as used in the Personnel Rules. Use of the same or similar terms in other policies, negotiated Memoranda of Understanding (MOU) or laws/regulations may not conform to these definitions.

ALLOCATION: The assignment of a position to a classification in accordance with the duties performed, and the authority and responsibilities exercised.

APPLICANT: A person who has filed an application for employment with the City.

APPOINTING AUTHORITY: The Personnel Officer, or those given delegated authority by the Personnel Officer, have the authority to make appointments.

APPOINTMENT: The offer and candidate acceptance of a position through an appropriate employment and appointment practice as described in these Rules.

CLASSIFICATION (or CLASS): 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.

CLASSIFICATION SYSTEM: The organization of all classifications into a logical array which describes the interrelationships and hierarchical sequencing of types of work performed by City employees.

DAYS, CALENDAR: Calendar days are actual days, including Saturdays, Sundays and holidays. Unless otherwise specified, the use of “day or days” in these Rules will mean calendar days.

DAYS, WORKING: Monday through Friday, excluding official City holidays or other such days when the City is not officially open for business.

DEMOTION: The movement of an employee from one class to another class having a lower maximum rate of pay.

DOMESTIC PARTNER: An adult of the same or opposite gender engaged in an ongoing and committed spouse-like relationship with a City employee. This relationship includes residing together and being jointly responsible for each other’s common welfare and financial obligations. To be eligible for benefits, the relationship must be a state-registered domestic partnership.

EMPLOYEE: Any person appointed to a position with the City, or a person who has accepted an offer of temporary employment with the City.

EMPLOYEE, EXEMPT: This category includes all employees who the City has classified as exempt from the overtime provisions of the federal Fair Labor Standards Act (“FLSA”).

EMPLOYEE, NON-EXEMPT: This category includes all employees who the City has classified as covered by the overtime provisions of the federal Fair Labor Standards Act (“FLSA”).

EMPLOYMENT, AT-WILL: An employment relationship in which the employee serves at the will of the appointing authority. Employment may be terminated at any time by either party with or without cause. At-will employees are not subject to some sections of these Rules and Regulations. Employment in an at-will

status is limited to employees in the City's unrepresented and management positions, and to temporary employees. At-will employees are not regular employees.

EMPLOYMENT, REGULAR: An employment relationship in which the employee obtains a property right in continued employment, and the right to procedural due process for certain types of employment actions upon satisfactory completion of a probationary period. Regular employees are not "at-will".

EMPLOYMENT, TEMPORARY: Employment authorized by the Appointing Authority to be offered for a limited period of time to meet a specified short-term need. Temporary employment is not an appointment to a position as defined in these Rules. Temporary employees are not subject to these Rules and Regulations, and are at-will employees who do not acquire property rights and may be dismissed by the Appointing Authority without cause or right of appeal. In addition, such employees shall only be eligible for leave and other benefits as required by law.

FAMILY MEDICAL LEAVE: This term "family medical leave" is broadly descriptive and refers to a range of protected leave for specific family - or medical-related reasons. Several state and federal laws address these issues, including the federal Family Medical Leave Act (FMLA), the California Family Rights Act (CFRA), and the Fair Employment and Housing Act (FEHA), also a state law. The City has an administrative policy to address this complex set of leave parameters; references to these leaves or laws within the Personnel Rules are for general informational purposes only.

LEAVE OF ABSENCE WITHOUT PAY: Time away from work which the employee has requested and the department head or Personnel Officer has approved, for which the employee is not paid.

MEDICAL PROVIDER'S STATEMENT: Document signed by a registered health professional certifying the employee's fitness or unfitness for work.

MEMORANDUM OF UNDERSTANDING, OR MOU: A negotiated agreement between a recognized bargaining unit and the City, which describes terms and conditions of employment. Such terms will supersede the provisions of these Personnel Rules if the same subject is covered; or supplement these Rules if the subjects covered do not conflict.

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

MERIT SYSTEM PRINCIPLES: The principles that guide the City in meeting the public's expectations of a system that is efficient, effective, fair, free from political influence, and staffed by competent employees. Principles include:

1. Recruit qualified individuals from all segments of society, and select and advance employees on the basis of merit and fair competition.
2. Treat applicants for employment and promotion fairly and equitably, without regard to protected class membership or personal relationship.
3. Maintain high standards of integrity, conduct and concern for the public interest.

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.

PERSONNEL OFFICER: When interpreting these Rules, any time the Personnel Officer is listed, it should be interpreted to mean the City Manager, or his/her designee. The City Manager may delegate personnel administration authority to an administrative manager or operational manager, as appropriate.

PERSONNEL SYSTEM: A structure of policies adopted by City Council that provides authority for employment actions and defines the basic administrative practices which are appropriate to categorize jobs and employment, and to hire, compensate, and separate employees subject to applicable legal requirements, merit principles and due process rights.

POSITION: A specific office or employment allocated and authorized by City Council, representing an ongoing need for full or part-time hours of work, the duties of which do not terminate at any stated time. Positions in the City may be filled on an at-will or regular employment basis.

PROMOTION: The movement of a qualified employee from a position to another position having a higher maximum rate of pay.

RECLASSIFICATION: A change in the allocation of an individual position to its appropriate classification based upon a comparative analysis and evaluation of the job content, difficulty and responsibility. Reclassification may involve raising the position to a higher classification, reducing it to a lower classification or reallocating the position to another classification at the same pay level. Such action shall not be construed as automatically creating a promotion or demotion for any incumbent employee.

RESIGNATION: The voluntary termination of employment by any employee.

SALARY: An employee's base-pay as approved by the City Council in the salary schedule, computed on either an hourly or monthly basis.

TRANSFER: A change from one position to another in the same class involving movement from one department to another; or a change from a position in one class to a position in a comparable but different class.

3. CLASSIFICATION AND COMPENSATION

- A. **GENERAL POLICY** - Positions of employment in the City which are described by and budgeted for by Council action, and are of indefinite duration, are included in the City's classification system. Such positions will be organized by the Personnel Officer into a classification system, and appointments to such positions will be made consistent with these Rules.
- B. **CLASSIFICATION** - In order to facilitate equitable employment and compensation practices, a classification system will be implemented. Typically, positions which are similar as to duties performed, degree of responsibility exercised, supervision received or given, and other relevant job factors are grouped in a job class. The same title and schedule of compensation will be applied to each position in the class, and substantially similar measures of required qualifications, and acceptable job performance will also be applied to each position in the class. The Personnel Officer will develop descriptions for each job classification. Such job descriptions will contain a descriptive title, a definition of purpose for the position, typical and essential, but non-exclusive list of duties performed by positions in the classification, general qualifications and typical physical requirements of the work environment. Job classification descriptions are intended to be descriptive and explanatory, not restrictive, and should not be construed as limiting the ability of the Personnel Officer to assign duties as needed to any position.
- C. **RECLASSIFICATION** - As position duties and general qualifications change from time to time or the needs of the organization change and new duties are added or deleted, management may consider it necessary to conduct a classification study or job audit to determine the most appropriate classification for a position. Such a study may also be requested by an employee or representative of a bargaining unit. Upon determining that cause for a study exists, the Personnel Officer may undertake, or cause to be undertaken, a study of a position or positions and will determine the most appropriate classification based on the findings and recommendations of the study.
- D. **COMPENSATION PLAN** - The Personnel Officer will prepare, or have prepared, a salary schedule for approval by the City Council. The schedule sets forth the positions approved by the Council, together with proposed salary ranges, for the upcoming fiscal year. Salary ranges are to be reviewed by Council each fiscal year, or as often as may be recommended by the Personnel Officer to maintain appropriate compensation.
- E. **COMPENSATION ADMINISTRATION** - In general, compensation practices are administered based upon merit, and in a manner that tends to conserve the City's resources. Adjustments will be made to an employee's salary as the result of performance and/or movement within the organization as described below:
1. **Salary Advancement:** Salary advancement within an established range is not automatic but is based upon satisfactory job performance. Salary ranges will be administered in "steps", increments which generally represent a base pay differential of five percent (5%) between each step. Placement and advancement among steps will occur as described below:

Advancement from one step to the other will be made only at the written recommendation of the department head, and upon approval by the Personnel Officer. In such cases as the recommendation and/or approval are withheld, the reasons shall be stated in writing to the employee and be for cause. The denial of the step advancement shall be subject to the grievance procedure.

2. **Salary on Promotion:** an employee who is promoted to a classification having a greater maximum salary than his or her former position shall be placed at the first salary step for the new classification or the step which is at least five percent (5%) greater than the base salary the employee is presently receiving, whichever is greater. The effective date of such promotion shall establish a new date for the employees receiving step increases.
3. **Salary on Transfer:** An employee who is transferred from one position to another in the same class or to a position in a class having the same salary range will be compensated at the same point in the salary range as previously received.
4. **Salary on Demotion:** An employee who is demoted to a position in a class allocated to a lower salary range than the class to which the employee was formerly assigned will receive a salary adjustment to the monthly salary nearest his or her former salary in the lower salary range, unless otherwise determined by the Personnel Officer.
5. **Salary on Suspension without Pay:** Any employee who has been suspended for disciplinary reasons will not receive pay for the duration of the suspension; nor will any benefits which are calculated upon hours worked be credited to the employee, including, but not limited to, sick leave, vacation, retirement, or disability insurance, during the period of suspension. Should such suspension be later modified or revoked, the employee may be entitled to receive payment to compensate proportionately for loss of income and benefits during the period of suspension.
6. **Salary for Temporary Out-of-Class Assignments:** Any employee who is assigned to temporarily perform the full range of duties for a position allocated to a higher salary range for more than two weeks will receive the greater of 5% of base pay or the initial salary step in the higher salary range. Such assignment will be made in writing, and the employee assigned must meet the minimum qualifications of the higher classification. This temporary assignment is not to exceed a period of 960 work hours, unless an extension is approved by the Personnel Officer, and does not form the basis for a reclassification request. Upon completion of the out-of-class assignment, the employee will return to his/her previous salary range and step.

7. STEP SCHEDULE

Step 1: This first step is the minimum pay rate in the salary range, and an employee newly-hired into a job class should normally be placed at this step. In cases where it is difficult to locate qualified personnel, or if a person of unusual qualifications is employed, the Personnel Officer may authorize hiring at a higher step.

Step 2: Employees are eligible for this step after the completion of the equivalent of six (6) months of satisfactory service based on their regular work schedule in Step 1.

Step 3: The third step is the rate at which a fully qualified, experienced and ordinarily conscientious employee should be paid. Employees who have performed at satisfactory levels for a minimum of the equivalent of one (1) year of service in Step 2 based on their regular work schedule should be eligible for this step.

Step 4: This step should be granted after the employee has served a minimum of the equivalent of one (1) year of satisfactory or better service in Step 3 based on their regular work schedule.

Step 5: An employee should be eligible for adjustment to this step after serving a minimum of the equivalent of one (1) year of satisfactory or better service in Step 4 based on their regular work schedule.

Step 6: An employee should be eligible for adjustment to this step after serving a minimum of the equivalent of one (1) year of satisfactory or better service in Step 5 based on their regular work schedule.

Step 7: An employee should be eligible for adjustment to this step after serving a minimum of the equivalent of one (1) year of satisfactory or better service in Step 6 based on their regular work schedule.

The calculation of a year of service (service hours) is based on completion of a regular work schedule equivalent to full-time employment for the job class, and does not include overtime hours. Service hours in a given step will not be reduced for leave taken, for any reason, which amounts to less than twenty (20) consecutive work days. Unless otherwise prohibited by law, the service time required to achieve step advancement eligibility will be extended by the entire amount of consecutive leave taken in excess of twenty (20) work days.

4. EMPLOYMENT AND APPOINTMENT PRACTICES

- A. **GENERAL POLICY** - All employees will be appointed by the Personnel Officer based on the merit system. Appointments may be full-time or part-time as to hours of employment; and at-will, regular or temporary, depending on the allocation of the position and needs of the City. The Personnel Officer may delegate recruitment and selection responsibilities at his or her discretion; or may fill a vacancy by authorizing the transfer of an employee from one position in a department to another position of the same or comparable classification in another department. Any employee transferred to a different position must possess the minimum qualifications for the position. The City's employment processes will be conducted in a manner that is fair, efficient, and results in the employment of qualified candidates.
- B. **RECRUITMENT PROCEDURES** - The City may utilize any legitimate procedure for attracting and selecting qualified applicants. Recruitment techniques may vary depending on the type of position, availability of qualified candidates, economic climate, and other considerations which may exist. Recruitments will be conducted in accordance with equal employment opportunity principles. Recruitments may be open or may be limited to City employees, depending on the City's needs. When necessary to meet requirements for filling positions, the closing date for any selection process may be indefinite and applicants may be evaluated continuously in such manner and at such times and places as may be determined by the Personnel Officer.

When in the best interest of the City, the Personnel Officer may make appointments of qualified persons without going through a recruitment procedure.

- C. **APPLICATIONS & OTHER MATERIALS** - Application materials require information covering training, experience, and other pertinent information designed to determine the most-qualified applicant. All applications and selection procedure materials are confidential records and will not be returned to applicants. Falsification or misstatement of material facts on application materials or during the selection procedure may result in rejection of the applicant or dismissal of the employee at any time. No applicant information will be asked that is prohibited under any state or federal law.
- D. **SELECTION PROCEDURES** - All selection procedures are designed to assess the job-related qualifications of each applicant and are consistent with merit system principles. The City may utilize any legitimate objective method to determine the qualifications of applicants, including without limitation, written tests, physical agility tests, oral examinations, training and experience review, panel interviews, assessment centers, and oral interviews. The methods used will be impartial and will fairly measure the relative capacities of the candidates to execute the duties and responsibilities of the job. The City may hold the selection processes itself or contract with any competent organization or individual to prepare and/or administer selection procedures.
- E. **ELIGIBLE LIST** – A list of candidates who have been successful in all parts of the selection procedure may be established at the conclusion of a selection process to provide a pool of qualified candidates who may be appointed to fill future vacancies without further competition. Eligible lists shall continue in effect one year after establishment. They may be extended for a period of not to exceed one year, or abolished before the expiration of the yearly period, upon the recommendation of the Personnel Officer and approval of the City Manager. Job announcements should contain information about the intended establishment of an eligible list; although the duration of the list will be determined by the Personnel Officer at the time of establishment based on number of eligibles, anticipated future vacancies, and other

needs of the City. The Personnel Officer will furnish names from an appropriate existing eligible list to department managers when authorization to fill a vacancy is granted.

- F. **BACKGROUND & MEDICAL VERIFICATIONS** - As part of the pre-employment procedure, applicants may be required to supply references, and submit to a thorough background check. In addition, all employees must be physically and mentally capable of performing the essential functions of their jobs with or without reasonable accommodation. The City has the right to conduct a complete and exhaustive background investigation on all applicants seeking employment, including current employees seeking promotion or transfer. Pre-employment investigations may include a credit and/or criminal background check, where applicable, and a medical and/or psychological examination by City-retained medical practitioners, where deemed appropriate by the City. However, any medical or psychological examination will be conducted only after a conditional job offer has been made, in accordance with applicable law.
- G. **DISQUALIFICATION** - The Personnel Officer may disqualify any candidate for any legitimate reason. An applicant has no right to grieve or appeal any such actions by the City. Any one or more of the following reasons may result in disqualification.
1. **Improperly Completed Application:** The applicant did not properly complete the application materials.
 2. **Minimum Qualifications:** The application indicates on its face that the applicant does not possess the minimum qualifications for the position.
 3. **Essential Duties:** The applicant is unable to perform the essential functions of the position sought, with or without reasonable accommodations.
 4. **Illegal Drugs:** The applicant is currently using illegal drugs.
 5. **Legal Right to Work:** The applicant is not legally permitted to work within the United States.
 6. **False Statements:** The applicant has made false statement of any material fact or practiced or attempted to practice deception or fraud in making the application for employment.
 7. **Material Cause:** Material cause, in the judgment of the Personnel Officer, is circumstances which would render the applicant unsuitable for the position, including but not limited to a prior resignation from the City, termination from the City or other employer, significant disciplinary action by City or other employer, or conviction of a crime which has a nexus to and may have an adverse impact on the applicant's ability to perform the job for which the applicant is applying.
- H. **RE-EMPLOYMENT** -- Except for employees reinstated in accordance with Section 6 of these Rules, rehired former employees are considered new employees from the effective date of their re-employment for all purposes, including the calculation of benefit levels.
- I. **PROBATIONARY PERIOD** - Employment offered on an at-will basis is not subject to a probationary period. When initial or promotional employment is offered on a regular basis (as defined in these rules), the employee will serve a probationary period. The probationary period will be regarded as a part of the selection process and will be utilized for the purpose of determining the employee's ability to perform satisfactorily the duties of the position. Typically, regular employment is subject to a probationary period of not less than six months actual service subsequent to appointment, and may be

extended at the Personnel Officer's discretion for up to an additional six months. Probationary periods may exceed six months for some job classifications as determined by the Personnel Officer.

Probationary Rejection: During the probationary period, an employee may be rejected at any time without cause and without the right of appeal. Notification of rejection must be made in writing to the employee prior to the expiration of the probationary period.

Promotional Probationary Rejection: An employee rejected during a probationary period following a promotional appointment will be returned to a position in his/her former job classification, unless the cause for probationary failure was sufficient grounds for termination and such termination followed the process described in these Rules for regular employment.

5. LEAVE ADMINISTRATION

- A. **LEAVE CATEGORIES:** The City provides the following paid leave benefits: vacation leave, administrative leave, holiday leave, funeral leave, jury duty and witness leave, and sick leave. As required by state and federal law, the City also provides specified compensation for military leave, job-incurred disability leave, kin care leave, and time off to vote. Subject to City policy on use of leaves, the City also permits unpaid leaves in accordance with the provisions of the Family and Medical Leave Act (FMLA), the California Family Rights Act (CFRA), CA Pregnancy Disability Leave (FEHA), state and federal military leave requirements, state school leave requirements, and entitled non-medical leaves of absence.
- B. **GENERAL POLICY:** Employees are required to be at work at their scheduled times. Leave refers to authorized absence from work during such scheduled times, for reasons acceptable to the employer and/or required by law. To ensure the integrity of public service, all employees are required to account for their absences from work. Leaves are subject to approval by the employee's supervisor, and must be scheduled in advance whenever possible, with regard for the needs of both the employee and the organization and its customers. Nothing in this policy will prevent an employee from receiving a leave of absence required by law.
- C. **REQUIRED DOCUMENTATION:** The City may employ any reasonable measure to ensure employees are properly accounting for leaves, including requiring reasonable proof that the basis for the leave is legitimate. Employees may be required to submit a medical certification of sickness that supports a request for sick leave, and the City may require a fitness-for-duty certification from any employee returning from medical leave. Employees are required to keep their supervisors informed (as timely as possible) of the duration of their leave, and to provide the earliest possible notification of projected dates to return to work or modified work from a leave. Failure to provide requested medical certifications may result in denial of leave, or delay or denial of an employee's return to work.
- D. **PAID LEAVE:** Paid leave is available as defined and specified in applicable MOU's, compensation resolutions, or individual employment agreements. Accrual rates, maximum amounts, and terms of use are as described in these documents. Pay for approved leaves is contingent on the employee having a usable balance of leave time. Employees with usable balances of leave time must use such balances before being approved to be in an unpaid leave status, except that employees on a pregnancy disability leave may (by California law) choose whether to use or not use accrued vacation leave and compensatory time. Use of paid leave time for all employees is chargeable in increments of .25 hours (15 minutes).

Generally, employees eligible for accrued leave accumulate leave from the date of the employee's initial appointment until designated caps are reached or until separation from employment. However, accumulation of any accrued leave ceases after 90 continuous days of absence from work, or when a leave of absence becomes unpaid, whichever occurs first.

- E. **UNPAID LEAVE:** An unpaid leave of absence will not be approved while usable paid leave balances remain.
- F. **BENEFITS DURING LEAVE:** For leaves which qualify as FMLA/CFRA leave, employer contributions to all insurance benefits will be maintained by the City for the duration of FMLA/CFRA leave, regardless of pay status. For non-FMLA/CFRA leaves, the City will maintain benefits contributions while the employee is in a paid leave status. Employees who wish to maintain group

health benefits at their own expense for a limited time once City-provided coverage ends are entitled to do so under federal law (Consolidated Omnibus Budget Reconciliation Act, or COBRA). Purchase of COBRA coverage includes payment of the full premium cost plus an administrative fee. However, the City will allow employees on unpaid leave status to maintain any desired insurance coverage by paying the full premiums at the City's rate.

- G. **COORDINATION WITH OTHER INCOME REPLACEMENT INSURANCE:** Employees on leave who are receiving income replacement insurance payments from a City-provided insurance program which allows for supplemental leave payments from the City (i.e., Workers' Compensation, etc.) may elect at the commencement of such income replacement not to use accrued leave benefits to supplement insurance payments; however this is a one-time election which remains in effect for the duration of the leave (i.e., the period of continuous absence from work). Accrued leave benefits will be charged to the amount appropriate to fully replace the employee's usual salary unless a timely employee election not to use accrued leave benefits is received.
- H. **KIN CARE:** Employees are entitled to use up to one-half of the employee's annual sick leave accrual to care for a family member in accordance with Labor Code section 233.
- I. **JURY DUTY AND WITNESS LEAVE:** Any employee who is summoned to serve on a jury; or who is subpoenaed or ordered to be a witness regarding an event or transaction occurring in the course of his or her job duties at the City, must notify his or her supervisor or department director as soon as possible. Jury service is considered work time. In cases where employees are required to serve as witnesses, the City will determine whether the matter involves an event or transaction in the course of the employee's job duties at the City. If so, leave to appear in court as a witness will be considered work time. Compensation will be provided for such work time as described below:
1. All FLSA non-exempt employees will be paid for actual work hours missed because of time spent in jury service, or as a witness (as described above). The time spent on jury duty is not work time for purposes of calculating overtime compensation.
 2. All FLSA-exempt employees will continue to receive their normal salary while on jury duty or when serving as a witness (as described above) for any work week in which they perform any work duties.
 3. Any employee who is released from jury service two hours or more prior to the end of his or her scheduled work hours must report to work unless otherwise authorized by his or her supervisor.
 4. The employee must deposit any fees for jury or witness service, other than mileage (unless a City vehicle is used for witness service) and meals, with the City.
- J. **MILITARY LEAVE:** Military leave will be granted in accordance with the provisions of state and federal law. An employee requesting leave for this purpose will provide the Department Director with a copy of the military orders specifying the dates, site and purpose of the activity or mission. Within the limits of such orders, the Department Director may determine when the leave is to be taken and may modify the employee's work schedule to accommodate the request for leave.
- K. **TIME OFF TO VOTE:** If an employee does not have sufficient time outside of working hours to vote in a statewide election, the employee may take up to two hours of paid work time to enable the employee to vote. The time off for voting will be only at the beginning or end of a work shift, whichever allows

the most free time for voting and the least time off from work. In no event is the employee eligible to take off more time than is necessary to vote. The employee will give the supervisor reasonable notice that time off for voting is desired. Absentee voting is encouraged, if possible.

- L. **WORKER'S COMPENSATION TEMPORARY TOTAL DISABILITY:** All employees are entitled to payment of workers' compensation insurance benefits to replace lost work income in accordance with law. Leave of absence from work due to incapacity from a work-related injury or illness will be granted according to applicable family and medical leave laws, workers' compensation law, and the City's leave policies.
- M. **DISCRETIONARY UNPAID LEAVES OF ABSENCE:** The Personnel Officer may grant discretionary (for reasons not entitled by law) unpaid leaves of absence provided the Personnel Officer determines that the City service will not be detrimentally affected by said leave. Such leaves of absence will not be granted to exceed three months unless an extension is granted by the City Manager. All requests for leaves of absence will be in writing from the employee. Upon expiration of an approved unpaid leave, the employee will be returned to the position held at the time leave was granted.
 - 1. **Failure to Return from Unpaid Leave:** Failure of an employee on leave to report to work promptly at the leave's expiration without request and approval for an extension of said leave in writing will constitute voluntary resignation by the employee.
 - 2. **Benefits While on Unpaid Leave:** Taking unpaid leave may impact certain benefits and employee seniority. Employees do not accrue vacation or sick leave, or any other paid time off, and seniority dates may be adjusted. Retirement system service credit does not accrue during any unpaid absence. City contributions to health and wellness insurances will cease while an employee is on a discretionary unpaid leave of absence.

6. SEPARATION FROM SERVICE

- A. **RESIGNATION** - A resignation becomes effective upon the City's receipt of an oral, written, or e-mailed notice of resignation from an employee. Employees wishing to separate from the City in good standing are expected to give at least 2 weeks written notice when resigning when practicable. Whenever possible, additional advance notice is desirable. The resignation notice should state the effective date and reasons for leaving.
1. **Automatic Resignation:** Employees are deemed to have resigned when failing to return to duty within one working day of the end of an authorized leave of absence, or when otherwise absent from work without authorization for at least three consecutive working days. The City will give written notice of such automatic resignation. The employee will have no right to appeal the automatic resignation in such circumstances.
 2. Once a resignation becomes effective, it is irrevocable except that the Personnel Officer may, at his/her discretion of what is in the best interests of the City, permit a resignation to be rescinded
- B. **LAYOFF** - The Personnel Officer may abolish any position because of lack of funds, curtailment of work, organizational changes, or for other business reasons. The employee holding such position may be laid off or demoted without disciplinary action and without the right of appeal. Except as provided in applicable MOU's, compensation resolutions, or individual employment agreements, an employee who is laid off has no seniority-based bumping rights, no right of appeal, nor any greater rights to return status. Layoffs will be made in accordance with serving the best needs of the City. Such layoff takes effect no sooner than fourteen (14) calendar days after the receipt by the employee of a notice in writing of the proposed layoff action. Prior to separating employees, the Personnel Officer will consider reasonable and feasible alternatives to layoffs.
- C. **DISCHARGE** - At will employees may be discharged by the City Manager with or without reason or just cause and without right of appeal.

7. REINSTATEMENT

- A. **GENERAL POLICY** - Reinstatement is defined as the return to employment of a former employee who left the City in good standing. A former employee may be reinstated without competitive examination within twelve (12) months of the date of separation to the position from which the employee was separated, or to any other position to which the employee would have been eligible to transfer. A medical examination may be given at City expense as part of a reinstatement process. Except for those rights which are based on continuous service, all rights based on tenure acquired by an employee who has been separated will be restored upon reinstatement, except for accrued leave time for which the employee has already been paid. Former City employees returning to City employment after the reinstatement period must participate in a recruitment and/or selection process, and will be considered new employees for the purposes of any benefits based on tenure or seniority.
3. The 12-month reinstatement period may be extended by the Personnel Officer for employees whose separations were the result of layoff or military leave. The reinstatement period for employees who separate for reasons other than layoff or military leave may not be extended beyond the 12-month period.
 4. Temporary appointments do not constitute a reinstatement.
- B. **REINSTATEMENT FROM MILITARY LEAVE** - An employee who is required to take a military leave which results in separation from City employment will be reinstated as provided in the Military and Veterans Code of California and applicable federal laws.

8. EMPLOYEE CONDUCT AND GENERAL WORKING CONDITIONS

- A. **GENERAL POLICY** - The conduct of all City employees is governed at all times by the ordinary and reasonable rules of behavior observed by law-abiding citizens and shall not reflect unfavorably upon City service. No employee shall engage in activities or conduct which create a conflict of interest. This applies whether or not the employee is at work or acting in an official capacity. The City Manager, or the Personnel Officer, separately or together, may investigate any situation relative to the morale and welfare of the employees in the service, and the City Manager may take such action as he/she deems necessary.
- B. **OTHER EMPLOYMENT** - No employee of the City can hold any job or employment outside of the City without notifying, in writing, the Personnel Officer or their designee, and without written approval by the Personnel Officer or their designee. Employees may not engage in any outside employment, enterprise, or activity that the Personnel Officer determines is in conflict with or impairs the employee's ability to perform the duties and responsibilities of his or her position, or impacts any aspect of operations. During the workday, employees are expected to devote their time to performing their assigned duties as an employee of the City.
- C. **GIFTS AND GRATUITIES** - In general, employees are prohibited from accepting gifts that they receive by reason of their employment with the City, so that they are not, and do not appear to be, improperly influenced in the performance of their duties. Gratuities of nominal value (such as a box of candy during the holiday season), offered infrequently and openly to the workgroup rather than an individual employee are generally excepted. In the rare event of receiving an acceptable personal gift of gratuity, employees shall adhere to the Fair Political Practices Commission (FPPC) rules (available from the City Clerk's office) for accepting and reporting gifts.
- D. **PROFESSIONAL DEMEANOR** - The City will maintain a professional working environment for the benefit of its employees and the public. As public employees and representatives of the City, each employee will present him or herself appropriately and professionally, including but not limited to workplace attire and hygiene.
- E. **NO SMOKING** - As required by state law and the City's municipal code, smoking, including vaporizing cigarettes, is prohibited in all places of employment (indoor and/or outdoor), City vehicles, and within 20 feet of any entrances, exits, and windows that can be opened. City employees who smoke on breaks are expected to comply with the public smoking provision of the City's municipal code.
- F. **ATTENDANCE AND WORKING HOURS** - Employees are required to be at their workplaces in accordance with assigned schedules. All units will keep attendance records of employees. The City establishes, and may modify, schedules of working hours for its employees and may require employees to work overtime and to perform standby responsibilities.
- G. **RELATIVES WORKING FOR THE CITY** - No employee, prospective employee, or applicant will be improperly denied employment or benefits of employment on the basis of marital status or other familial relation with another employee or official of the City. Notwithstanding the above, the City retains the right to take appropriate steps to avoid conflicts of interest and the appearance of impropriety.
- H. **POLITICAL ACTIVITY** - Except as specifically allowed by law, City employees are prohibited from participating in any political activity while on duty, while wearing city attire or patches on clothing that identifies them as city employees, or while performing official business. In addition, the Hatch Act

prohibits government employees who are compensated by federal funding from engaging in partisan political activities.

- I. **DISASTER SERVICE WORKER** – As required by California law, all employees of the City function as disaster service workers and have a duty to be available for immediate assignment to a variety of work hours and duties during an emergency.
- J. **WORK PERFORMANCE** - Employees are expected to perform assigned work according to directions and standards provided by supervisors. Performance feedback between supervisors and employees will be provided through employee performance evaluations, which are generally completed once a year and may be done more frequently at the discretion of the supervisor. Although performance evaluations are not subject to grievance procedures, employees have the right of rebuttal within 30 days of being presented with a final signed performance evaluation. In addition, supervisors may communicate their expectations concerning job performance to employees through a variety of other tools, such as corrective interviews, counseling memos, special evaluations, corrective work plans and oral reprimands.
- K. **EMPLOYEE PERFORMANCE EVALUATION** - Except for employees serving a probationary period, all employees will have their performance evaluated by the Department Director or by the Supervisor designated for this purpose at least annually on a cycle determined by the Department Director and approved by the Personnel Officer. The employee’s supervisor will review the findings of the evaluation with the Department Director. A copy of the completed evaluation will be provided to the employee and a copy will be placed in the employee’s personnel file. The employee will have an opportunity to review the performance evaluation report and to attach a written response to the corresponding performance evaluation in his/her personnel file. This response must be made within ten (10) working days of receiving the evaluation. No other administrative reply or appeal will be allowed. Performance evaluations will not be subject to the grievance process.
 1. Employees serving their probationary period will have their performance evaluated in the same manner as prescribed above; however, probationary employees will be evaluated every three (3) months during their probationary period, or at different intervals as determined by the Personnel Officer. Any decision to extend an employee’s probationary period must be made prior to the expiration of the original probationary period.
 2. Based upon the performance evaluation report, the Supervisor may make appropriate recommendations to the Personnel Officer regarding a possible merit increase, or other appropriate action. Personnel Officer approval is required for all such actions. In the event that an evaluation supports a merit increase but is not completed by the designated review date, the merit increase will be retroactively paid effective from the designated review date. In addition to those occasions referenced by this Section, a Supervisor may render a performance evaluation at any time when performance issues arise, whether positive or negative, when there is a change in assignment and/or when there is a change in supervisor or management.
- L. **TRAINING** - The City values a highly trained and experienced workforce and when appropriate, will provide a reasonable amount of training programs and opportunities for employees to participate in. The Personnel Officer will oversee such offerings, which may include (but is not limited to): lecture courses, demonstrations, assigned reading, online modules, and other such devices as may be available for the purpose of improving the efficiency and broadening the knowledge of municipal employees in the performance of their duties.

M. PERSONNEL FILES - The City maintains a personnel file on each employee. A personnel file will contain only material that the City deems necessary and relevant or that is required by law. Personnel files are the property of the City, and access to the information they contain is restricted to protect employee privacy interests. There will be no disclosures of this information to third parties except as authorized by State or Federal law or as duly authorized in writing by the employee.

1. All medical information about an employee or applicant is kept in separate medical files and is treated as confidential. Access to employee or applicant medical information shall be strictly limited to only those with a legitimate need to have such information for the City's business reasons, or if access is required by law, subpoena or court order. Managers and supervisors may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations.
2. A current employee may inspect his or her own personnel file, at reasonable times and at reasonable intervals, within 30 days of a written request. A former employee is entitled to inspect his or her personnel records one time per year. A current or former employee and/or his or her representative, who wishes to review his or her personnel file should make a written request to the Personnel Officer
3. It is the employee's responsibility to notify the Personnel Officer of any changes in the employee's address, phone number, marital status, dependent status, name change, training certificates, emergency contact, driving status/record, criminal convictions, or other pertinent information.
4. Personnel and applicant records will be destroyed in accordance with the City's system for destruction of public records.

9. GENERAL ADMINISTRATION OF HEALTH AND WELFARE BENEFITS

- A. **QUALIFYING FOR BENEFITS:** Certain insurances and other benefits are available to specified employees with costs shared by City and/or the employee as defined and specified in applicable MOU's, compensation resolutions, or individual employment agreements, which may be amended from time to time by the Council.
- B. **INSURANCE BENEFITS:** Insurance benefits are afforded to eligible employees and their eligible dependents as governed by the terms and conditions of the contractual agreements with the benefit providers. Such contracts will be determined by the Council in the best interest of City and with regard to the needs of employees. Insurance premiums not paid in whole or part by City will be the responsibility of the employee.
- C. **RETIREMENT:** All eligible City employees will participate in the California Public Employees' Retirement System (CalPERS) and will be governed by its rules and regulations. Specific details regarding retirement benefits can be found in the employee's respective MOU, compensation resolution, or individual employment agreement; or in the City's contract with CalPERS, available upon request to the Personnel Officer or designee. Any changes to retirement benefits are subject to CalPERS regulations and implemented by Council action.
- D. **TAX IMPLICATIONS:** Federal law does not always recognize domestic partner relationships for tax purposes. Therefore, the value of the additional benefits received by a domestic partner may be considered taxable for tax purposes. The City encourages employees to consult a qualified tax advisor.
- E. **CHANGE IN DEPENDENT RELATIONSHIP:** It is the responsibility of the employee to notify the City to cancel a spouse or domestic partner's coverage if the relationship terminates or when the spouse or domestic partner no longer shares a common residence with employee. It is the responsibility of the employee to notify the City to cancel an adult child's coverage once the adult child reaches the benefit limit. If the employee does not notify the City of the termination of the relationship within 31 days of the event, the employee will be held responsible for all costs for medical services received by the spouse or partner and or children of the spouse or partner after the termination of the relationship.
- F. **COBRA REQUIREMENTS:** Continuation of group plan medical insurance and other COBRA-included insurances will be offered to employees, and their legal dependents as required by law. In the event of termination of marriage or legal domestic partnership, the death of the employee, or a dependent child reaching the age limit for insurance, COBRA will be offered. Should the spouse/partner or former dependent elect COBRA, coverage will continue as required by law. The spouse/partner/former dependent of the employee pays for COBRA benefits.
- G. **RETIREE MEDICAL BENEFITS:** A retiree may be provided post-employment medical benefits based on several factors, including the MOU with employee unions, compensation resolution, or individual employment agreement that applied to the employee's position based on the date of hire, and/or date of retirement. The City does not provide any other post-retirement benefits.

10. GRIEVANCE PROCEDURES

- A. **GENERAL POLICY** - A grievance procedure is designed to resolve any dispute regarding an alleged violation or misapplication of a provision of department policies and procedures, Personnel Rules, or other policies affecting working conditions when such policies are established by the City and applicable to the grievant(s) and when such policies contain no other review, appeal or resolution process within the policy. A grievant may be any employee(s) adversely affected by the alleged violation or misapplication.
- B. **TIME LIMITS** - Any grievance not timely filed or appealed within specified time limits, will be null and void, and the grievant will forfeit any further right of complaint or appeal. Time limits may be waived by mutual written agreement of the parties. If the City does not meet the time limits, the grievance will be advanced to the next step. A workday is any day the City offices are open for business.
- C. **REPRESENTATION** - A grievant may be represented by a representative of his/her own choice at any step in the presentation of his/her grievance. Any associated expense is solely the responsibility of the grievant.
- D. **NO RETALIATION** - Any retaliation taken against any employee for good faith use of or participation in this procedure is strictly prohibited.
- E. **PROCEDURE**- The following procedure will be followed in presenting and resolving a grievance:
1. **Informal Discussion:** Within five (5) working days of the occurrence (or within 5 days of when the employee should have reasonably known of the occurrence) giving rise to the grievance, the grievant will discuss the grievance with his/her immediate supervisor. Every effort will be made to find an acceptable solution by informal means.
 2. **Written Presentation:** If, after discussing the grievance with the supervisor, the grievant does not believe the matter to have been resolved, the grievant may make a written presentation of his/her grievance to the Department head, provided such written grievance is filed within ten (10) working days of the meeting with his/her supervisor. If the grievant's immediate supervisor is the department head, the written grievance must be submitted directly to the City Manager. The written grievance sets forth a clear statement of the name of the grievant and his/her immediate supervisor; the nature of the grievance including the date of occurrence; the specific provision, policy or procedure alleged to have been violated; the decision rendered as a result of the informal discussion and the date on which it was rendered; and the specific remedy sought. The name of an employee representative of the grievant, if designated, will also be provided.
 3. **Department Head Response:** A written decision within ten (10) working days of receipt of the written grievance will be communicated to the employee by the department head. If the response is not made within the time limits, or if the employee is still dissatisfied with the resolution, the employee may appeal in writing to the City Manager within ten (10) working days from the receipt of the department head's response.
 4. **City Manager Response:** The City Manager or his/her designee will respond to the grievance within ten (10) working days from the receipt of the appeal. If the employee is still dissatisfied, the employee may within five (5) working days, request the City Manager to set up a mediation session.

5. Mediation: A State Mediator will mediate the dispute according to the normal rules governing mediation and will provide the City Manager and grievant with an advisory written recommendation. The City Manager or designee will communicate his/her decision in writing within ten (10) working days of receiving the State Mediator's recommendation. The City Manager's action is final and binding and there will be no further review. Any costs associated with such services are borne equally by the parties.

11. DISCIPLINARY ACTION

- A. **GENERAL POLICY** - Those employees holding regular employment status (as defined in these Rules) have the right to appeal discipline as described in this chapter. Those employees who are appointed “at-will” by the Personnel Officer may be subject to discipline at the City Manager's discretion with no right of appeal, or may be discharged with or without cause, with no right of appeal.

Disciplinary actions are intended to be corrective and progressive in nature, unless a single infraction, on its own, warrants significant discipline. The City will determine the appropriate disciplinary action. Any employee may be disciplined for cause provided the rules and provisions described below are followed. All disciplinary actions shall become a part of the employee’s official personnel record.

- B. **TYPES OF DISCIPLINE** - The City Manager may invoke disciplinary action for a violation of a rule, regulation, or practice; and may impose the types of disciplinary actions described below. Verbal counseling and oral reprimands, with any associated written confirmation, are considered to be a form of supervisory feedback and not disciplinary action in and of themselves, and thus are not subject to appeal.

1. **Written Reprimand:** The reprimand will not be subject to appeal; however, the employee has the right to meet with the City Manager before a written reprimand is placed in the employee’s personnel file. The employee also has the right of rebuttal and may provide a written statement which will be included in the personnel file along with the written reprimand.
2. **Suspension Without Pay:** A department head may suspend the employment of an employee without pay for not more than two hundred and forty (240) working hours in any one year. Suspensions are subject to the procedures outlined below, which include the right of appeal.
3. **Reduction In Pay:** A department head may reduce the salary of an employee for disciplinary reasons, provided that: such reduction will be to a step or percentage within the salary range of the classification held by the employee; and that a date when the employee is eligible to be considered for a merit increase will be established. Reductions in salary are subject to the procedures outlined below, which include the right of appeal.
4. **Demotion:** A department head may demote an employee for disciplinary reasons, to any classification with a lower salary, provided the employee meets the minimum qualifications for the lower-level class. The employee will not be eligible for promotion for a period of at least six (6) months or as otherwise recommended by the department head and approved by the City Manager. Disciplinary demotions are subject to the procedures outlined below, which include the right of appeal.
5. **Dismissal:** A department head may dismiss an employee for cause. Dismissals are subject to the procedures outlined below, which include the right of appeal.

- C. **GROUNDS FOR DISCIPLINARY ACTION** - The following behaviors are sufficient cause for disciplinary action, but such action is not limited to these causes:

1. Misstatements or omissions of fact in completion of the employment application or other process to secure appointment to a position with the City.

2. Knowingly furnishing false information in the course of the employee's duties and responsibilities.
3. Inefficiency, incompetence, carelessness, negligence or other failure to meet expected standards in the performance of duties.
4. Violation of safety rules.
5. Violation of any of the provisions of these Rules or City or departmental policies.
6. Being in possession of or under the influence of an intoxicating beverage, controlled substance, or prescription drugs not authorized by the employee's physician, while on duty or on work property; except that employees assigned to procure and/or serve alcoholic beverages at City-sponsored events are permitted to be in possession of such beverages for this specific purpose only
7. Any unreported medical use of non-prescription or prescription drugs causing an impairment which prevents an employee from performing the duties of her or his job, or would endanger the health and safety of the employee or other individuals.
8. Insubordination, disobedience to proper authority, refusal or failure to perform assigned work, or to comply with a lawful order, or to accept a reasonable and proper assignment from a City supervisor.
9. Improper use of authority in any interactions with the public, other employees, vendors/contractors, and other public agencies.
10. Unauthorized soliciting on City property.
11. Unauthorized absence without leave; failure to report after leave of absence has expired or after a requested leave of absence has been disapproved, revoked, or canceled; failure to report when called as a Disaster Service Worker; or any other unauthorized absence from work.
12. Conviction of a crime which relates to the qualifications, functions, or duties of the employee's position, or which otherwise adversely impacts the ability of the employee to perform the job.
13. Improper political activity as defined by applicable local, state and/or federal law.
14. Behavior, either during or outside of duty hours, which is of such a nature that it causes discredit to the City.
15. Discourteous or offensive or harassing treatment of the public or other employees.
16. Misuse of City property, improper or unauthorized use of equipment or supplies, damage to or negligence in the care and handling of City property.
17. Fighting, assault, and/or battery on City property or while wearing City attire, driving a marked City vehicle, or otherwise being identified as a City employee.
18. Working overtime without authorization.
19. Sleeping on the job, except as specifically authorized.
20. Accepting bribes or kickbacks.
21. Engaging in outside employment which conflicts with an employee's responsibilities.
22. Intimidation or interference with the rights of any employee.
23. Refusal to take and subscribe to any oath or affirmation which is required by law in connection with employment.

24. Failure to obtain and/or maintain minimum qualifications for the employee's job class, including required licenses, credentials, certificates or other conditions for employment in the assigned classification, or failure to meet legal requirements for retention in the class.
25. Inability to perform the essential duties of the job, with or without reasonable accommodation.

D. **DISCIPLINARY PROCEDURE** - The following steps will be taken with regard to employee behavior which results in a disciplinary action being taken, except that if any discipline procedures are incorporated into a negotiated Memorandum of Understanding (MOU), the MOU procedures will be used for administration of discipline of employees subject to that MOU.

1. **Investigation:** An alleged violation of policy, procedure, rules, regulations, directives, orders or laws will be investigated promptly by the employee's supervisor, department head or designee. The investigator will complete a written report of the investigation including the specific violations alleged, the employee's statement, all available facts related to the alleged violations, and statements of relevant witnesses, if any. An employee subject to a meeting or an investigative interview that may result in disciplinary action has the right, upon request, to representation.
2. **Department Head Review:** The employee's department head will review all written documents and other information related to the alleged violation and may investigate further to ensure that all facts are adequately documented. The final investigation report will be forwarded to the City Manager along with a recommendation for discipline.
3. **City Manager Review:** Upon receipt of such recommendation, the City Manager will review and indicate concurrence or modification of the recommended disciplinary action within five (5) working days.
4. **Notice of Proposed Discipline:** Following the approval of the City Manager, the employee's department head will provide written notice to the employee of the intention to discipline for cause. The written notification will explain the incident and/or employee behavior of concern, the rule or practice violation or other grounds for the proposed discipline, and the proposed discipline and the date it will take effect. Enclosed with the notice are the records and documents upon which the proposed action is based, including witness names and identifying information, except where there is a significant safety reason not to provide this information.

The employee will have the right to respond to his/her department head, either orally or in writing, within 5 working days from the date of the notification. If the employee or designated representative requests the right to respond orally to the department head, imposition of proposed discipline will be deferred until after a pre-disciplinary hearing, also known as a Skelly hearing. The employee has the right to have a representative present. Failure to respond within the prescribed time period following issuance of the notice of proposed discipline will result in the employee's forfeit of all further rights, and the proposed discipline will be imposed.

5. **Skelly Hearing:** Where an oral response has been elected, the department head is required to schedule, coordinate and conduct a pre-disciplinary hearing within ten (10) working days of the employee's request. The department head may serve as the hearing officer or may ask another department head or management representative to serve in this role. The purpose of the hearing is for the employee to provide additional information and facts relevant to the alleged violation prior

to his/her department head to making a final decision regarding the discipline. All appeal rights are forfeited if the employee fails to appear for the pre-disciplinary hearing.

6. Imposition of Discipline: Within three (3) working days of either the receipt of an employee's written response to the proposed discipline, or the Skelly hearing, the department head will serve the employee with a final written notice of disciplinary action authorized by the City Manager and specifying the date(s) upon which the disciplinary action will be imposed. The notice of disciplinary action shall also inform the employee of the right to appeal and shall further inform the employee of any time limitations within which the notice of appeal must be filed. Disciplinary actions may be imposed prior to an appeal hearing.

E. RIGHT OF APPEAL - An employee who has received a notice of disciplinary action may, within five (5) working days of its receipt, request a hearing before a neutral third-party hearing officer. Such a request must be made in writing to the City Manager.

1. Evidentiary hearing: An evidentiary hearing before a neutral hearing officer will be arranged for by the City Manager and will, absent extenuating circumstances, be held within sixty (60) working days of receiving the request for a hearing. Employees may represent themselves or be represented by a representative of the employee's recognized employee organization or by legal counsel (at the employee's expense). All parties shall be notified at least ten (10) days prior to the hearing. At least five (5) working days prior to the date set for the hearing, each party is required to provide to the City Manager and to the other party a list of all witnesses and all exhibits. The hearing will be closed and confidential, and no audio or video recording of any type will be permitted except as an official recordkeeping practice. The employee's presence is mandatory.

Failure to appear at the appeal hearing unless physically unable to do so shall be deemed a withdrawal of the appeal and a waiver of any further right of administrative appeal. The hearing will be conducted in an efficient manner conducive to determining the truth of disputed issues, however, the technical rules of evidence do not apply. Any relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to relying in the conduct of serious affairs. Oral evidence will be taken only upon oath or affirmation. Hearsay evidence may be used to supplement and explain direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they are recognized in civil actions, and irrelevant and unduly repetitious evidence may be excluded. The hearing officer will rule on any evidentiary or procedural matter, and such rulings will not be invalidated by any informality in the proceedings. Any witnesses other than the City's representative will be excluded from the proceeding until called to testify, except as mutually agreed to by the employee and the City's representative.

The order of the hearing will be:

- i. The City's representative, followed by the employee, may make preliminary opening statements.
- ii. The City's representative may present oral or documentary evidence, or both, in support of the City's position; the employee may cross-examine all witnesses called by the City.
- iii. The employee may present oral or documentary evidence, or both, in support of the employee's position; the City's representative may cross-examine all witnesses called by the employee.
- iv. The City's representative, followed by the employee, may make a closing statement.

2. Hearing officer recommendations: Following the conclusion of the hearing, the hearing officer will prepare written findings and recommendations and provide them to the City Manager within ten (10) working days.
 3. City Manager's Determination: Within five (5) working days of receipt of hearing officer recommendations, the City Manager shall consider the findings and recommendations and impose or authorize the action he/she deems appropriate and in the best interests of the City. Written notice of the City Manager's decision, along with a copy of the hearing officer's findings and recommendations, will be provided to the department head, the employee and/or designated representative. The notice will also include a statement of the employee's right to seek judicial review. The City Manager's decision is final.
- F. EXTENSION OF TIME LIMITS - Specified time limits may be extended by mutual agreement in writing between the parties. If mutual agreement cannot be reached, time limits will be adhered to.
- G. IMMEDIATE REMOVAL - An employee may be placed on Administrative Leave with Pay without notice or hearing where the continued presence of the employee would be a clear and present hazard or disruption to other employees, the public, or the operations of the City. An Administrative Leave with Pay pending an investigation is not subject to appeal. The employee's supervisor or department head may direct the employee's activities during the employee's scheduled work hours during an Administrative Leave with Pay.

CONCLUSION

These Rules provide employees, supervisors and managers with basic guidance to navigate the personnel administration system and practices of the City. To that end, feedback to the City's human resources staff regarding clarity and completeness of information is encouraged. Employees should note that this document is not intended to be comprehensive, and in fact cannot be made so.

The framework for City employment described by these Personnel Rules may be superseded or supplemented by labor agreements; the City's administrative policies and procedures; departmental policies and standard operating procedure; and local, state and federal employment regulations. Employees and managers are encouraged to review all relevant City documents, and to consult with the City's human resources staff prior to taking employment actions.