

City of Coalinga



Personnel Rules Policies and Procedures

Prepared by
Human Resources Department
City of Coalinga
December 5, 2019

The Mission of the City of Coalinga is to provide for the preservation of the community character by delivering quality, responsive City services, in an efficient and cost-effective manner, and to develop, encourage, and promote a diversified economic base in order to ensure the future financial stability of the City for its citizens.

Personnel Rules

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City of Coalinga Personnel Rules

(Revisions through 12/5/19)

RULE I. INTEGRATION CLAUSE AND THE RIGHT TO REVISE

SECTION 1.01. The Personnel Rules, Policies, and Procedures ("Personnel Rules") do not create a legally enforceable agreement. It is not a contract with employees and expresses only guidelines for employees regarding City policies. All policies can be modified by the City at any time. These Personnel Rules supersede any previous written or unwritten policies.

If a provision of these rules conflicts with any provision of an applicable memorandum of understanding entered into by the City of Coalinga and a recognized employee organization, to the extent of such conflict, the provision of the memorandum of understanding shall be deemed controlling unless the provision of these rules has been negotiated more recently.

RULE II. COVERED EMPLOYEES

SECTION 2.01 At-will employees are not provided the full guarantees of due process prior to removal from employment, and are not covered by or subject to the rights under the discipline policy.

Seasonal, temporary, or per diem employees may not have the right to certain benefits provided in the policies to regular employees.

All employees are expected to abide by the rules set out in the policies as required for continued employment with the City of Coalinga.

RULE III. DEFINITION OF TERMS

The terms used in these rules shall have the meaning as defined below:

SECTION 3.01. "Administrative Leave": The temporary assignment of an employee to a status of leave with or without pay.

SECTION 3.02. "Advancement": A salary increase within the limits of a pay range established for a class.

SECTION 3.03. "Allocation": The assignment of a single position to its proper class in accordance with the duties performed, and the authority and responsibilities exercised.

SECTION 3.04. "Appointing Authority": The officers of the City who, in their individual capacities, or as a board, commission, or City Council, have the final authority to make the appointment to the position to be filled.

SECTION 3.05. "Appointment": The offer, and acceptance by a person, of a position authorized by the appointing authority.

- SECTION 3.06. "Assignment": The allocation of a single position to its proper class in accordance with the duties performed and the authority and responsibilities exercised.
- SECTION 3.07. "Class": All positions sufficiently similar in duties, authority, and responsibility, to permit grouping under a common title in the application with equity of common standards of selection, transfer, demotion, and salary. (8/15/96)
- SECTION 3.08. "Committee For Employee Appeals": There is hereby created a Committee for Employee Appeals to consist of three members, to be appointed by the Mayor, by and with the consent of the City Council. Members of the Committee for Employee Appeals shall serve for two-year staggered terms. The Committee for Employee Appeals shall adopt rules of procedure and shall select a chairperson from among its members who shall act as presiding officer.
- Vacancies on the Committee for Employee Appeals shall be filled by appointment by the Mayor with the approval of the City Council for the un-expired term. Each member shall serve until a successor is appointed and qualified. A four-fifths vote of the City Council shall be required to remove a member of the Committee for Employee Appeals prior to expiration of his or her term.
- Members of the Committee for Employee Appeals shall be residents of the City. The City Council shall give preference to naming members with previous personnel experience. No person shall be appointed to the Committee for Employee Appeals who holds any salaried office or employment with this City.
- The Committee for Employee Appeals shall have the right of subpoena, the power to examine witnesses under oath, the power to compel the attendance of witnesses and the power to require the production of evidence by subpoena. Subpoenas shall be issued in the name of the City and attested by the City Clerk. Each member of the Committee for Employee Appeals shall have the power to administer oaths to witnesses.
- The Committee for Employee Appeals shall determine the order of business for the conduct of its meetings, and shall meet regularly or on call of the chairperson or a majority of the members of the Committee for Employee Appeals. A majority of the members of the Committee shall constitute a quorum for the transaction of business.
- The Committee for Employee Appeals, as provided by these rules, shall hear appeals submitted by any person in the competitive service relative to disciplinary actions including termination, demotion, reduction in pay, or suspension, and shall certify its findings and recommendations as provided in these rules.
- SECTION 3.09. "Competitive Service": All positions of employment in the service of the City except those excluded by the Personnel Ordinance.
- SECTION 3.10. "Contract Employee": An employee who negotiates an agreement with the City of Coalinga to provide professional services on a contractual basis.
- SECTION 3.11. "Days": Means calendar days unless otherwise stated.
- SECTION 3.12. "Demotion": The movement of an employee from one class to another class having a lower maximum base rate of pay.

SECTION 3.13. "Department Head/Division Head". An employee having authority, in the interest of the City, to transfer, suspend, recall assign, promote, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action if, in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Amend 6/19/03)

This includes, but is not limited to, the following job titles: Financial Services Director, Human Resources Director, Fire Chief, Police Chief, Senior Administrative Analyst, Assistant City Manager, Community Development Director, Public Works and Utilities Director, or other positions designated by the City Manager. (Amend 4/22/09)

SECTION 3.14. "Disciplinary Action": The termination, demotion, reduction in pay or suspension of a regular employee for punitive reasons and not for non-punitive reasons. (8/15/96)

SECTION 3.15. "Eligible": A person whose name is on a current open or promotional employment list.

SECTION 3.16. "Employment List":

- (a) Open Employment List: A list of names of persons who have taken an open-competitive examination for a class in the competitive service and have qualified.
- (b) Promotional Employment List: A list of names of persons who have taken a promotional examination for a class in the competitive service and have qualified.
- (c) Re-employment List: A list of names of probationary and regular employees who have been laid-off or demoted in lieu of lay-off.

SECTION 3.17. "Examination":

- (a) Open-competitive Examination: An examination for a particular class which is open to all persons meeting the qualifications for the class.
- (b) Promotional Examination: An examination for a particular class which is open only to employees meeting the qualifications for the class.
- (c) Continuous Examination: An open-competitive examination which is administered periodically and whose names are placed on an employment list, in order of final scores, for a period of not more than one year.

SECTION 3.18. "Grievance": A dispute involving the interpretation or application of the City of Coalinga's rules, regulations, and procedures. Disciplinary actions and employee evaluations are not grievable.

With respect to grievances, the term "employee" shall mean also a group of employees having the same grievance. In such event, one employee shall be designated by the group to act as spokesperson and be responsible for processing the grievance.

Additionally, with respect to the grievance procedure, the term "days" shall mean working days.

- SECTION 3.19. "Lateral Entry": Refers to the appointment of an individual whose employment is based upon special qualifications, training, and/or experience in a given job classification. Individuals hired by lateral entry shall have special qualifications, training, or experience which exceed minimum requirements at entry level.
- SECTION 3.20. "Lay-off": The separation of employees from the active work force due to lack of work or funds, or to the abolition of positions by the City Council for the above reasons or due to organization changes.
- SECTION 3.21. "Middle-Management Employee": An employee who is exempt from the overtime provisions of the Fair Labor Standards Act with respect to the payment of overtime.
- SECTION 3.22. "Nepotism-Employment Limitations": A relative is considered to be any person who is related within the second degree by blood, marriage, or adoption; a parent, child, spouse, domestic partner, brother, sister, first cousin, nephew, niece, aunt, uncle, in-law, and step-child of a full-time City employee, elected or appointed City official.
- SECTION 3.23. "Part-Time Employee": An employee who works less than 40 scheduled hours per week. Part-time employees may be assigned a work schedule in advance or may work on an as-needed basis.
- SECTION 3.24. "Personnel Officer": The Human Resources Manager/Director appointed by the City Manager to maintain the personnel records and establish the employment lists of the City.
- SECTION 3.25. "Personnel Ordinance": Ordinance No. 604, which creates a personnel system for the City of Coalinga.
- SECTION 3.26. "Position": A group of duties and responsibilities in the competitive service requiring the full time or part-time employment of one person.
- SECTION 3.27. "Premises": All areas within the ownership and/or control of the City of Coalinga, including but not limited to, buildings, offices, work areas, lounges, parking lots, desks, storage areas and any other City of Coalinga owned property on which employees may work.
- SECTION 3.28. "Probationary Period": A period to be considered an integral part of the examination, recruiting, testing, and selection process during which an employee is required to demonstrate fitness for the position to which the employee is appointed by actual performance of the duties of the position.
- SECTION 3.29. "Promotion": The movement of an employee from one class to another class having a higher maximum base rate of pay.
- SECTION 3.30. "Provisional Appointment": An appointment of a person who possesses the minimum qualifications established for a particular class and who has been appointed to a position in that class in the absence of available candidates on a current eligibility list for a particular class. In no instance shall a provisional appointment exceed six months.

- SECTION 3.31. "Regular Employee": An employee in the competitive service who has successfully completed the probationary period and has been retained as hereafter provided in these Rules.
- SECTION 3.32. "Reinstatement": The re-employment without examination of a former regular employee or probationary employee to a classification in which the employee formerly served as a regular non-probationary employee.
- SECTION 3.33. "Safety Employee": Any person employed in a non-clerical regular position with the Coalinga Fire Department or in a sworn peace officer position with the Coalinga Police Department.
- SECTION 3.34. "Suspension": The temporary separation from service of an employee without pay for disciplinary purposes.
- SECTION 3.35. "Temporary Employee": An employee who is appointed to a non-regular position for a limited period of time. Temporary employee assignments will generally be a period of six months or less; however, such assignments may be extended.
- SECTION 3.36. "Termination": The separation of an employee from the City service by any means other than lay-off or retirement, whether it be voluntary or involuntary.
- SECTION 3.37. "Transfer": A change of an employee from one position to another position in the same class or in a comparable class.

RULE IV. STATEMENT OF PRINCIPLES

- SECTION 4.01. Adoption of Personnel System: In order to establish an equitable and uniform procedure for dealing with personnel matters, to attract to municipal service the best and most competent persons available, to assure that appointments and promotions of employees will be based on merit and fitness, and to provide a reasonable degree of security for qualified employees, the following personnel system is hereby adopted.
- SECTION 4.02. Adoption of Personnel Rules: The City Manager shall present to the City Council Personnel Rules to be adopted. The Personnel Rules shall govern the personnel system including but not limited to:
- (a) Preparation, installation, revision, and maintenance of a position classification plan covering all positions in the City service, including employment standards and qualifications for each class.
 - (b) Preparation, revision, and administration of a plan of compensation directly correlated with the position classification plan, providing a rate or range of pay for each class.
 - (c) Public announcement of all examinations and acceptance of applications for employment.
 - (d) Preparation and conduct of tests and the establishment and use of resulting employment lists containing names of persons eligible for appointment.

- (e) Certification and appointment of persons from employment lists and making of provisional, temporary, and part-time appointments.
- (f) Evaluation of employees during the probationary period and their tenure with the City service.
- (g) Termination, lay-off, demotion, and suspension.
- (h) Transfer, promotion, reinstatement, and disciplinary action of those in the classified service.
- (i) Standardization of work hours, attendance, leave, working conditions, and the development of employee morale, welfare, and training.
- (j) The establishment and maintenance of adequate personnel records.
- (k) The establishment of grievance and appeal procedures.

SECTION 4.03. Amendment and Revisions of Personnel Rules: Amendments and revisions may be suggested by the City Manager or any aggrieved party and shall be submitted to the City Council through the City Manager. Proposed amendments or revisions to the Personnel Rules shall be publicly posted for at least ten (10) consecutive days prior to consideration by the City Council. During the process of consideration, any recognized employee organization shall be consulted on any amendment or rule which affects them, and any interested party may appear and be heard by the City Council. Amendments and revisions shall become effective upon adoption by the City Council unless otherwise specified.

SECTION 4.04. Appointments: Appointments to vacant positions in the City service shall be made in accordance with these Personnel Rules. Appointments and promotions shall be based on merit and fitness to be ascertained so far as practicable by competitive examination. Examinations shall be used and conducted to aid in the selection of qualified employees and shall consist of selection techniques which will test fairly the qualifications of candidates, such as written tests, personal interviews, performance, work samples, or any combination of these or other tests. Physical and medical tests may be given as a part of any examination, consistent with applicable law.

Appointments shall be made by the City Manager, upon the recommendation of department heads.

When an appointment is to be made to a vacancy in the City service, the Personnel Officer shall transmit to the department head the names of all persons on the appropriate certified employment list in the order in which they appear on the list.

In the absence of appropriate employment lists, a provisional appointment may be made, not to exceed six months, by the City Manager of a person meeting the minimum training and experience qualifications for the position. A provisional employee may be removed at any time without the right of appeal or hearing. During the period of suspension, demotion or termination of an employee, such vacancy may be filled by the City Manager subject to the provisions of these Rules and regulations.

SECTION 4.05. Personnel Officer: The City Manager shall appoint a Personnel Officer (Human Resources Manager/Director) in accordance with Coalinga Municipal Code Section 2-4.303. The Personnel Officer, who shall be responsible to the City Manager, shall administer the personnel system of the City, including:

- (a) Publish or post notices of examinations for positions in the classified service, receive applications, prepare, conduct, and score examinations and certify to the department heads a list of all persons eligible for appointment in the classified service.
- (b) Administer all the provisions of this resolution and of the Personnel Rules not specifically reserved to the City Council and City Manager.
- (c) Prepare and recommend to the City Manager revisions and amendments to the personnel system. The City Attorney shall review the legality of such Rules and amendments prior to their submission to the City Council, where applicable.
- (d) Prepare and recommend to the City Manager, a position classification plan, including class specifications and revisions of the plan. The plan and any revisions to the plan shall become effective upon review and approval of the City Manager and City Council.
- (e) Prepare a compensation plan and revisions to the compensation plan, covering all classifications in the classified service. The plan and any revisions shall become effective upon approval by the City Manager and City Council.
- (f) Assume responsibility for development of training programs.
- (g) Perform such other duties as may be assigned by the City Manager consistent with the Personnel Rules.

RULE V. GENERAL PROVISIONS

SECTION 5.01 Acceptance of Gifts, Entertainment, and Services: An employee or his or her immediate family may not accept gifts, entertainment, and/or other services or benefits from any individual or companies doing business with, or seeking to do business with, the City of Coalinga/Coalinga Redevelopment Agency/Coalinga Public Finance Authority, or who have action pending before the City Council/Redevelopment Agency Board unless the transaction meets all of the following guidelines:

- (a) It is not an individual gift but provided and available to all members of City staff.
- (b) Is customary and gives no appearance of impropriety and does not have more than a nominal value.
- (c) Cannot be viewed as extravagant, excessive, or too frequent considering all the circumstances.
- (d) Does not impose any sense of obligation on either the giver or the receiver.
- (e) Is given and received with no effort to conceal the full facts by either the giver or receiver.
- (f) Cannot be considered a favor or gratuity for services required on the job.

The City Manager shall have full discretion to interpret and judge the appropriateness of gifts as it relates to the above guidelines, subject to applicable laws.

SECTION 5.02. Badges, Insignias, Employee Identification Cards: No City employee who is issued a badge, insignia, or identification card as evidence of employment or authority shall allow it to be used by any other individual nor shall he/she use his/her badge, insignia, or identification card to advance a private interest. An employee may use his/her badge, insignia, or identification card to establish proof of employment in government service. Badges, insignias, and employee identifications must be surrendered upon termination. Any infraction of the above policy shall result in immediate disciplinary action up to and including discharge.

SECTION 5.03. Cellular Telephones: City Employees who are required to be available to the public twenty-four (24) hours a day shall be issued a cellular telephone by the City. City Council members may be issued a cellular telephone.

- (a) Personal calls made by the employee on City-issued equipment will be reimbursed to the City on a monthly basis as bills to the City come due.
- (b) If the employee already has a personal cellular telephone, the City shall reimburse the employee for the costs associated with any City-related use of the personal cellular phone, subject to department head approval. Said employee shall also be reimbursed for any City related calls made on the employee's equipment.
- (c) Personal calls made by Council members on the City-issued equipment will be reimbursed to the City on a monthly basis as the bills come due.
- (d) If the Council member already has a personal cellular telephone, the City shall reimburse the Council member for the actual costs associated with use of the cellular phone for City-related business directly related to his or her duties.
- (e) During civic or natural emergencies, all portable cellular telephones issued to City Council members shall be returned to City Administration for the redistribution to emergency personnel as needed.

SECTION 5.04 Computer, Network and Telephone Usage Policy: The City Computer, Network and Telephone Systems are the sole property of the City of Coalinga. They may not be used by any person without the proper authorization of the City. They are intended for City work related purposes only. Employees shall have no expectation of privacy.

- (a) Conditions of Use: Computer users must respect copyrights and licenses to software and other online information. No user shall attempt to modify, add or remove computer equipment, software or peripherals without proper authorization.

City employees must not interfere with others' access and use of City computers. This includes but is not limited to the sending of chain letters.

No user shall use the City's computer resources, network or telephone system to transmit any message, create communication of any kind, or store information which violates any City policy regarding discrimination, harassment, retaliation, is

defamatory, obscene, or which constitutes the unauthorized release of confidential information.

- (b) Disclosure: The City reserves the right to monitor all use of the City's computer resources, network and telephone system to assure compliance with this policy. Users should be aware that they have no expectation of privacy in the use of the City computer resources, network and/or telephone system. Users must be aware of the possibility of unintended disclosure of communications. It is possible for information entered on or transmitted via computer and communications systems to be retrieved even if a user has deleted such information. Computer transmissions and electronically stored information may be discoverable in litigation.

All suspected violations of the Computer, Network and Telephone Usage Policy by any City employee shall be reported to the Personnel Officer. A user of City information resources who is found to have violated this policy will be subject to disciplinary action up to and including termination.

The California Public Records Act includes computer transmissions in the definition of "public record" and nonexempt communications made on the City network and computer must be disclosed if requested by a member of the public.

- (c) Disclaimer: The City is not responsible for loss of information from computing misuse or malfunction. It cannot be guaranteed that copies of critical data will be retained for all systems. It is ultimately the responsibility of computer users to obtain secure backup copies of their own files for disaster recovery.

The City cannot guarantee that users will not receive electronic communications they may find offensive nor can the City assure the authenticity of electronic communications received were in fact sent by the alleged sender. Users are solely responsible for materials they access on the City computer and network system.

SECTION 5.05. Confidentiality Policy: Each employee is responsible for safeguarding confidential information obtained during employment. In the course of employment, an employee may have access to confidential information regarding the City, its suppliers, its citizens, or perhaps even fellow employees. It is the responsibility of each employee to in no way reveal or divulge any such information unless it is necessary to do so in the performance of the employee's duties. Access to confidential information should be on a need-to-know basis and must be authorized by an appropriate supervisor. Any breach of this policy will not be tolerated and violation of the policy is grounds for discipline, up to and including termination. All confidentiality provisions remain in force after termination of the employment relationship. This policy does not apply to employee rights protected by the Meyers-Milias-Brown Act ("MMBA").

SECTION 5.06. Direct Deposit of Paychecks: Employees shall have the option of receiving their paychecks personally, or having them deposited directly into their bank accounts. Employees choosing to have direct deposit shall have their payroll checks deposited in their designated banks on the day before each regular payday. Management encourages all employees to utilize direct deposit banking.

SECTION 5.07. Educational Expense Reimbursement: If an employee attends a job-related seminar or class, the employee shall be entitled to educational expense reimbursement if the following conditions are met:

- (a) Approval to attend class or seminar is received by the employee from his/her department head.
- (b) For a seminar, proof of successful completion or attendance at the seminar.
- (c) For a college course, employee receives grade of "C" or better.

The City Manager shall retain the right to limit attendance at seminars or courses.

SECTION 5.08. Employee Lists: The names and addresses of City employees shall not be provided to any group, organization, commercial venture, or individual without specific permission from the employee, unless required by law.

SECTION 5.09. Fraternization Policy: The City desires to avoid misunderstandings, actual or potential conflicts of interest, complaints of favoritism, possible claims of sexual harassment, and the employee morale and dissension problems that can potentially result from romantic relationships in the workplace.

Accordingly, all department heads and supervisors are discouraged from fraternizing or becoming romantically involved with one another or with any other City employee, especially their direct subordinates. Additionally, all employees, both managerial and non-managerial, are discouraged from fraternizing or becoming romantically involved with other employees.

When personal relationships create or cause the appearance of a conflict of interest/favoritism, cause disruption, create a negative or unprofessional work environment, or present concerns regarding supervision, safety, security, or morale, the City may take remedial action including but not limited to a transfer, reassignment, demotion, or dismissal, to mitigate issues that arise from a romantic workplace relationship. Any transfer or reassignment to mitigate issues that arise from a romantic workplace relationship that does not result in a reduction in salary or compensation is not disciplinary and is not subject to any grievance, hearing, or appeal. If circumstances warrant it, the City may also take disciplinary action against an employee whose romantic relationship disrupts the workplace.

A supervisor involved with a subordinate must immediately and fully disclose the relevant circumstances to their supervisor or department head so that a determination can be made as to whether remedial action is necessary. If the City determines that a potential for conflict and disruption is present, the City may take whatever action appears appropriate according to the circumstances, up to and including transfer or discharge. A supervisor's failure to disclose a relationship with a subordinate may lead to disciplinary action, up to and including termination.

If continuing employment of employees in a relationship prohibited by this Policy cannot be accommodated consistent with the City's interest in promotion of safety, security, morale and efficiency, then the City retains sole discretion to separate one of the parties from City employment. Absent resignation by one affected employee, the less senior, in terms of overall City service, of the involved employees shall be subject to separation.

All employees should also remember that the City maintains a strict policy against unlawful harassment of any kind, including sexual harassment. Whenever a romantic workplace relationship implicates the City's Harassment/Discrimination Policy, the City will vigorously enforce this policy consistent with all applicable federal, state, and local laws.

SECTION 5.10. Meal Allowances: The maximum daily reimbursement (per diem) rate differs by travel location and is regulated by the United States General Services Administration. The City Financial Services Department will maintain a copy of updated tables for employee use.

If a meal or meals are included in either registration or hotel accommodations, the employee's per diem rate will not be affected.

This policy only covers meals unsupported by a receipt during one day (overnight) or longer travel periods, and does not preclude an employee, if they so desire, from supplying a receipt for reimbursement of actual meal costs. Travel of less than one day, such as a trip to Fresno, shall require a receipt.

Provision of a receipt alone should not be meant to infer a blank check. Meal expenses should be reasonable and appropriate in cost for the area visited as evaluated by the department head.

SECTION 5.1. Memorandum of Understanding: In any case where the provisions of these Rules are in conflict with the provisions of a duly-executed Memorandum of Understanding or Employment Contract, the Memorandum of Understanding or Employment Contract shall be controlling.

SECTION 5.12. Mileage Reimbursement: City employees who use their personal vehicles for approved City-related business will be reimbursed at a rate equal to the standard mileage rate established by the Internal Revenue Service for that taxable year. The rate will be reviewed each January 1st, and adjusted if need be in accordance with the mileage rate established by the Internal Revenue Service.

SECTION 5.13. Nepotism-Employment Limitations: For the purposes of this section, a relative is considered to be any person who is related within the second degree by blood, marriage, or adoption; a parent, child, spouse, domestic partner, brother, sister, first cousin, nephew, niece, aunt, uncle, in-law, and step-child of to a full-time City employee, elected or appointed City official.

(a) The Personnel Rules provide that appointments to full-time City positions be based upon merit and fitness as determined by impartial selection processes. However, when, in the judgment of the City Manager, the City's impartial operations and effective working relations would be jeopardized, the City will:

1. Refuse to place a relative in a supervisory relationship of another relative where the placement has the potential for creating adverse impact on supervision, safety, security, morale, or a conflict of interest.
2. Refuse to place both relatives in the same department, division, or facility where the placement has the potential for creating adverse impact on

supervision, safety, security, or morale, or involves potential conflicts of interest.

- (b) Upon the marriage or other creation of a relative relationship between two City employees due to marriage or adoption, or a City employee and an appointed or elected official, the Personnel Officer shall be notified in writing by the employees involved and the department head(s). The Personnel Officer shall consult with the department head(s) and specific employees in reaching a recommendation in accordance with Personnel Rules and the following suggested options. The City Manager shall be the final determining authority in such matters.
 - 1. The employment relationship is acceptable if no adverse impact is anticipated; related employees are not in a supervisory relationship or in direct contact in the same or related departments; and the relationship will in no way detrimentally affect departmental operations.
 - 2. Transferring one relative to an unrelated department, where a vacancy exists, may be approved where problems occur or are anticipated.
 - 3. Adjustment of shifts may be approved if it is believed the relationship will interfere with the work environment.
 - 4. Termination of one of the related employees may be recommended if the department head cannot find a solution to the problems involved. Absent resignation by one affected employee, the less senior, in terms of overall City service, of the involved employees shall be subject to separation.
- (c) Relatives currently employed by the City on the date these Personnel Rules are adopted shall not be affected by the provisions of this section, except:
 - 1. If continued employment in a specific area has or is proven to be detrimental to departmental or City operations, in which case the options in Section 4.12 (b) shall apply.
 - 2. In case of a potential promotion or transfer of related employees, should such action prove detrimental to departmental or City operations, all provisions of this section shall apply.
- (d) The Personnel Rules limiting full-time appointments in Rule IV, Section 12, shall also be applied to part-time appointments as follows:
 - 1. No relative of any full-time employee shall be appointed to a part-time position within the same department.
 - 2. No relative of a part-time employee shall be appointed to any part-time or full-time position in which any direct or indirect supervisory relationship would exist.

SECTION 5.14. Outside Employment: Employees may engage in outside employment, in addition to their City employment, only under the following conditions:

- (a) There shall be no conflict of interest or incompatibility with the employee's City employment.
- (b) The time involved in outside employment shall not adversely affect the employee's attitude or efficiency in City employment.
- (c) No telephone calls or personal contacts concerning the outside employment shall be made during the hours of City employment.
- (d) The City's time, facilities, equipment, supplies, uniform, prestige, and influence are used for private gain or advantage.
- (e) It shall not involve receipt of money or other consideration for the performance of acts that the employee would be required or expected to render as part of his or her services to the City.
- (f) It shall not involve an act that may later be subject directly or indirectly to the control, inspection, review, audit, enforcement by the employee or his or her department.
- (g) Each employee shall report all outside employment to the department head and shall secure the written approval of such department head and the City Manager prior to the commencement of outside employment. If so employed upon first being considered by the City for employment, the prospective employee shall declare such employment if it is intended that outside employment shall continue after being employed by the City.

SECTION 5.15. Personnel Action Form: Every appointment, transfer, promotion, demotion, change of salary rate, or any other temporary or permanent change in status of the employee shall be reported to the Personnel Officer in such manner as may be prescribed.

SECTION 5.16. Personnel Records: The Human Resources Manager is the designated Personnel Officer for the City of Coalinga. Under the direction of the City Manager, the Personnel Officer with the assistance of the confidential Personnel Assistant shall maintain the personnel record for each employee in the service of the City. Such personnel records shall include, but not be limited to the following:

- 1. Documentation of significant events, including discipline or commendations.
- 2. Employee history log (data and status record), May include emergency notification information.
- 3. Status changes (personnel action forms).
- 4. Selection records (employment requisition, application, resume, hiring checklist, background information, skills tests, recommendation for employment by Department Head, offer/acceptance letter).
- 5. Employment development records and performance records (employee performance appraisals, education updates, training received, etc.).

6. Miscellaneous, including benefit records and separation records (resignation letter, termination checklist, CORBA notification, exit interview, reference waiver, job description and specification information).

Sensitive and privileged employee information will be maintained in a file separate from the employee personnel file. This information will include all material of a confidential nature including, but not necessarily limited to: medical examination information, drug/alcohol test results, psychological profiles (brief report), polygraph results (brief report); background check report, background information questionnaires completed by former employers and personal references.

Full written reports of psychological profiles and polygraph results shall be returned to the testing agency and not maintained by the City of Coalinga.

Personnel files are the property of the City, and access to the information they contain is restricted to protect employee privacy interests. Access to the confidential files may be allowed if the City Manager feels access would be helpful, necessary or warranted for administrative purposes. Access will be available only to the City Manager, Personnel Officer, and Department Head with approval of the City Manager.

Department Heads are responsible for forwarding documents for inclusion in the Personnel Record. Separate personnel files shall not be maintained by individual departments. However, working files containing copies of employee information may be maintained by the Departments. Information which may be included in the Department files may include copies of personnel action forms, copies of appropriate certificates as necessary for employment and copies of educational certificates. All other material shall be included in the Personnel Record maintained by the Personnel Officer. Training files may be maintained by the various Departments with copies of training certificates to be forwarded to the Personnel Officer for inclusion in the Personnel Record. Department Heads or other supervisory personnel who violate this policy by placing or allowing to be placed in the Departments working file any document not also properly placed in the official Personnel Record shall be subject to discipline.

All employee information shall be treated as confidential except when requested to verify information relating to job title, department, base salary, and dates of employment. Information contained in the personnel file will not be released to the public without the express written permission of the employee, provided, unless otherwise permitted by law.

Information contained in the Personnel Records of all past or current employees may be released only by the City Manager, the Personnel Officer or his/her designee. Information contained in Personnel Records of sworn employees of the Police Department other than job title, department, base salary, and dates of employment, shall not be released without a notarized waiver of release signed by the current or former employee, unless otherwise permitted by law.

The employee Personnel Records shall be maintained according to the Personnel Records Retention Scheduled adopted by the City Council on August 17, 1997 by Resolution 2607 as follows:

Retention Schedule of Personnel Records and Related Employee Information Files:

<u>Records to Retain</u>	<u>Minimum Retention Period</u>
Recruitment records used in the hiring or promotion of employees including job announcement, job description, applications, test results, and eligibility list.	Two years from date of personnel action.
Personnel files of terminated employees (includes training records).	Five years after date of termination unless otherwise required by State or Federal law.
Disciplinary actions (Letters of Instruction, Letters of Reprimand, Suspensions, Demotions) in employee Personnel file.	Permanent information, not to be removed.
Validated Citizen Complaints in personnel file.	Permanent information, not to be removed.
I-9 Forms.	Three years from date of hire, or one year from date of termination, whichever is longer. Retention of this document may be altered at any time as mandated by US Department of Justice, Immigration and Naturalization Service.
Basic employee information, payroll, time cards, collective bargaining agreements, and merit/seniority system records.	Three years.
Employee medical benefits files.	Period of plan plus one year beyond termination.
Employment retirement plans files (ICMA 401 and 457 plans).	No expiration. Retain until one year after last reported activity from ICMA.
Supporting documents of benefits plans or reports.	Six years after filing date of documents.
Records relevant to complaints of legal hiring checklist, actions.	One year after action is resolved.
Affirmative Action programs with supporting documentation and related EEO documents.	Not specified by Federal or State law. Recommend five years.
OSHA logs of injuries and illnesses and supplemental injuries.	Five years beyond year log refers to.
OSHA records of monitoring of exposure to hazardous materials.	Thirty years.

The City reserves the right to adjust minimum retention periods based on changes regulated by the Office of Contract Compliance Programs, The Department of Homeland Security and other governing agencies.

SECTION 5.17.

Political Activities: An officer or an employee of the City shall not, directly or indirectly, solicit political funds or contributions knowingly, from other officers or employees of the

City or from persons appearing on any employment list maintained by the City of Coalinga or any of its departments. Nothing herein, however, shall prohibit an officer or employee of the City from communicating through the mail or by other means a request for political funds or contributions to a significant segment of the public which may include officers or employees of the City of Coalinga. No officer or employee of the City shall participate in political activities of any kind while in uniform. No officer or employee of the City of Coalinga shall engage or participate in any political activity during working hours, on City premises, or in facilities owned or operated by the City. Employees are free to support candidates of their choice outside their employment for the City.

SECTION 5.18. Prescription Safety Glasses: City employees who work in an environment where their department head requires the use of safety glasses are eligible to receive \$50.00 annually towards the cost of a pair of prescription safety glasses. For reimbursement, an invoice for their safety glasses should be attached to an employee expense claim form signed by the employee and department head, then submitted to the Administrative Services Director.

SECTION 5.19. Provisions of State or Federal Law: In any case where the provisions of these Personnel Rules are in conflict with the provisions of any law of the State of California or any law of the United States of America, the provisions of law shall be controlling.

SECTION 5.20. Release of Personnel Information: The City of Coalinga is extremely concerned about the accuracy of any information provided to individuals outside the City of Coalinga regarding current or former employees.

All requests for personnel references must be directed to the Personnel Officer. No other department head, supervisor, or employee is authorized to release references for current or former employees. The City's policy as to references for employees who have left the City is to disclose only the dates of employment and position or positions held. If an employee or former employee authorizes disclosure in writing, or if the disclosure is required by law, the City will also provide additional information to the prospective employer as may be required by law. For employment verification of current employees, the City's policy is to disclose only that the employee is currently employed on the date of verification request, and confirm salary if provided on rental or credit application of the employee. Employment and salary information requested for mortgage loan purposes will be provided only if the employee has signed the request form.

Employees and former employees of the City have a right to inspect their personnel file, as provided by law, in the presence of the Personnel Officer at a mutually convenient time during regular office hours. Employees and former employees may receive a copy of the personnel file upon paying the cost of copying.

Any request for information from personnel files must be directed to the Personnel Officer. Only the Personnel Officer is authorized to release information about current or former employees. Disclosure of personnel information to outside sources will be limited. However, the City will cooperate with requests from authorized law enforcement or local, state, or federal agencies conducting official investigations as legally required.

SECTION 5.21. Requests For Leave: Employees who plan on being away from their normally scheduled duties (i.e. for vacation, doctor appointment, etc.) should complete a Request for Leave form.

With the exception of emergencies, these forms should be completed and submitted to the department head two weeks prior to the planned absence.

Each department head should approve or deny an employee's request for leave within two working days after receiving it, except when such leave is of an emergency nature.

All requests for leave will be granted at the discretion of the Department Head. The City also reserves the right to revoke any approved leave should conditions warrant such action.

SECTION 5.22. Residence: The Memorandums of Understanding that exist between the City of Coalinga and the Associations representing City employees document negotiated response times for safety and public works personnel. Although the City encourages that employees live within the City of Coalinga, it is not required.

SECTION 5.23. Seatbelts: State Law and common sense require the wearing of seatbelts. It is the City's policy that all employees, with the exception of transit drivers driving vehicles where no seatbelt is available or required, wear seatbelts while operating a vehicle on duty. Violation of this policy will result in disciplinary action.

SECTION 5.24. Security: The security of facilities as well as the welfare of City employees requires that every individual be constantly aware of potential security risks. Employees should immediately notify their supervisor or department head when unknown persons are acting in a suspicious manner, in or around that facility, or when keys, security passes, access cards, or identification badges are lost or misplaced.

SECTION 5.25. Smoking: Use of tobacco products, including any electronic or vaping devices, shall not be allowed in City-owned buildings or vehicles. Smoking is prohibited within twenty (20) feet of all building entrances.

SECTION 5.26. Timekeeping Requirements: All non-exempt employees are required to record time worked on a time card. Salaried and exempt employees also may be required to record their time on a time card.

All employees are required to sign their time card to certify the hours they have worked. The signature should be placed at the bottom of the time card after completion of the time worked for the appropriate two-week period. Those cards not signed will be returned for signature.

When an employee, for one reason or another (such as vacation, illness, etc.) is not available to sign his/her time card until a later date, the employee should complete and sign his/her time card in advance. If this is not possible, then the time card should be completed for the employee, and submitted to the Payroll Department so the employee will be paid timely. Where the time card is submitted for the employee, the employee will sign the time card upon return to work. Shift employees can complete and sign their timecard upon completion of their last work shift for the respective payroll period, if they so desire.

Time cards are a legal document, and as such should be completed with care and accuracy by the employee. Any error on an employee's time card should be reported by the employee to his/her supervisor, who will attempt to correct legitimate errors.

Forging, falsifying or illegally altering a timecard is grounds for discipline up to and including termination.

SECTION 5.27.

Worker's Compensation Claims: By law, the City is required to provide insurance for employees who are injured on the job or become ill as a result of their job. The City is required to report any injury to the Worker's Compensation carrier within five (5) working days of the injury. The incident must be reported regardless of whether or not medical attention is required and/or time off from work occurs.

The procedure outlined below should be followed for reporting work-related employee injuries/illness:

1. An employee who is injured in any way while on duty, must **immediately** report said injury to his/her supervisor. If the employee's injury prohibits him/her from reporting the accident to his/her supervisor, the employee's department head is then responsible for reporting the accident.
2. The employee must complete an Employee's Claim For Worker's Compensation Benefits, form DWC-1, the same day as the accident and return the form to his/her supervisor for completion. The report describes the injury and how, when, and where the accident occurred.
3. The supervisor of the injured employee must complete the employer portion of the Employee's Claim for Workers' Compensation Benefits' and give the employee the designated copies of this form. Employee will receive Employee's Copy for his/her records, in addition to Employee's Temporary Receipt, which may be used as Workers' Compensation reference should medical attention be necessary for employee's injury/illness.
4. The supervisor must complete a Supervisor Accident Report. All copies of this report must be submitted along with the Employee's Claim For Workers' Compensation Benefits form and the Accident Investigation Report where applicable, to the Personnel Office immediately.
5. The Personnel Office is responsible for sending all claim forms to the Worker's Compensation carrier, and disbursing copies of claim and Supervisor Accident Report to appropriate City personnel. The Workers' Compensation carrier will notify the employee of eligibility and will explain any benefits to the employee.
6. Violation or disregard for these reporting procedures may result in the City's receiving a fine or an employee's forfeiting his/her workers' compensation benefits.

SECTION 5.28

Vehicle Use Policy: Employees who are required to drive a City vehicle or their own vehicle on City business will be required to show proof of current valid driving license and current effective insurance coverage before the first day of employment.

The city participates in a system that regularly checks state Department of Motor Vehicles (DMV) records of all employees who drive as part of their job.

The City retains the right to transfer to an alternative position, suspend, or terminate an employee whose license is revoked, or who fails to maintain personal automobile insurance coverage or who is uninsurable under the City's policy.

Employees who drive their own vehicle on City business will be reimbursed at the IRS mileage rate in effect at the time. Employees must keep a mileage log and submit a written request for reimbursement by the 1st of each month with a copy of the applicable mileage log entries attached.

All employees who drive in the course and scope of employment are subject to, and must be familiar with, the City Vehicle Use Policy.

RULE VI. EQUAL EMPLOYMENT OPPORTUNITY POLICIES

SECTION 6.01. Equal Employment Opportunity Policy: The City of Coalinga prohibits discrimination against employees or applicants for employment on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age (40 and over), sexual orientation, or military and veteran status or any other basis protected by law. The City will afford equal employment opportunity to all qualified employees and applicants as to all terms and conditions of employment, including compensation, hiring, training, promotion, transfer, discipline, and termination. Employees who believe they have experienced any form of employment discrimination or harassment are encouraged to report this immediately to the Personnel Officer.

SECTION 6.02. Reasonable Accommodation Policy for Applicants and Employees with Disabilities:

(a) Policy: The City of Coalinga 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; employees with conditions related to pregnancy, childbirth, or a related medical condition; employee victims of domestic violence, sexual assault, or stalking to promote the safety of the employee victim while at work; and employees who request reasonable accommodation to address a conflict between a religious belief or observance and any employment requirement.

(b) Procedure:

1. Request for Accommodation:

An applicant or employee who desires a reasonable accommodation in order to perform job functions should make such a request in writing to the Personnel Officer. The request must identify: a) the job-related function at issue; b) the desired accommodation(s).

2. Reasonable Documentation of Disability:

Following receipt of the request, the Personnel Officer or his/her designee may require additional information, such as reasonable documentation of the existence of a disability.

3. **Fitness for Duty Examination:**
The City may require an employee to undergo a fitness for duty examination 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.
4. **Interactive Process Discussion:**
After receipt of reasonable documentation of disability, fitness for duty report, or other information triggering the interactive process, the City will arrange for a discussion, in person or via telephone conference call, with the employee, and his or her representative(s), if any. The purpose of the discussion is to work in good faith to discuss all feasible potential reasonable accommodations.
5. **Case-by-Case Determination:**
The City determines, with consideration given to the employee's preference, in its sole discretion, 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.

SECTION 6.03. Harassment/Discrimination/Retaliation Prevention Policy:

- (a) Purpose: It is the City's intent and the purpose of this Policy to provide all employees, applicants, and contractors with an environment that is free from any form of discriminatory harassment, discrimination or retaliation as it is defined in this Policy. This Policy prohibits harassment or discrimination on the basis of any of the following protected classifications: an individual's race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age (40 and over), sexual orientation, or military and veteran status or any other basis. It is also the policy of the City to provide a procedure for investigating alleged harassment, discrimination and retaliation in violation of this Policy. The protection from discrimination includes the protection from retaliation for having taken action whether as a complainant, or for assisting a complainant in taking action, or for acting as a witness or advocate on behalf of an employee in a legal or other proceeding to obtain a remedy for a breach of this policy.
- (b) Policy: The City has zero tolerance for any conduct that violates this policy. Conduct need not rise to the level of a violation of law in order to violate this Policy. Instead, a single act can violate this Policy and provide grounds for discipline or other appropriate sanctions. If you are in doubt as to whether or not any particular conduct may violate this Policy, do not engage in the conduct, and seek guidance from a supervisor or the Personnel Officer.
- (c) Definitions:
 1. **Protected Classifications:**

This policy prohibits harassment or discrimination because of an individual's protected classification(s). "Protected Classification" includes race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age (40 and over), sexual orientation, or military and veteran status or any other basis.

2. Policy Coverage:

This Policy Prohibits elected officials, officers, employees, interns, volunteers, and contractors from harassing or discriminating against applicants, officers, officials, employees, interns, volunteers, and contractors because: (a) of an individual's actual or perceived protected classification, (b) of the perception of an individual's protected classification, or (c) the individual associates with a person who has or is perceived to have a protected classification.

3. Discrimination:

This Policy prohibits treating individuals differently because of the individual's protected classification as defined by this Policy.

4. Harassment:

Harassment means unsolicited words or conduct which subjectively and objectively offend another person. Harassment includes, but is not limited to, the following examples of behavior undertaken because of an individual's protected classification:

- a. Verbal harassment, such as nicknames and slang terms, derogatory or suggestive comments, propositioning, jokes or slurs, including graphic verbal commentaries about an individual's body, or that identify a person on the basis of his or her protected classification. Verbal harassment includes comments on appearance and stories that tend to disparage those of a protected classification.
- b. Visual forms of harassment, such as derogatory posters, notices, bulletins, cartoons, drawings, sexually suggestive objects, or emails on the basis of a protected classification. Visual harassment includes mimicking the way someone walks or talks because of their protected classification.
- c. Physical harassment, such as assault, touching, impeding or blocking movement, grabbing, patting, leering, making express or implied job-related threats in return for submission to physical acts, taunting, or any other physical interference with normal work or movement.
- d. Sexual harassment, such as unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature or any of the above described conduct when:
 - i. Submission to such conduct is either an expressed or implied term or condition of an individual's employment, or
 - ii. Submission to or rejection of such conduct is used as the basis for employment decisions affecting such individual, or

- iii. Such conduct has the purpose or effect of altering work conditions as to make it more difficult for a person to do his or her job or creating a hostile, intimidating or offensive work environment.
 - iv. By definition, sexual harassment is not within the course and scope of an individual's employment with the City of Coalinga.
- (d) Romantic and Sexual Relationships between Supervisors and Subordinates: Romantic or sexual relationships between supervisors and subordinate employees are discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships. The relationship may create an appearance of impropriety and lead to charges of favoritism by other employees. A welcome sexual relationship may change, with the result that sexual conduct that was once welcome becomes unwelcome and harassing. The City Manager has the authority to separate the supervisor and the subordinate employee by transfer of one or both employees at his/her discretion if he/she believes it is for the best interest of the City. Romantic or sexual relationships are subject to the City's Fraternization Policy.
- (e) Retaliation: Retaliation against a person, and his or her associates, who reports or provides information about harassment or discrimination is strictly prohibited. Any act of reprisal violates this Policy and will result in appropriate disciplinary action. Examples of actions that might be retaliation against a complainant, witness or other participant in the complaint process include: (a) singling a person out for harsher treatment; (b) lowering a performance evaluation; (c) failing to hire, failing to promote, withholding pay increases, assigning more onerous work, abolishing a position, demotion or discharge; or (d) real or implied threats of intimidation to prevent an individual from reporting harassment or discrimination.

Well-intentioned attempts to insulate or protect a complainant by changing his or her work environment or schedule or duties or by transferring the complainant to another office may be retaliatory. Before a supervisor takes such action, the supervisor must contact the Personnel Officer.

Any act of retaliation will be treated as a separate and distinct incident, regardless of the outcome of the harassment or discrimination complaint.

- (f) Reporting Harassment, Discrimination or Retaliation: An applicant, employee, officer, official, intern, volunteer, or contractor who feels he or she has been harassed, discriminated against or retaliated against in violation of this Policy should report the conduct immediately as outlined below so that the complaint can be resolved timely and fairly.

All employees involved in the complaint process may be represented by a person of their choosing at their own expense.

1. Oral Report

If a person who believes that this Policy has been violated should report the conduct to a supervisor, department head or any City management employee. The individual may also seek the advice, assistance or consultation of a supervisor, department head or any other City management employee without regard for the chain-of-command. Any supervisor or management employee

who receives such a report must in turn direct it to the Personnel Officer. The Personnel Officer will determine what level of investigation and response is necessary.

2. Written Process

An individual who believes this Policy has been violated may provide a written complaint to a supervisor, department head or any other City Management employee without regard to the chain-of-command. Any supervisor or management employee who receives such a report must in turn direct the complaint to Personnel Officer. Individuals are encouraged to use the Confidential Complaint Form for this purpose.

3. Option to Report to Outside Administrative Agencies

Applicants, employees, officials, officers, interns, volunteers, and contractors also have the option to report harassment, discrimination, or retaliation to the United States Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH).

(g) City's Response to Complaint of Harassment, Discrimination or Retaliation:

1. Investigation

Upon receipt of a complaint of alleged harassment, discrimination or retaliation, the Personnel Officer will be responsible for coordinating a thorough investigation, unless he/she is named in the complaint, in which case the City Manager or his/her designee will be responsible. The Personnel Officer may coordinate the investigation with the complainant's department head and may hire an outside investigator if the City deems it appropriate. The type of investigation undertaken, and the party chosen to conduct the investigation will depend on the nature of the complaint made and will be determined by the Personnel Officer. The Personnel Officer will report the status of investigations to the City Manager as appropriate.

The Personnel Officer, in concurrence with the City Manager, may take interim action to diffuse volatile circumstances.

The investigator will review the complaint allegations in an objective manner and to the extent that the City deems necessary. The investigation will normally include interviews with the reporting individual, the accused, and any other person who is believed to have relevant knowledge concerning the allegations. The investigator will remind all witnesses that retaliation against those who report alleged harassment or who participate in the investigation is prohibited.

The City takes a proactive approach to potential Policy violations and will conduct an investigation if its officers, supervisors, or managers become aware that harassment, discrimination or retaliation may be occurring, regardless of whether or not the recipient of the alleged action or a third party reports a potential violation.

2. Remedial and Disciplinary Action

If the investigation determines that the alleged conduct occurred and that the conduct violated this Policy, the City will notify the complainant and perpetrator

of the general conclusion(s) of the investigation and take effective remedial action that is designed to end and address the violation(s). Any employee or officer determined to have violated this Policy will be subject to disciplinary action, up to and including termination. Disciplinary action may also be taken against any official, supervisor or manager who condones or ignores potential violations of this Policy, or who otherwise fails to take appropriate action to enforce this Policy. Any intern, volunteer, official, or contractor found to have violated this Policy will be subject to appropriate sanctions.

3. Closure

At the conclusion of the investigation, the Personnel Officer will notify the complainant in general terms of the outcome of the investigation.

4. Confidentiality

Every possible effort will be made to assure the confidentiality of complaints made under this Policy. Complete confidentiality cannot occur, however, due to the need to fully investigate potential Policy violations and take effective remedial action. The City will not disclose a completed investigation report except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or court order.

(h) Responsibilities of Employees, Management and Supervisory Employees:

1. Employees

In order to establish and maintain a professional working environment, while at the same time preventing harassment, discrimination, and retaliation, employees are expected to:

- a. Set an example of acceptable conduct by not participating in or provoking behavior that violates this Policy. Do not be angry or insulted if an individual tells you that your behavior is offensive. People have different ethical values and standards and may be offended by behavior you think is proper. Tell the individual you did not realize your behavior was offensive and immediately cease the conduct.
- b. Let fellow employees know when you consider behavior offensive. The City hires people from a wide variety of cultural and ethnic backgrounds, and an individual may not realize behavior he or she thinks is proper could be seen by others as offensive.
- c. Report harassment, discrimination or retaliation as quickly as possible, whether you are the target of the conduct or a witness.
- d. If you witness harassment, tell the individual being harassed that the City has a policy prohibiting such behavior and that he/she can demand that the harasser cease the behavior immediately.
- e. Maintain confidentiality as required by this Policy.

- f. Fully cooperate with the City's investigation of complaints made under this Policy.
 - g. Completing mandatory training as required by law or the City.
- 2. Management and Supervisory Employees:
In addition to the responsibilities listed above, management and supervisory employees are responsible for the following:
 - a. Implementing this Policy by taking all complaints seriously and modeling behavior that is consistent with this Policy. Direct all complaints to the Personnel Officer.
 - b. Taking positive steps to eliminate any form of harassment, discrimination or retaliation observed or brought to his/her attention.
 - c. Making sure no department head, supervisor or other employee retaliates through any action of intimidation, restraint, coercion or discrimination.
 - d. Monitoring the work environment and taking appropriate action to stop potential Policy violations.
 - e. Following up with those who have complained to ensure the behavior complained of has ceased.
 - f. Informing complainants of their option to contact the EEOC or DFEH regarding potential Policy violation.
 - g. Completing mandatory training for supervisors/managers as required by law or the City.
- (i) Mandatory Training: As part of its commitment to ensuring a work environment free from harassment, or retaliation, and discrimination, the City requires that all of its employees receive a copy of this Policy at least once every two years. The Personnel Officer or his/her designee will also be responsible for assigning sexual harassment training to supervisors once a year.

SECTION 6.04

- Workplace Violence Policy: The City of Coalinga is committed to providing a safe workplace for its employees, guests, contractors, vendors, and the public and will not tolerate acts or threats of violence in the workplace. The workplace includes any location where City business is conducted, including vehicles and parking lots. Any violation of this Policy may lead to criminal prosecution, and disciplinary action, up to and including termination.
- (a) Workplace Violence Prohibition: The City strictly prohibits threatened or actual workplace violence. This includes, but is not limited to, any of the following conduct associated in or around the workplace, or otherwise related to employment:
 - (1) Threatening or actually injuring or damaging a person or property
 - (2) Fighting or threatening to fight another person

- (3) Using obscene or abusive language or gestures in a threatening manner
- (4) Raising voices in a threatening manner
- (5) Striking, punching, slapping, touching, or assaulting another person
- (6) Harassing or threatening phone calls.
- (7) Possessing a weapon during work hours unless the City issues the weapon for performance of the job. "Weapon" is defined as a firearm, chemical agent, club or baton, knife, or any other device, tool, or implement that can cause bodily harm if used as a weapon or displayed in such a manner to cause harm or threaten a person with harm.

Because of the potential for misunderstanding, joking about any of the above misconduct is also prohibited.

- (b) Reporting Violent Conduct: Any workplace violence incidents or incidents indicating a potential for violence are to be reported to the Personnel Officer immediately. Incident reports are to be completed as appropriate. If the City determines that an employee has violated this policy, the employee will be subject to immediate discipline up to an including termination.
- (c) Imminent Danger/Violent Incident Procedure: In the event of an employee reasonably believing that a situation with an aggressive employee, guest, citizen, contractor, vendor or other party may immediately become violent, putting the employee and/or others in danger, the employee should promptly leave the work area and immediately call 911 to request officer contact.

No disciplinary action shall be taken against any employee who leaves a work area when the employee has a reasonable belief that an emerging situation with an aggressive person is likely to turn violent at that time. The employee should coordinate the timing and circumstances of possible return to the area with police and his/her immediate supervisor.

- (d) Security Precautions: It is important that building security procedures are specifically followed at all times (i.e. doors being locked after hours, employees not disclosing door codes, etc.). Employees should inspect work areas periodically and identify conditions that are recognized as being unsafe.

SECTION 6.05.

Substance Abuse Policy: The City and its employees recognize that behavior resulting from the use of alcohol and/or other drugs may detrimentally affect work performance, safety, public confidence in the City's work force and may present a risk to City employees and the health and welfare of the citizens of the City of Coalinga.

In recognition of the City's responsibility to maintain a safe, healthful and productive work environment and each employee's responsibility to perform work for the public safety, effectively and efficiently, the City will act to eliminate any substance abuse which increases the risk of accidents, absenteeism, substandard performance, poor employee morale or damage to the City's reputation. Substance abuse includes the purchase, use, sale, manufacture, or possession of legal or illegal drugs, alcohol or

controlled substances which could or does impair an employee's ability to perform his or her job safely, effectively and efficiently.

The City of Coalinga believes that its employees are its most important assets. Thus, a primary objective of the policy is to ensure that public safety and the welfare of our employees are not endangered as a result of substance abuse. Additionally the City is committed to provide an employee with an opportunity for recovery and rehabilitation enabling the affected employee to return to a satisfactory performance level.

(a) Policy: It is the City's policy that no employees shall:

1. Report to work under the influence of alcohol or drugs;
2. Be under the influence of alcohol or drugs while on standby;
3. Possess alcohol or drugs while on the job site or City property except as authorized in the course and scope of duty;
4. Use alcohol and/or drugs while on the job site or City property or while on standby except as authorized in the course and scope of duty;
5. Sell, distribute, manufacture, or provide alcohol or drugs to any employee or to any person while such employees are on duty or subject to being called;
6. Have their ability to work impaired as a result of the use of alcohol or drugs, including prescribed medications;
7. Operate City vehicles or other equipment while under the influence of alcohol and/or drugs.

Violations of this policy may be grounds for disciplinary action, up to and including discharge.

While use of medically prescribed medication and drugs is not per se a violation of this policy, failure by the employee to notify his/her supervisor before beginning work when taking such medication or drugs which may interfere with the safe and effective performance of their duties or operations of City equipment will be considered a violation of this policy. In addition, taking prescribed medications in excess of the prescribed amount may be grounds for discipline if it affects the employee's ability to perform his or her duties. In the event there is a question regarding the employee's ability to safely and effectively perform the assigned duties while using such medication or drugs, clearance from a qualified physician will be required. Supervisors will be required to fill out a Substance Abuse Report.

Employees reasonably believed to be under the influence of alcohol or drugs shall be prevented from engaging in further work, and shall be detained for a reasonable time until an authorized City representative or law enforcement representative can transport the employee from the work site.

An employee may be required to submit to a drug and/or alcohol test consisting of the compulsory production and submission of breath, urine, or blood for chemical analysis to detect prohibited drug or alcohol usage when his/her department head or supervisor,

with the agreement of the Personnel Officer, has reasonable suspicion that the employee has a prohibited presence of drugs or alcohol in his/her system while on duty or subject to duty. Please note that some employees of the City may be subject to more stringent drug and alcohol testing policies as required by State or Federal law or department policy, including random drug testing.

Reasonable suspicion is defined as a belief based upon objective facts sufficient to lead a reasonable prudent supervisor or department head to suspect that an employee has a prohibited presence of drugs, controlled substances, or alcohol in his/her system so that the employee's ability to perform the functions of the job is impaired or so that the employee's ability to perform his/her job safely is reduced. For example, any of the following, alone or in conjunction, may constitute reasonable suspicion:

- slurred speech;
- alcohol odor on breath;
- unsteady walking and movements;
- accident involving City property;
- physical altercation;
- unusual behavior;
- possession of alcohol or drugs;
- information obtained from a reliable person with personal knowledge;
- disorientation or job impairment;
- inability to perform employee's job in a routine manner;
- glassy eyes;
- drowsiness;
- euphoria;
- mood swings;
- inattentiveness;
- excitement or confusion;
- irritability;
- aggressiveness;
- intoxicated behavior without odor of drugs/alcohol;

The above is not an exhaustive list.

Any department head or supervisor requesting an employee to submit to a drug and/or alcohol test shall document in writing the facts constituting reasonable suspicion that the employee in question has a prohibited presence of drugs, controlled substances or alcohol in his/her system.

Prior to the administration of any drug or alcohol testing, the department head or supervisor shall first obtain from the employee to be tested a completed signed consent form. Said consent shall provide for the employee's consent in writing to an alcohol or drug test and the release of the test results to the City. Refusal to sign the consent may be considered an insubordinate act resulting in disciplinary proceedings up to and including termination.

Disciplinary action up to and including dismissal, may be taken against an employee for positive results from any drug and/or alcohol test or other conduct in violation of this policy.

The City is committed to providing reasonable accommodation to those employees whose drug or alcohol problem classifies them as disabled under applicable law.

- (b) Application: This policy applies to all employees of the City. This policy applies to alcohol and to all substances, drugs or medications, legal or illegal, which could impair an employee's ability to effectively and safely perform the functions of the job.
- (c) Employee Assistance: The City pays 100% of the premium for the Employee Assistance Program (EAP) offered by Horizon Health Services through Standard Insurance. For confidential assistance, employees may contact Horizon Care at (888) 293-6948.

Section 6.06

Veterans Preference Policy: For purposes of this section, a "veteran" is one who has served on active-duty in the United States Armed Forces for a period of at least 730 continuous days of active duty and who has received an honorable discharge from active duty. The definition of the term "veteran" as used in this rule shall not include reserve or other inactive service.

Military veterans shall be given preference in initial appointment to City service, in accordance with this policy. "Veterans Preference" is only applicable on initial entrance into City service. The exercise of said veterans preference shall be exhausted upon appointment to a position from an eligibility list. The application of veterans preference on any recruitment following initial entrance into City service shall not apply. Veterans preference shall be solely for the purpose of determining the ranking position on an eligibility list and shall not guarantee employment with the City of Coalinga.

To receive veterans preference, the veteran must meet the minimum qualifications established for entrance to the examination, attain a passing score in each phase of the open recruitment examination process, and qualify for placement on an eligibility list. In the event of a tie between candidates for ranking on an eligibility list, and all phases of the examination process being equal, persons qualifying to receive veterans preference shall be placed one rank higher than non-veterans preference candidate with which the tie exists. In determining whether all phases of the examination process are equal, consideration will be given to the percentage value of written and oral board portions as established by the Department Head at the onset of the recruitment.

In the event of a tie between two or more candidates in which two or more of the candidates of the tie are eligible for veterans preference, ranking placement on the eligibility list shall be by lottery, with applicants to receive veterans preference placed in higher ranking than those candidates not eligible to receive veterans preference. All regulations mentioned above to determine ranking will be imposed.

Veterans who are in the process of separation from military service may file a written statement showing the anticipated date of discharge and certifying that the discharge is for honorable reasons. Such statements must be filed no later than the filing date for the recruitment. The veteran being discharged shall be entitled to veterans preference pursuant to this rule only if a certified copy of form DD-214 is filed with the Personnel Department prior to the date employment is to commence as stipulated in a letter from the City Manager offering appointment or in a letter stipulating employment date following completion of any medical, psychological, or polygraph examinations that may be required for specific positions. If such proof is not filed before date employment is to commence, veterans documents will not be accepted, and the

veteran's position on an eligibility list shall be adjusted to indicate that candidate is not eligible to receive veterans preference.

To claim veterans preference, a veteran must fill out and submit the Veterans Preference Application Form, along with a certified copy of their most recent discharge form (DD-214) to the Personnel Department, as evidence of military service, on or before the final filing date for the recruitment. Veteran preference must be established separately for each recruitment. Failure to request veterans preference on the application or to submit the required credentials (DD-214) prior to the final filing date for the recruitment will be deemed a waiver of veterans preference.

RULE VII. CLASSIFICATION

- SECTION 7.01. Adoption, Amendment and Revision of Plan: The classification plan shall be adopted by the City Council and may be amended from time to time by resolution. During the process of consideration, any recognized employee organization affected shall be consulted and any other interested party may appear and be heard by the City Council. Amendments and revisions to the plan may be suggested by any interested party, including any recognized employee organization, and shall be submitted to the City Council through the City Manager. Notice of City Council consideration of the proposed classification plan, amendments or revisions shall be publicly posted on all City bulletin boards at least ten (10) days prior to City Council action.
- SECTION 7.02. Allocation of Positions: Following the adoption of the classification plan and consultation with any recognized employee organization affected, the Personnel Officer shall allocate every position in the competitive service to one of the classes established by the plan.
- SECTION 7.03. New Positions: When a new position is created, before the position may be filled, and except as otherwise provided by ordinance or these Personnel Rules, no person shall be appointed, employed, or transferred to fill any new position until the classification plan has been amended to provide for the position, an appropriate employment list established for the position, and the position has been authorized and funded.
- SECTION 7.04. Preparation of Plan: The Personnel Officer shall ascertain and record the duties and responsibilities of all positions in the competitive service and, after consulting with heads of departments affected, and any recognized employee organizations involved, shall recommend a classification plan for such positions. The competitive service shall be defined by class specifications including the title. The classification plan shall be so developed and maintained that all positions substantially similar with respect to duties, responsibilities, authority, and character of work are included within the same class and that the same schedules of compensation may be made to apply with equity under similar working conditions to all positions in the same class.
- SECTION 7.05. Reclassification: Positions, the assigned duties of which have been materially changed by the City, so as to necessitate reclassification, whether new or already created, shall be allocated by the Personnel Officer to a more appropriate class, whether new or already created. Reclassifications shall not be used for the purpose of avoiding restrictions concerning demotions and promotions, or to effect a change in salary in the absence of a significant change in assigned duties and responsibilities.

RULE VIII. COMPENSATION

- SECTION 8.01. Adoption of Plan: The compensation plan is adopted and may be amended from time to time by action of the City Council. During the process of consideration, any recognized employee organization affected and any other interested party may appear and be heard. Amendments and revisions of the plan may be suggested by any interested party, including any recognized employee organization, and may be submitted to the City Council through the City Manager. Notice of City Council consideration of the proposed compensation plan, amendments or revisions shall be publicly posted prior to City Council action and copies shall be provided to all affected employees upon request at least ten (10) days prior to City Council action. Thereafter, no position may be assigned a salary not in conformance with the compensation plan unless the salary schedule for the class is amended in the same manner as provided for its adoption. Any person temporarily appointed to serve in a higher classification, and serving continuously in the classification for five (5) consecutive working days, shall receive the compensation established for the higher classification for the entire period of service in said classification.
- SECTION 8.02. Bi-lingual Pay Differential: When an employee is required to use bi-lingual skills on a continuous basis outside of his/her normal and typical job duties, that employee shall be granted \$50.00 a month for use of this skill. The City Manager shall determine the necessity of the use of bi-lingual skills and the Personnel Officer shall arrange for testing of employees interested in receiving bi-lingual pay prior to the granting of this amount. As information, this is a non-negotiated, management initiated policy, and may be modified or withdrawn at any time solely at the discretion of management.
- SECTION 8.03. Emergency Personnel: All part-time, temporary, and provisional personnel on an emergency basis, not included in the compensation plan, shall be paid in accordance with rates of pay established by the Personnel Officer, which rates shall not exceed the prevailing rates for similar classes within the area. Such rates may be established upon any reasonable basis, such as hourly, weekly, or monthly, and may be modified from time to time by the Personnel Officer as may be required by economic conditions.
- SECTION 8.04. Holiday Time Compensation for Exempt/Shift Employees: Employees who are exempt from FLSA overtime/comp time laws and normally work shifts will be compensated for holiday time with equal time off at a later date, which date and time shall be at the discretion of the department head.
- SECTION 8.05. Overtime: It shall be the duty of all department heads to operate their departments with a minimum of overtime. However, in cases of emergency or when otherwise necessary, an employee of the City may be required to work overtime. Overtime work is that work performed by an employee during a period of time other than normally scheduled for his or her specific employment. For employees not subject to a partial overtime exemption, work in excess of forty (40) hours in a seven day period, except as otherwise specified in these Rules, shall be considered overtime. With respect to non-clerical and non-exempt employees working in the Fire Department, work in excess of 182 hours in a 24-day work period shall be considered subject to overtime. All employees entitled to overtime shall be entitled to receive either hourly equivalent pay or equivalent time off, at a rate of one and one-half times pay or one and one-half time off for each hour of overtime worked.

All overtime work, to be eligible for overtime pay or equivalent time off, must have the approval of the City Manager through the department head. Employees who do not receive approval will be paid overtime, but may be subject to discipline.

No FLSA non-exempt General and Police employee shall accumulate more than eighty (80) hours of compensatory time off at any given time. No FLSA non-exempt employee of the Fire Department shall accumulate more than twenty-one (21) hours compensatory time off at any given time during a calendar month. All compensatory time off for Fire Department employees must be used within thirty (30) days of its accrual, unless otherwise authorized by the department head. Any amount of time over 21 or 80 hours, whichever is applicable, must be cashed out. The accumulation of compensatory time off is also calculated by the recording of fractional hours at the overtime rate. Upon termination, an employee will be paid for unused accrued compensatory time off.

The following positions are considered FLSA Exempt and will not be entitled to overtime:

Exempt Employees

City Manager
Assistant City Manager
Community Development Director
Public Works and Utilities Director
Financial Services Director
Police Chief
Police Commander
Police Lieutenant
Fire Chief
Deputy Fire Chief
Certified Building Official
Human Resources Director
Financial Services Supervisor
Assistant to the City Manager/City Clerk
Public Works Supervisor
Utilities Supervisor
Assistant Field Services Manager
Senior Administrative Analyst

Overtime, like regular time, is calculated by the recording of fractional hours worked rounded up to the nearest 1/10th of an hour as shown below:

<u>Minutes Worked</u>	<u>Hour</u>
1 - 6	.1
7 - 12	.2
13 - 18	.3
19 - 24	.4
25 - 30	.5
31 - 36	.6
37 - 42	.7
43 - 48	.8

49 - 54	.9
55 - 60	1.0

Fire employees have a twenty-four (24) day work period which consists of eight (8), twenty-four (24) hour shifts.

SECTION 8.06. Preparation of Plan: The Personnel Officer shall prepare a compensation plan covering all classes of positions in the competitive service. In arriving at salary rates or ranges, consideration shall be given to prevailing rates of pay and consideration of working conditions for comparable work in other public and private employment, to current costs of living, to suggestions of department heads, to the City's financial condition and policies, and to other relevant factors. The Personnel Officer shall thereafter make such further studies of the compensation plan as may be requested by the City Council.

SECTION 8.07. Promotion and "Out-of-Class": If an employee is promoted and/or requested to temporarily work at a higher job classification, that employee shall be entitled to an increase in pay as stated in the Memorandum of Understanding between the City and the Association representing the employee.

Notwithstanding the above, all increases must be consistent with the pay plan and cannot exceed the step and range established for the position.

Out-of-Class for management and mid-management personnel not covered by a Memorandum of Understanding (MOU): If a mid-management or management employee is requested to work out-of class at a higher job classification for a period of greater than four consecutive weeks in length, that employee shall be entitled to the following increase in salary beginning on the first day of the fifth week of out-of-class work: a one-time \$750 bonus and, for mid-management, a 10% gross salary adjustment; for management employees, a 12.5% gross salary adjustment. Notwithstanding the above, all increases must be consistent with the pay plan and cannot exceed the lowest step and range established for the position. Upon the 32nd consecutive day, out-of -class pay shall be granted retroactive to day one for a period not to exceed six months. Approval of the City Manager is required for the out-of-class pay to continue beyond 6 months. Approval of the City Council is required for the out-of-class pay to continue beyond 6 months, for the City Manager position. Employees are restricted to one out-of-class pay increase at a time.

SECTION 8.08. Salary Rates and Step and Time Intervals for General Employees: The steps of each salary range will be interpreted and applied as follows based off of the Basic Employee Pay Scale:

Step A - Payable during probationary period. The first step is the minimum rate and shall normally be the hiring rate for the class. If it is difficult to secure qualified personnel at the normal hiring rate, or a person of unusually high qualifications is available, the City Manager may hire at a higher step.

Step B - Payable after one year of service at Step A, successful completion of probation and upon recommendation of the department head and approval of the City Manager, based on demonstrated standard or above performance.

- Step C - Payable after one year of service at Step B and upon recommendation of the department head and approval of the City Manager, based on demonstrated standard or above performance.
- Step D - Payable after one year of service at Step C and upon recommendation of the department head and approval of the City Manager, based on demonstrated standard or above performance.
- Step E - Payable after one year of service at Step D and upon recommendation of the department head and approval of the City Manager, based on demonstrated standard or above performance.
- Step F - Payable after one year of service at Step E and upon recommendation of the department head and approval of the City Manager, based on demonstrated standard or above performance.

An accelerated merit may be granted by the City Manager, based on a request of the department head, to reward employees who are exceptional in performance. Salary rates and/or advancement to a higher step will be based on merit through the performance evaluation.

SECTION 8.09.

Salary Rates and Step and Time Intervals for Safety Employees: The steps of each salary range will be interpreted and applied as follows:

- Step A - Payable during probationary period. The first step is the minimum rate and shall normally be the hiring rate for the class. If it is difficult to secure qualified personnel at the normal hiring rate, or a person of unusually high qualifications is available, the City Manager may hire at a higher step.
- Step B - Payable after one year of service at Step A, successful completion of probation and upon the recommendation of the department head and approval of the City Manager, based on demonstrated standard or above performance.
- Step C - Payable after one year of service at Step B, and upon the recommendation of the department head and approval of the City Manager, based on demonstrated standard or above performance.
- Step D - Payable after one year of service at Step C, and upon the recommendation of the department head and approval of the City Manager, based on demonstrated standard or above performance.
- Step E - Payable after one year of service at Step D, and upon the recommendation of the department head and approval of the City Manager, based on demonstrated standard or above performance.
- Step F - Payable after one year of service at Step E, and upon the recommendation of the department head and approval of the City Manager, based on demonstrated standard or above performance.

An accelerated merit may be granted by the City Manager, based on a request of the department head, to reward employees who are exceptional in performance. Salary rates and/or advancement to a higher step will be based on merit through the performance evaluation.

SECTION 8.10. Seniority Bonus: Seniority bonuses are paid to employees for continuous years of service to the City. Bonus amounts and qualifying years of service vary by Association and are addressed in the Memorandums of Understanding between the City and the Associations.

SECTION 8.11. Standby for Emergency Work: Standby for emergency is defined as that period of time during which an employee is required to be available and on call for emergency work, which period of time shall be in addition to and not the same as the employee's normal work day. Employees who are required by the department head to be on standby for emergency work during off-duty hours shall be compensated in accordance with the following:

Employees who are required to be on standby for emergency work shall be compensated in accordance with the Memorandum of Understanding that exists between the City and the Association representing the employee.

Said compensation shall be paid to such an employee when he is required, as a condition of his or her employment, to remain at home or otherwise be available for immediate duty during off-duty hours.

SECTION 8.12. Notary Pay Differential: When an employee is required to use notary skills on a continuous basis, that employee shall be granted \$50.00 a month for use of this skill. The City Manager shall determine the necessity of the use of notary skills and the Personnel Officer shall confirm the appropriate certification of employees interested in receiving notary pay prior to the granting of this amount. As information, this is a non-negotiated management initiated policy, and may be modified or withdrawn at any time solely at the discretion of management.

RULE IX. APPLICATIONS AND APPLICANTS

SECTION 9.01. Announcement: All examinations for classes in the competitive service shall be publicized by posting, on official City bulletin boards, and by such other methods as the Personnel Officer deems appropriate. The announcements shall specify the title and pay of the class for which the examination is announced; the nature of the work to be performed; preparation desirable for the performance of the work of the class; minimum qualifications required for the position; the manner of making application; and other pertinent information. Special recruiting shall be conducted, if necessary, to insure that all segments of the community are aware of the forthcoming examinations. In accordance with public sector guidelines, all vacancies shall remain open for a minimum of ten days.

SECTION 9.02. Application Forms: Applications shall be made as prescribed on the examination announcement. Application forms shall require information covering training, education, experience, and other pertinent information including relevant licenses or certificates and references.

SECTION 9.03. Confidential: All applications and examination papers, letters of reference, and all other written material relating to any applicant or application are confidential records of the City.

SECTION 9.04. Criminal Conduct - Ineligibility for Employment: Applicants who receive a conditional offer of employment will be required to disclose criminal convictions, except for misdemeanor marijuana-related convictions that are over two years old, or convictions that have been judicially sealed, eradicated, or expunged. Unless required by law, the City will not deny employment to an applicant solely because he or she has been convicted of a crime. For the purposes of this policy, a conviction includes pleas of guilty and nolo contendere. Where the employment is not legally barred, the appointing authority may disregard such conviction if it is found and determined by such appointing authority that mitigating circumstances exist. In making such determination, the appointing authority shall consider the following factors:

- (a) the classification, including sensitivity, to which the person is applying or being certified and whether the classification is unrelated to the conviction;
- (b) the nature and seriousness of the offense;
- (c) the circumstances surrounding the conviction;
- (d) the length of time elapsed since the conviction;
- (e) the age of the person at the time of the conviction;
- (f) the presence or absence of rehabilitation or efforts at rehabilitation;
- (g) contributing social or environmental conditions.

An applicant who is disqualified for employment under this section will receive notice of the disqualifying conviction; a copy of the conviction report, if any; and notice of the applicant's right to respond and submit additional evidence. The City will consider any information provided by the applicant before making a decision. If the City makes a final decision to disqualify the applicant, the applicant may appeal the determination of disqualification. Such appeal shall be in writing and filed with the City Manager within ten (10) days of the date of the final notice of disqualification. The City Manager shall hear and determine the appeal within ninety (90) days after it is filed. The determination of the City Manager on the appeal is final. The applicant may also file a complaint with the DFEH.

The above shall not apply to any position for which the City is required to conduct a background check or a position with the Police Department.

SECTION 9.05. Disqualification: The Personnel Officer may reject any application which indicates on its face that the applicant does not possess the minimum qualifications required for the position. Applications may be rejected if the application indicates facts that show that the applicant is physically or psychologically unable to perform the job applied for, and no reasonable accommodation, if required by law, can be made for such disability; is addicted to the habitual excessive use of drugs or intoxicating liquor; has made any false statement of any material fact; or practiced any deception or fraud in an

application. Whenever an application is rejected, notice of such rejection shall be mailed to the applicant by the Personnel Officer.

RULE X. EXAMINATIONS

- SECTION 10.01. Conduct of Examinations: The City Council may contract with any competent agency or individual for the preparing and/or administering of examinations. In the absence of such a contract, the Personnel Officer shall see that such duties are performed. The Personnel Officer shall have broad discretion in determining the time, place, and manner of conducting examinations including the power to have examinations conducted outside the City, if necessary. The Personnel Officer shall arrange for the use of public buildings and equipment and shall be responsible for the conduct of examinations.
- SECTION 10.02. Continuous Examination: Open, competitive examinations may be administered periodically for a single class as the needs of the service require. Names shall be placed on employment lists, and shall remain on such lists, as prescribed in Rule XI.
- SECTION 10.03. Examination Process: The selection techniques used in the examination process shall be impartial and relate to those subjects which, in the opinion of the Personnel Officer, fairly measure the relative capacities of the persons examined to execute the duties and responsibilities of the class to which they seek to be appointed. Examinations shall consist of selection techniques which will test fairly the qualifications of candidates such as, but not necessarily limited to: achievement and aptitude tests; other written tests; personal interviews; other oral examinations; performance tests; physical agility tests; evaluation of education, training, experience and work history; daily work performance; work samples; medical tests; psychological tests; successful completion of prescribed training; or any combination of these or other tests.
- SECTION 10.04. Notification of Examination Results and Review of Papers: Each candidate in an examination shall be given notice of the results thereof, and if successful, of the final earned score and/or rank on the employment list.
- All candidates shall have the right to inspect their own test answer sheet within five working days after the notifications of examination results have been mailed. Any error in computation, if called to the attention of the Personnel Officer within this period, shall be corrected. Such corrections shall not, however, require invalidation of appointments previously made. Review of the examination questions shall not be permitted.
- SECTION 10.05. Promotional Examinations: Promotional examinations may be conducted whenever, in the opinion of the Personnel Officer, the needs of the service require. Promotional examinations may include any of selection techniques mentioned in Section 10.03 of this rule, or any combination of them. Regular or probationary employees or persons who have been filling the positions on a temporary basis who meet the requirements set forth in the promotional examination announcements may compete in promotional examinations.
- SECTION 10.06. Scoring Examinations and Qualifying Scores: A candidate's score on a given examination shall be the combination of the scores on each competitive part of the examination, weighted and averaged as shown in the examination announcement.

- (a) Unless otherwise provided in notices posted prior to holding the examination, the general average required for passing shall be no less than seventy (70) percent.
- (b) All applicants in the same examination shall be accorded uniform and equal treatment in all phases of the examination procedure.
- (c) All ties in final scores shall be broken by priority of application.
- (d) Failure in one part of the examination may be grounds for declaring such applicant or applicants as failing in the entire examination and disqualification from subsequent parts of the examination.
- (e) The Personnel Officer, may, at his/her discretion, include as part of the examination, tests, which are qualifying only.

SECTION 10.07. Medical Examinations: Each probationary and regular City employee shall be subject to satisfactorily completing a physical examination, which may include a drug screening test by a qualified medical examiner. The City may require periodic physical examinations of employees. Expense for such examinations shall be borne by the City.

RULE XI. EMPLOYMENT LISTS

SECTION 11.01. Duration of Lists: Employment lists other than those resulting from a continuous examination shall remain in effect for six (6) months, unless sooner exhausted or abolished by the Personnel Officer. Such lists may be extended, prior to their expiration dates, by action of the Personnel Officer for additional periods, but in no event shall an employment list remain in effect for more than one (1) year.

Open, competitive lists created as a result of continuous examinations shall remain in effect for not more than one year after the last administration of the examination, unless sooner exhausted or abolished. Names placed on such lists may be merged with any others already on the list in order of final scores and shall remain on the list for not more than one year.

SECTION 11.02. Employment Lists: As soon as possible after the completion of an examination, the Personnel Officer shall prepare and maintain an employment list consisting of the names of candidates who qualified in the examination, arranged in order of final scores, from the highest to the lowest qualifying score.

SECTION 11.03. Re-employment Lists: The names of probationary and regular employees who have been laid off shall be placed on appropriate re-employment lists in the order of total continuous cumulative time served in probationary and regular status. Such names shall remain thereon for a period of one year unless such persons are sooner re-employed. After one year, upon written request, the names may be carried for an additional extension, not to exceed one year.

When a re-employment list is to be used to fill vacancies, the Personnel Officer shall certify all the names on the list for consideration by the appropriate department head.

SECTION 11.04. Removal of Names From List: The name of any person appearing on an employment, re-employment, or promotional list shall be removed by the Personnel Officer if the

eligible fails to respond to a notice of certification mailed to the last designated address, or for any of the reasons specified in Rule IX, section 9.04, of these Rules. The person affected shall be notified of the removal of the name by a notice mailed to the last known address. The names of persons on promotional employment lists who resign from the service shall automatically be dropped from such lists.

RULE XII. EMPLOYMENT POLICIES FOR TEMPORARY AND PART-TIME EMPLOYEES

SECTION 12.01. Part-Time Employees Appointed Provisionally: All employees who are hired to work part-time are not classified or placed on any of the employee pay schedules. Instead, they will be given an hourly rate determined by the department head with the approval of the City Manager for all hours worked. Part-time employees will work scheduled hours (per department head). Any time worked in excess of scheduled hours, but less than 40 hours a week, will be paid at the assigned regular hourly rate and must be approved by appropriate department head or City Manager.

The following is a list of benefits, which part-time employees appointed provisionally are eligible to receive:

Workers Comp:	Yes
Unemployment:	Yes
Uniform:	Per Department

All part-time employees are encouraged to apply for full-time positions and in-house promotional opportunities for which they may qualify.

SECTION 12.02. Reserve Firefighters: All employees who are hired as reserves are not classified or placed in any of the City employee pay schedules. Instead, they will be given an hourly rate of pay.

Pay commences upon successful completion of Field Training by the Coalinga Fire Department.

Pay rates will be recommended by the Fire Chief and approved by the Personnel Officer and City Manager.

Uniform:	\$100 allowance and then \$100 allowance upon each anniversary date and recommendation of department head and approval of the City Manager, based on standard or above performance.
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All Reserves are encouraged to apply for full-time positions and in-house promotional opportunities for which they may qualify.

SECTION 12.03. Reserve Dispatchers: All employees who are hired to work part-time are not classified or placed in any of the City employee pay schedules. Instead, they will be given an hourly rate of pay.

Pay rates will be recommended by the Police Chief and approved by the Personnel Officer and City Manager.

Uniform: \$100 allowance and then \$100 allowance upon each anniversary date and recommendation of department head and approval of the City Manager, based on standard or above performance.

All part-time Dispatchers are encouraged to apply for full-time positions and in-house promotional opportunities for which they may qualify.

SECTION 12.04. Reserve Police Officers: All employees who are hired to work part-time are not classified or placed in any of the City employee pay schedules. Instead, they will be given an hourly rate of pay.

Pay commences upon successful completion of a Field Training Officer Program.

Pay rates will be recommended by the Police Chief and approved by the Personnel Officer and City Manager.

The following is a list of benefits which part-time paid Reserve Police Officers are eligible to receive:

Uniform: \$100 allowance upon completion of Field Training Program and then \$100 allowance upon each anniversary date from completion of Field Training Program and recommendation of department head and approval of the City Manager, based on standard or above performance.

All part-time Reserve Police Officers are encouraged to apply for full-time positions and in-house promotional opportunities for which they may qualify.

SECTION 12.05. Temporary Employees Appointed Provisionally: Temporary employees are not classified or placed on any of the employee pay schedules. Instead, they will be given an hourly rate determined by the department head with the approval of the City Manager for all hours worked. Temporary employees will work scheduled hours (per department head). Any time worked in excess of scheduled hours, but less than 40 hours a week, will be paid at the assigned regular hourly rate and must be approved by appropriate department head or City Manager.

The following is a list of benefits which temporary employees appointed provisionally are eligible to receive:

Uniform: Per Department

All temporary employees are encouraged to apply for full-time positions and in-house promotional opportunities for which they may qualify.

RULE XIII. METHOD OF FILLING VACANCIES

SECTION 13.01. Appointment: After interview and investigation, the appointing power shall make appointments from among those certified, and shall immediately notify the Personnel Officer of the persons appointed. The person accepting appointment shall report to the Personnel Officer, or the Personnel Officer's designated representative, for processing on or before the date of appointment. If the applicant accepts the appointment and reports for duty within such period of time as the department head

shall prescribe, the applicant shall be deemed to be appointed; otherwise, the applicant shall be deemed to have declined the appointment.

SECTION 13.02. Certification of Eligible Individuals: If the Personnel Officer does not consider it in the City's best interest to fill the vacancy by reinstatement, transfer, or demotion, or if it is not possible to fill the vacancy by re-employment, certification shall be made from an appropriate employment list, provided eligible individuals are available.

When the department head requests a vacancy be filled by appointment from a promotional employment list or from an open employment list, the Personnel Officer shall certify from the specified list the names of all individuals willing to accept appointment. Whenever there are fewer than three names of individuals willing to accept appointment on a promotional employment list or on an appropriate employment list, the department head may make an appointment from among eligible individuals or may request the Personnel Officer establish a new list. When so requested, the Personnel Officer shall hold a new examination and establish a new employment list.

SECTION 13.03 Notice to Personnel Officer: If a vacancy in the competitive service is to be filled, the appointing power shall notify the Personnel Officer in the manner prescribed. If there is no re-employment list available for the class, the appointing power shall have the right to decide whether to fill the vacancy by reinstatement, transfer, demotion, appointment from a promotional employment list, or appointment from an appropriate employment list.

SECTION 13.04. Provisional Appointment: In the absence of there being names of individuals willing to accept appointment from appropriate appointment lists, a provisional appointment may be made by the department head of a person meeting the minimum training and experience qualifications for the position. Such an appointment may be made during the period of suspension, demotion, or discharge of an employee and such vacancy may be filled by the department head subject to the provisions of the ordinance and the Personnel Rules. A provisional employee may be removed at any time without the right of appeal or hearing. No provisional appointment shall exceed six (6) months.

A provisional appointee shall have no benefits other than those specifically enumerated herein. If a provisional appointee is selected for a full-time position with the City as a consequence of the normal recruitment process, the time served as a provisional appointee may be counted as time toward the satisfaction of the required probationary period.

No special credit shall be allowed in meeting any qualifications or in the giving of any test or the establishment of any open-competitive promotional lists, for service rendered under a provisional appointment.

SECTION 13.05. Types of Appointment: All vacancies in the competitive service shall be filled by promotion, transfer, demotion, re-employment, reinstatement, lateral entry or by a part-time employee who has special qualifications, training, or experience which, in the opinion of the Personnel Officer, exceeds the minimum qualifications at entry level for the position being sought; or from eligible employees certified by the Personnel Officer from an appropriate employment list, if available. In the absence of persons eligible for appointment in these ways, provisional appointments may be made in accordance with the Personnel Ordinance and these Personnel Rules.

RULE XIV. PERFORMANCE EVALUATIONS

SECTION 14.01. Evaluation Report Schedule: Periodic performance evaluation reports are required for all employees who are either regular employees or probationary employees.

Evaluation reports are prepared according to the following schedule:

- (a) All regular employees: Once each year, according to anniversary date.
- (b) All probationary employees: Every three months throughout the probationary period.
- (c) Any employee who is due to receive a merit salary increase will be rated prior to the granting of the increase.
- (d) Any employee whose total performance evaluation is rated as unsatisfactory will be rated at least monthly.
- (e) Any employee whom the supervisor feels that, because of special performance problems, the employee should be rated more frequently.

The frequency of performance evaluations may vary depending upon length of service, job position, past performance, changes in job duties or recurring performance problems.

SECTION 14.02. Participants in the Evaluation Process:

- (a) The Rater: The supervisor is primarily responsible for translating the performance evaluation policy and process into play on a daily basis. The supervisor is directly responsible for training employees, developing their potential, and accomplishing the work of the unit. He/she must define the job and document all pertinent information related to the employees work performance. In addition, the supervisor must let employees know how well they are doing by discussing their work performance, not only when performance evaluations are due, but on a regular basis. In those instances where an employee is supervised by more than one supervisor, the performance evaluation should be written by the current supervisor, but should also include input from all other supervisors of the employee during the time period under review.
- (b) The Reviewer: The review function provides an opportunity for higher level managers to gain valuable insight into the supervisory capabilities of their subordinate managers. A thorough examination of performance evaluations prepared by subordinate managers can indicate to what degree they have internalized the philosophy and intentions of the department's performance evaluation policy. It can provide information on the supervisor's method of training, counseling, or disciplining employees, and indicate whether further supervisory training is needed.
- (c) The Employee: Characteristics being measured must be relevant to actual job duties.

To aid in the identification of relevant factors, a clear specification of job standards or goals must be developed and agreed upon.

Communication channels between the supervisor and employee must be open; the employee must be certain the rater has adequate knowledge of performance and of job-related problems.

SECTION 14.03. Purpose of Performance Evaluations: Performance evaluation is the process of determining how well employees do their jobs compared to a set of standards, and communicating that information to the employees.

Evaluation reports must be discussed with the employee privately and signed by the employee verifying the appraisal. The employee's signature does not indicate agreement with the report, only that the employee has read and discussed the report with the supervisor. If the employee disagrees with any part of the evaluation, the employee may comment on the evaluation or attach a supplement to the evaluation.

RULE XV. PROBATIONARY PERIOD

SECTION 15.01. Objective of Probationary Period: The probationary period shall be regarded as a part of the testing process and shall be utilized for closely observing the employee's work and for securing the most effective adjustment of a new employee to his or her position.

SECTION 15.02. Regular Appointment Following Probationary Period: All original and promotional appointments shall be tentative and subject to a probationary period of not less than one year. After written notification, the department head/division head may extend such probationary period up to six (6) additional months. The probationary period shall commence from the date of appointment. In the event of illness or injury requiring absence from work, the number of days absent shall be added to the length of the probationary period.

The Personnel Officer shall notify the department head or division head of the probationer concerned two (2) to four (4) weeks prior to the termination of any probationary period. If the service of the probationary employee has been satisfactory to the department head/division head, then the department head/division head shall file with the Personnel Officer a statement in writing to such effect and stating that the retention of such employee in the service is desired. If such a statement is not filed, the employee will be deemed to be unsatisfactory and employment will be terminated at the expiration of the probationary period. Where a statement of satisfactory or unsatisfactory service has not been filed, the Personnel Officer shall serve notice of termination.

- (a) Every officer employed by the Police Department shall satisfactorily complete a probationary period of not less than twelve (12) months actual service. This requirement shall apply also to officers who enter the Police Department from another department of the City of Coalinga.

Every officer who is promoted or appointed to a higher position in the Police Department shall satisfactorily complete a probationary period of not less than twelve (12) months actual service.

- (b) All new employees entering the Fire Department shall satisfactorily complete a probationary period of not less than twelve (12) months. This requirement shall apply also to employees who enter the Fire Department from other City Departments.

Every employee in the Fire Department who is promoted to a higher position shall satisfactorily complete a probationary period of not less than twelve (12) months.

- (c) All General Employees entering into employment with the City of Coalinga shall satisfactorily complete a probationary period of not less than twelve (12) months. This requirement shall apply also to employees who transfer from one department to another into a different classification.

Every employee at the City who is promoted to a higher position shall satisfactorily complete a probationary period of not less than twelve (12) months.

- (d) All employees reclassified from one position to another within the same department shall not have to complete an additional probationary period so long as it is an actual reclassification and not a promotion.

SECTION 15.03. Rejection Following Promotion and Transfer: Any employee rejected during the probationary period following a promotional or transfer appointment, or at the conclusion of the probationary period by reason of failure of the department head to file a statement that his or her services have been satisfactory shall be reinstated to the position from which he was promoted or transferred unless charges are filed and he or she is discharged in the manner provided in these Personnel Rules for positions in the competitive service.

SECTION 15.04. Rejection of a Probationer: During the probationary period, a regular employee may be rejected at any time by the appointing power without cause and without the right of appeal, hearing, or any grievance procedure, unless otherwise required by law. Notification of rejection by the appointing authority department or division head shall be served on the probationer and copies filed with the City Manager and Personnel Officer.

RULE XVI. ATTENDANCE AND LEAVES

The City may grant leaves of absence to employees in certain circumstances. It is important to request any leave in writing as far in advance as possible, to keep in touch with your supervisor and the Personnel Officer during your leave, and to give prompt notice if there is any change in your return date. If your leave expires and you have not contacted your supervisor or the Personnel Officer, it will be assumed that you do not plan to return and that you have terminated your employment. Upon return from a leave of absence, you will be credited with the full employment status which existed prior to the start of the leave.

SECTION 16.01. Annual Vacation Leave: Vacation shall be earned and granted according to current Memorandum of Understandings or Administrative Policy applicable to each employee in the Competitive Service.

New employees will be allowed to begin utilizing accrued vacation subject to approval of the department head and the City Manager.

The time at which regular employees shall take their vacations shall be determined in each case by the department head, due regard being given for the wishes of the employees, provided, however, that the wishes of the employee shall not be contrary to the best interests of the service.

Regular Employees may take vacation leave in the amount of days accumulated at the time of such leave. Provided that for good cause shown and upon prior approval of the department head, an employee may advance vacation in an amount not to exceed five (5) additional days. For purposes of computing annual vacation leave, a working day shall be considered as one-fifth of the number of working or duty hours in the established workweek. For purposes of computing annual vacation leave, a working day shall include all days used as vacation leave.

Vacation shall be granted according to the Memorandum of Understanding that exists between the City and the Association representing the employee.

Schedules for employee's vacation shall be prepared by each department head on an annual basis. When practical, employees will be scheduled for periods of leave based upon their preference and in order of length of tenure with the City. Any deviation from the schedule once prepared must be approved by the department head. Scheduled calendar dates for vacations may be transferred between employees within the same job classification with department head approval, however, vacation time shall not be transferred between employees in any manner that would increase or decrease the amount of vacation days allocated to each employee or incur overtime.

In the event one or more municipal holidays falls within an annual vacation leave, such holiday shall not be charged as vacation leave, and the vacation leave shall be extended accordingly if taken.

Vacation accruals are capped at an hourly maximum and vary by Memorandum of Understanding.

Employees who terminate employment, whether voluntarily or involuntarily, shall be paid in a lump sum for all accrued vacation leave earned prior to the effective date of termination; provided that vacation leave may not be taken without prior approval of the department head during the period following the employee's receipt of notice of intent to discharge the employee until final action has been taken pursuant to such notice.

SECTION 16.02.

Attendance: Employees shall be in attendance at their work site in accordance with the rules regarding hours of work, holidays, and leaves. All departments shall keep daily attendance records of employees which shall be reported to the Financial Services Director or his/her designee in the form and on the dates specified. Failure on the part of an employee, absent without leave, to return to duty within twenty-four (24) hours notice to return, shall be cause for immediate discharge, and such employee automatically waives all rights under the Personnel Rules.

The depositing in the United States mail of a First Class letter, postage paid, addressed to the employee's last known address shall be reasonable notice.

SECTION 16.03.

Bereavement Leave: Bereavement leave with pay shall be granted to all regular and probationary employees upon the death of a family member. Family members are defined to include husband, wife, father, mother, mother-in-law, father-in-law, brother, sister, brother-in-law, sister-in-law, stepfather, stepmother, aunt, uncle, children, stepchildren, grandmother, grandfather, grandchildren, or any relative living in the

same permanent residence as the employee. Such leave of absence is not to exceed three (3) days, or five (5) days if out-of-state travel is required except for non-clerical, non-exempt Fire Department employees. For these employees, bereavement leave shall be on a calendar day basis. However, an employee may use up to three (3) days of accrued sick leave in accordance with this Section in addition to bereavement leave.

SECTION 16.04. Holidays: Every employee in the competitive service, except members of the Police Department and Fire Department, who are required to be on duty, shall not be required to be on duty on holidays unless the employee's services are needed and required in the interests of the public health, safety, or general welfare, in which latter event any such employee shall be entitled to equivalent time and one half off at such time, as at the discretion of the department head, the employee's services are not needed or required.

When a holiday falls on a Saturday, the preceding Friday shall be observed. When a holiday falls on a Sunday, the following Monday shall be observed. If a holiday falls on an employee's regularly scheduled time off, equivalent time off shall be granted.

SECTION 16.05. Hours of Work: Except for safety employees whose workweek may vary, the normal work- week shall consist of forty (40) hours worked in a workweek and eighty (80) hours in a two week pay period. Shift work employees shall be granted five (5) working days of advance notice of changes in the scheduled shifts unless such change is due to illness or emergency. Notwithstanding the above, when public or operational necessity or efficiency of services are deemed by the City to require an other than normal workweek, workday, or work schedule, such will be prescribed by the City. Whenever there is a change in the existing workweek, work hours, or work schedule (except regularly scheduled shift changes) the City will advise the affected employee(s) of the reasons for the change. Nothing in this Section provides for or implies any additional compensation or benefit for work on another than normal workweek, workday, or work schedule.

The City reserves the right to institute a flexible or alternative workweek schedule. Recommendations for alternative workweek schedules shall be made to the Personnel Officer by the Department Head as deemed necessary. With approval from the City Manager, the Personnel Officer shall carry out all of the compliance duties for the implementation of the alternative work week schedule.

SECTION 16.06. Leave of Absence: The City Manager, in his/her unrestricted discretion, may grant a leave of absence without pay or gain in seniority for not to exceed three months. After three months, the leave of absence may be extended if so authorized. No such leave shall be granted except upon written request of the employee, setting forth the reason for the request, and the approval will be in writing. Upon expiration of a regularly approved leave or within a reasonable period of time after notice to return to duty, the employee shall be reinstated in the position held at the time leave was granted. Failure on the part of an employee on leave to report promptly at its expiration, or within a reasonable time after notice to return to duty shall be deemed to be discharged. The depositing in the United States mail of a first class letter, postage paid, addressed to the employee's last known place of address, shall be reasonable notice.

Department heads may grant a regular or probationary employee leave of absence without pay for not to exceed one calendar week. Such leave shall be reported to the Personnel Officer.

SECTION 16.07. Military Leave: The City of Coalinga grants leaves for uniformed service in compliance with all applicable federal and state laws. With exceptions and limitations, employees are entitled to reemployment and certain other benefits with the City of Coalinga during military service in accordance with applicable federal and state law.

Any employee who needs time off for uniformed service is to immediately notify his or her Department Head who will provide details regarding the leave with the assistance of the Personnel Officer.

If an employee is unable to provide notice prior to leaving for uniformed service, then a family member should notify his or her Department Head as soon as possible.

SECTION 16.08. Pregnancy-Related Disability Leave: An employee who is disabled because of pregnancy, childbirth, or a related medical condition is entitled to an unpaid pregnancy disability leave for up to four (4) months.

(a) Notice and Certification Requirements

1. Requests for pregnancy disability leave must be submitted in writing and must be approved by the employee's supervisor or department head before the leave begins. The request must be supported by a written certification from the attending physician stating that the employee is disabled from working due to pregnancy, childbirth or a related medical condition. The certification must state the expected duration of the disability and the expected date of return to work.
2. All leaves must be confirmed in writing, have an agreed-upon specific date of return, and be submitted to the department head prior to being taken. Requests for an extension of leave must be submitted in writing to the department head prior to the agreed date of return and must be supported by a written certification of the attending physician that the employee continues to be disabled due to pregnancy, childbirth, or a related medical condition. The maximum pregnancy disability leave is four (4) months.

(b) Compensation during Leave

Pregnancy disability leaves are without pay. However, the employee may first use accrued sick leave, vacation leave, and then any other accrued paid time off during the leave. If the employee receives State Disability Insurance (SDI), the employee may elect to submit the SDI payments to the payroll office to buy back sick hours.

(c) Benefits during Leave:

1. An employee on pregnancy disability leave may receive any group health insurance coverage that was provided before the leave on the same terms as provided to other employees. The City may recover premiums it paid to maintain health coverage, as provided by the family medical leave laws, if an employee does not return to work following pregnancy disability leave.

2. Sick and Vacation Leave Accrual: Sick leave and vacation leave do not accrue while an employee is on unpaid pregnancy disability leave.
- (d) Reinstatement:
1. Upon the expiration of pregnancy leave and the City's receipt of a written statement from the healthcare provider that the employee is fit to return to duty, the employee will be reinstated to her original or an equivalent position, so long as it was not eliminated for a legitimate business reason during the leave.
 2. If the employee's original position is no longer available, the employee will be assigned to an open position that is substantially similar in job content, status, pay, promotional opportunities, and geographic location as the employee's original position.
 3. If upon return from leave an employee is unable to perform the essential functions of her job because of a physical or mental disability, the City will initiate an interactive process with the employee in order to identify a potential reasonable accommodation.
 4. An employee who fails to return to work after the termination of her leave loses her reinstatement rights.

SECTION 16.09. Rest Periods: Rest periods will normally be provided to employees at the rate of fifteen (15) minutes for each four (4) hours worked. Further, except under unusual circumstances, rest periods will not be taken during the first or last hour of the workday. Since rest periods are paid time already, nothing in this section provides for or implies any additional compensation or benefit if a rest period is not received. The location at which such rest periods shall be taken may be determined by the appropriate department head or his or her designee.

SECTION 16.10. School Activities Leave: Any City employee who is a parent, guardian or grandparent having custody of one or more children in kindergarten or grades 1 through 12 or attending a licensed daycare facility shall be allowed up to forty (40) hours each school year, not to exceed eight (8) hours in any calendar month of the school year, without pay, to participate in activities of the school of their child. The employee must provide reasonable advance notice of the planned absence. The employee may be required to use vacation and or compensatory time off to cover the absence. The City may require the employee to provide documentation from the school as verification that the employee participated in school activities on a specific date and at a particular time. If both parents, guardians or grandparents having custody work for the agency at the same work site, only the first parent requesting will be entitled to leave under this provision.

SECTION 16.11. Sick Leave: Sick leave with pay shall be earned and granted according to current Administrative Policy applicable to each employee in the Competitive Service.

In accordance with California law, an employee may use one-half of their available annual accrual of sick leave for one of the following reasons:

- (a) For the employee's own diagnosis, care, or treatment of an existing health condition or preventative care; or

- (b) For the diagnosis, care, or treatment of an existing health condition or preventative care for an employee's family member, including a child (including a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis), spouse or registered domestic partner, parent (including biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child), grandparent, or sibling.
- (c) To obtain relief or services related to being a victim of domestic violence, sexual assault, or stalking, as further defined under Section 6.16.

Any additional paid sick leave used by an employee in a calendar year beyond the use of one-half on their annual accrual of sick leave can only be used for the employee's own diagnosis, care, or treatment of an existing health condition or preventative care

For employees who are not in the competitive service, the City will provide each employee with 3 days or 24 hours, whichever is greater, of paid sick leave after 90 days of employment and at the beginning of each subsequent 12-month period. Any unused accrued paid sick leave does not carry over year to year. Sick leave may be used for the same reasons as described above for employees in the competitive service.

Sick leave shall not be considered as a right to be used at the employee's discretion. Abuse or misuse of an employee's sick leave privilege will not be tolerated by the City.

In order to receive compensation while absent on sick leave, the employee shall notify the immediate supervisor or the department head before the time set for beginning his/her daily duties, or as may be specified by the department head. In those situations which have rendered the employee incapable of reporting absence as specified above, the employee shall report at the earliest possible time. When absence is for more than three (3) working days, the employee will be required to submit medical evidence of illness and/or medical certification of fitness to return to work satisfactory to the Personnel Officer before sick pay will be given. If there is reason to believe that sick leave has been misused, medical evidence of illness may be required beginning with the first day of absence from work by the department head. Failure to produce medical evidence in this situation will result in loss of pay for the employee.

For purposes of computing sick leave, a workday shall be considered 1/5 of the number of working days or duty hours in the established workweek for each employee.

Sick leave shall be earned bi-weekly at the rate of twelve (12) days per calendar year during the period of July 1 through June 30 and also earned while on sick leave.

At termination, unused sick leave will be reimbursed based on the following schedule:

- (a) General and Fire: Employees who leave the City in good standing and who have completed ten (10) or more consecutive years of employment shall be paid for 25% accumulated sick leave up to a maximum of 160 hours at their then current rate.
- (b) Police: Employees leaving the City in good standing after completing ten (10) or more consecutive years of employment and having a sick leave balance that exceeds 640 hours will receive compensation for 10% or 110 hours, whichever is less. Additionally, any member who retires from the City service will receive compensation for 25% of their accumulated sick leave or 160 hours, whichever is less.

No payment shall be made for accumulated sick leave at the time of termination of employment for employees not subject to the above provisions.

An employee receiving temporary disability payments under the Workers' Compensation laws or California State Disability may use accumulated sick leave in order to continue to maintain regular income if Workers' Compensation or California State Disability payments are turned over to the City. However, all employees receiving other salaries in lieu of temporary disability payments pursuant to Section 4850 of the Labor Code are entitled to accumulate sick leave during such periods of disability.

When accumulated sick leave is exhausted, the employee's pay shall terminate until such time as the employee returns to work. However, an employee with vacation credits may, upon written request to the Administrative Services Director and approval of the department head, use all or any part of accrued vacation credits as sick leave with pay until the accumulated vacation credits are exhausted. The Personnel Officer may grant a leave of absence without pay for the duration of the illness. The City may also require employees to use accumulated leaves before an employee goes into an unpaid status.

Time used for sick leave is included in determining the length of an employee's continuous service with the City and any entitlement to any employee benefit dependent upon the employee's length of continuous service.

SECTION 16.12. Witness and Jury Duty: The City encourages employees to serve on jury selection or jury duty when called. Every classified employee of the City who is called or required to serve as a trial juror or as a witness under subpoena shall be entitled to be absent from duty with the City during the period of such service or while necessarily being present in court as a result of such call. Under such circumstances, the employee shall be paid the difference between any payment received (except travel pay) for such duty and regular salary.

The employee should notify his/her supervisor of the need for time off for jury duty as soon as a notice or summons from the court is received. The employee may be requested to provide written verification from the court clerk of having served.

SECTION 16.13. Kin Care: Employees may, in a calendar year, use up to one-half their annually accrued sick leave to attend to ill child, parent, or spouse. For the purposes of this section:

A child is defined as a biological, foster or adopted child, stepchild or a legal ward. A child also may be someone the employee has accepted the duties and responsibilities for raising, even if he/she is not the employee's legal child.

A parent is the employee's biological, foster, or adoptive parent, stepparent or legal guardian.

A spouse is the employee's legal spouse according to the laws of California. There is no 'common law' spouse in the state of California.

SECTION 16.14

Leave Donation: The City of Coalinga shall allow full-time employees to transfer accumulated sick leave, sick leave incentive, vacation, compensation time or holiday time, on a voluntary basis, to another full-time employee of the City who has exhausted his/her accumulated sick leave, sick leave incentive, vacation, compensation time and holiday time due to non-job related long-term illness or for any qualifying event under Family Care Leave (Personnel System Rules, Section 16.19), providing the receiving employee began his/her long term illness, catastrophic illness or qualifying event under Family Care Leave with an accumulated sick leave and/or vacation balance of one hundred twenty (120) hours (3 weeks). Employees who do not have the required accumulated sick leave and/or vacation balance of 120 hours may not receive donated sick leave or sick leave incentive under this policy but may still receive donated vacation, compensatory time off, and holiday time provided they do not have a documented history of sick leave abuse. However, at the discretion of the City Manager, an employee who does not qualify for Family Care Leave or who has less than 120 hours of sick leave may receive vacation donations to bond with a new born child within the first 12 months of the child's birth.

Employees may donate from their accrued vacation, compensation time, holiday time or sick leave incentive without reservation. Employees may donate from their accrued sick leave as follows:

- (a) Employees with more than two years service may donate a maximum of all of their accrued sick leave exceeding one hundred twenty (120) hours.
- (b) Employees with less than two years service may donate a maximum of all their accrued sick leave exceeding 66% of the sick leave they have earned since being employed
- (c) Employees who do not have any accrued vacation, compensation time, holiday time or sick leave incentive may donate up to 8 hours of accrued sick leave provided they have an accrued sick leave balance of at least 16 hours after the donation. This 8-hour donation may only be made once every three months.

Employees may offer to donate up to 120 hours at a time by filling out a "Leave Donation Authorization Form. When all hours designated for donation by an employee have been utilized, the employee may offer to donate up to another 120 hours if the employee has hours available that meet the required criteria.

Any donated time, whether sick leave, sick leave incentive, vacation, compensation time or holiday time shall be considered to be sick leave for the

recipient and paid as such. Employees meeting the above criteria that are recipients of donated time shall be considered to be on unpaid medical leave of absence and, as such, shall not accrue any sick leave, vacation hours, or holiday hours based solely on the time donated during the period when the employee is using donated time.

The value (dollar amount) of the time donated shall be converted to the value (dollar amount) of the recipients' hourly wage. The Personnel Officer will maintain a list of employees who have offered to donate time to another employee and will utilize donated leave equally (in eight hour increments) from among all employees who have offered to donate time in order of first offered, first used. The Personnel Office will notify employees when their donated time has been used utilizing Record of Use of Donated Leave Form. When the receiving employee no longer qualifies to receive donated leave, any time not used will be returned to the donating employee.

It is the responsibility of individual employees or employee organizations to canvass other employees for the donation of time. It is emphasized that donations are solely voluntary, and coercion of fellow employees to donate is a violation of City policy.

Any City employee or employee organization can request that another employee become eligible for receipt of donated time. The following procedures will be used:

- (a) A written request will be submitted to the Personnel Officer using the City of Coalinga Leave Donation Eligibility Request Form. Proper justification for why the employee is eligible to receive donated time must be verified by the employee's supervisor and included on the form. The Leave Donation Eligibility Request Form will only be valid for 90 days. If the qualifying condition still exists after 90 days, another form must be processed for continued utilization of this program.
- (b) The Department Head and Personnel Officer will review the written request and make recommendations for approval or denial to the City Manager.
- (c) The City Manager, or his designated representative, shall approve or deny the written request according to the provisions included herein.
- (d) When the written request is approved, the Personnel Officer will notify all department heads and bargaining unit presidents of the name of the qualified recipient and the effective dates for contribution. Leave Donation Authorization Forms may be obtained from the Personnel Office for employee use.
- (e) Leave Donation Authorization Forms should be delivered to the Personnel Officer. When time is to be donated, Leave Donation Authorization Forms must be received by the Personnel Office at least five (5) work days prior to the day timecards are due for the payday for which time is to be donated.
- (f) All donated leave will be removed from the records of the donating individual immediately after the donation is approved. Donated leave will be transferred to the recipient's records as it is needed. The use of donated leave will be

recorded on the Record of Use of Donated Leave Form. Any donated leave that is not used by the recipient will be returned to the donor after the recipient is no longer qualified to use donated leave. A copy of the Record of Use of Donated Leave form will be provided to the donating individuals when all leave has been used or the recipient no longer qualifies to receive donated leave.

SECTION 16.15. Workweek: Employees of the City of Coalinga are paid bi-weekly. In order to comply with the Fair Labor Standards Act, the established workweek for the purposes of overtime calculation and payroll processing will begin each calendar Monday and end each calendar Sunday unless otherwise provide by regulations of the Fair Labor Standards Act.

SECTION 16.16. Domestic Violence/Sexual Assault Leave: An employee who is a victim of domestic violence or a victim of sexual assault may take time off work to attend to any of the following:

1. To seek medical attention for injuries caused by domestic violence or sexual assault.
2. To obtain services from a domestic violence shelter program, or rape crisis center as a result of domestic violence or sexual assault; or
3. To obtain psychological counseling related to an experience of domestic violence or sexual assault; or
4. To participate in safety planning and take other actions to increase safety from future domestic violence or sexual assault, including temporary or permanent relocation.

As a condition of taking time off, the employee shall give the employer reasonable advance notice of the employee's intention to take time off, unless advance notice is not feasible. When an unscheduled absence occurs, no adverse action will be taken if the employee, within a reasonable time after the absence, provides certification in the form of:

1. A police report indicating that he or she was a victim of domestic violence or sexual assault; or
2. A court order protecting or separating the employee from the perpetrator of an act of domestic violence or sexual assault, or other evidence from the court or prosecuting attorney that the employee has appeared in court; or
3. Documentation from a medical professional, domestic violence advocate or advocate for victims of sexual assault, health care provider, or counselor that he or she was undergoing treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence or sexual assault.

Employees shall utilize existing vacation or compensatory time off for purposes of the planned absence authorized by this section. If there is no accrued vacation or compensatory time off, employees will request leave without pay, however, this does not create a right for an employee to take unpaid leave exceeding what is provided for

in the federal Family and Medical Leave Act of 1993 or the California Family Medical Leave Act.

As required by law, the confidentiality of employees who request time off for any of the above reasons shall be maintained.

SECTION 16.17 Time Off to Vote: If an employee does not have sufficient time outside of working hours to vote at a statewide election, the employee may take up to two (2) hours off without loss of pay at the beginning or end of the regular working shift, whichever allows the most free time for voting and the least time off from the regular working shift, unless otherwise mutually agreed. Prior approval 48 hours before the leave for this time off by the employee's supervisor is required.

SECTION 16.18 Administrative Leave: The City has the right to place an employee on leave at any time with full pay. An employee may be placed on administrative leave pending investigation of misconduct, potential disciplinary action, or other reasons that the Personnel Officer, in his/her discretion, believes warrant such leave. The employee has no right to appeal if placed on administrative leave.

SECTION 16.19 Family and Medical Care Leave:

I. Policy: To the extent not already provided for under current leave policies and provisions, the City of Coalinga will provide family and medical care leave for eligible employees as required by state and federal law. The following provisions set forth certain of the rights and obligations with respect to such leave. Rights and obligations which are not specifically set forth below are set forth in the Department of Labor regulations implementing the Federal Family and Medical Leave Act of 1993 (FMLA), and the regulations of the California Family Rights Act (CFRA). Unless otherwise provided by this article, "Leave" under this article shall mean leave pursuant to the FMLA and CFRA.

II. Definitions:

- A. "12-Month Period" means a rolling 12-month period measured backward from the date leave is taken and continuous with each additional leave day taken.
- B. "Child" means a child under 18 years of age, or 18 years of age or older who is incapable of self care because of a mental or physical disability. An employee's child is one whom the employee has actual day-to-day responsibility for care and includes a biological, adopted, foster, or step-child.

A child is "incapable of self care" if he/she requires active assistance or supervision to provide daily self care in three or more of the activities of daily living or instrumental activities of daily living, such as, caring for grooming and hygiene, bathing, dressing and eating, cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, etc.

- C. "Parent" means the biological parent of any employee or an individual who stands or stood in loco parentis (in place of parent) to an employee when the employee was a child. This term does not include parents-in-law.

- D. "Spouse" means a husband or wife as defined or recognized under California State law for purposes of marriage.
- E. "Domestic Partner" as defined by Family Code §§ 297 and 299.2, shall have the same meaning as "Spouse" for purposes of CFRA leave.
- F. "Serious Health Condition" means an illness, injury, impairment, or physical or mental condition that involves:
 - 1. Inpatient Care in a hospital, hospice, or residential medical care facility, including any period of incapacity; or
 - 2. Continuing treatment by a healthcare provider: A serious health condition involving continuing treatment by a healthcare provider includes any one or more of the following:
 - a. A period of incapacity due to serious health condition of more than three consecutive calendar days, and any subsequent treatment for a period of incapacity relating to the same condition, that also involves:
 - i) Treatment two or more times by a healthcare provider, by a nurse or physician's assistant under direct supervision by a healthcare provider, or by a provider of healthcare services under orders of, or on referral by a healthcare provider; or
 - ii) Treatment by a healthcare provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the healthcare provider. This includes, for example, a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition. If the medication is over the counter, and can be initiated without a visit to a healthcare provider, it does not constitute a regimen of continuing treatment.
 - b. Any period of incapacity due to pregnancy or for prenatal care. (This entitlement applies only to FMLA leave not CFRA leave. Under California law, an employee disabled by pregnancy is entitled to Pregnancy Disability Leave.)
 - c. Any period of incapacity which is permanent or long term due to a chronic serious health condition. A chronic serious health condition is one which:
 - i) Requires periodic visits for treatment by a healthcare provider, or by a nurse or physician's assistant under direct supervision of a healthcare provider;
 - ii) Continues over an extended period of time; and

- iii) May cause episodic rather than a continuing period of incapacity. Absences for such capacity qualify for leave even if the absence lasts only one day.
- d. A period of incapacity which is permanent or long term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a healthcare provider.
- e. Any period of absence to receive multiple treatments, including any period of recovery there from, by a healthcare provider or by a provider of healthcare services under order of, or on referral by, a healthcare provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.

G. "Healthcare Provider" means:

- 1. A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State of California.
- 2. Individuals duly licensed as a physician, surgeon, or osteopathic physician or surgeon in another state or jurisdiction, including another country, who directly treats or supervises treatment of a serious health condition;
- 3. Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in California and performing within the scope of their practice as defined under California State law;
- 4. Nurse practitioners and nurse-midwives and clinical social workers who are authorized to practice under California State law and who are performing within the scope of their practice as defined under California State law;
- 5. Christian Science practitioners listed with the First Church of Christ, Scientist in Boston Massachusetts; and
- 6. Any healthcare provider from whom an employer or group health plan's benefits manager will accept certification as the existence of a serious health condition to substantiate a claim for benefits.

H. "Active Duty" means a duty under a call to order of active, retired, reserves, or National Guard members of the United States Armed Forces by law or any other provision of law during a war or national emergency declared by the President or Congress.

- I. "Contingency Operation" means a military operation that is (1) designated by the Secretary of Defense as an operation in which members of the United States Armed Forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against opposing military force; or (2) that results in the call to order of active duty members of the United States Armed Forces by law or any other provision of law during war or national emergency declared by the President or Congress.
- J. "Covered Service Member" means a member of the United States Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, in otherwise outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.
- K. "Outpatient Status" means the status of a member of the United States Armed Forces assigned to: (1) a military medical treatment facility as an outpatient; or (2) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.
- L. "Next of Kin" means the nearest blood relative of an injured service member.
- M. "Serious Injury or Illness" means an injury or illness incurred by a member of the Armed Forces in the line of duty on active duty that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

III. Reasons for Leave

Leave is only permitted for the following reasons:

- 1. The birth of a child or to care for a newborn of an employee;
- 2. The placement of a child with an employee in connection with the adoption or foster care of a child;
- 3. Leave to care for a child, parent, spouse, or domestic partner who has a serious health condition;
- 4. Leave because of a serious health condition that makes the employee unable to perform the functions of his/her position;
- 5. Leave for "qualifying exigency" may be taken arising out of the fact that an employee's spouse, son, daughter, or parent is called to active military duty or has been notified of an impending call or order to active duty in support of a contingency operation involving the United States Armed Forces; or
- 6. Leave to care for a spouse, son, daughter, parent, or "next of kin" service member of the United States Armed Forces who has a

serious injury or illness incurred in the line of duty while on active military leave.

IV. Employees Eligible for Leave

An employee is eligible for leave if the employee:

1. Has been employed for at least 12 months; and
2. Has worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave.

V. Amount of Leave

Eligible employees are entitled to a total of 12 workweeks (or 26 workweeks to care for an injured service member) of leave during any 12-month period.

A. Minimum Duration of Leave

If leave is requested for the birth, adoption or foster care placement of a child of the employee, leave must be concluded within one year of the birth or placement of the child. In addition, the basic minimum duration of such leave is two weeks. However, an employee is entitled to baby bonding leave for at least one day, but less than two weeks duration on any two occasions.

If leave is requested to care for a child, parent, spouse or the employee him/herself with a serious health condition, there is no minimum amount of leave that must be taken. However, the notice and medical certification provisions of this policy must be complied with.

B. Spouses Both Employed by the City of Coalinga

In any case in which a husband and wife both employed by the City of Coalinga are entitled to leave, the aggregate number of workweeks of leave to which both may be entitled may be limited to 12 workweeks during any 12-month period if leave is taken for the birth or placement for adoption or foster care of the employee's child, including by bonding leave.

In any case in which a husband and wife both employed by the City of Coalinga are entitled to leave, the aggregate number of workweeks of leave to which both may be entitled may be limited to 26 workweeks during any 12-month period if leave is taken to care for an injured service member.

Except as noted above, this limitation does not apply to any other type of leave under this policy.

VI. Employee Benefits While on Leave

Leave under this policy is unpaid, however, employees may elect to use accrued vacation, sick, and compensatory leave. While on leave, employees will continue to be covered by the City of Coalinga's group health insurance to the same extent that coverage is provided while the employee is on the job. However, employees are responsible for any shared costs they may have for coverage elected beyond the standard group health insurance once accrued leaves have been exhausted. Payments are due to the City at the same time they would have been made through a payroll deduction. If any monthly contributions required under this section are not received within thirty (30) days of their due date, the City may discontinue said benefit(s). If the City elects to provide the employee's contributions, the City may recover all contributions made on the employee's behalf when the employee returns from family leave. Employee contribution rates are subject to any change in rates that occurs while the employee is on leave.

An employee has the right to discontinue health insurance coverage for a spouse and/or any dependents as well as any other benefits offered or sponsored by the City to which the employee is required to make a monthly contribution so long as the discontinuance does not violate a court order.

If an employee fails to return to work after his/her leave entitlement has been exhausted or expires, the City of Coalinga shall have the right to recover its share of health plan premiums for the entire leave period, unless the employee does not return because of the continuation, recurrence, or onset of a serious health condition of the employee or his/her family member which would entitle the employee to leave, or because of circumstances beyond the employee's control. The City of Coalinga shall have the right to recover premiums through deduction from any sums due the City of Coalinga, such as, unpaid wages, vacation pay, etc.

VII. Substitution of Paid Accrued Leave

While on leave under this policy, as set forth herein, an employee may elect to concurrently use paid accrued leaves. Similarly, the City of Coalinga may require an employee to concurrently use paid accrued leaves after requesting FMLA and/or CFRA leave, and may also require an employee to use family and medical care leave concurrently with a non-FMLA/CFRA leave which is FMLA/CFRA qualifying.

A. Employee's Right to use Paid Accrued Leaves Concurrently With Family Leave

Where an employee has earned or accrued paid vacation, administrative leave, or compensatory time, or sick leave, that paid leave may be substituted for all or part of any otherwise unpaid leave under this policy.

B. City of Coalinga's Right to Require an Employee to use Paid Leave when using FMLA/CFRA Leave

Employees must exhaust their accrued leaves concurrently with FMLA/CFRA leave to the same extent that employees have the right to use their accrued leaves concurrently with the exception that

employees are not required to use accrued compensatory time earned in lieu of overtime earned pursuant to the Fair Labor and Standards Act.

C, City of Coalinga's Right to Require an Employee to Exhaust FMLA/CFRA Leaves Concurrently with other Leaves

If an employee takes a leave of absence for any reason which is FMLA/CFRA qualifying, the City may designate that non-FMLA/CFRA leave as running concurrently with the employee's 12-week FMLA/CFRA leave entitlement. The only exception is for peace officers and firefighters who are on leave pursuant to Labor Code § 4850.

D. The City of Coalinga and the Employee's Rights if an Employee Requests Accrued Leave without Mentioning Either the FMLA or CFRA

If an employee requests to utilize accrued vacation leave or other accrued paid time off without reference to a FMLA/CFRA qualifying purpose, the City of Coalinga may not ask the employee if the leave is for a FMLA/CFRA qualifying purpose. However, if the City denies the employee's request and the employee provides information that the requested time off is for a FMLA/CFRA qualifying purpose, the City may inquire further into the reason for the absence. If the reason is FMLA/CFRA qualifying, the City may require the employee to exhaust accrued leave as described above.

VIII. Medical Certification

Employees who request leave for their own serious health condition or to care for a child, parent or spouse who has a serious health condition must provide written certification from the healthcare provider of the individual requiring care.

If the leave is requested because of the employee's own serious health condition, the certification must include a statement that the employee is unable to work at all or is unable to perform the essential functions of his/her position.

Employees who request leave to care for an injured service member who is a child, spouse, parent, or "next of kin" of the employee must provide written certification from a healthcare provider regarding the injured service member's serious injury or illness.

A. Time to Provide Certification

When an employee's leave is foreseeable and at least 30 days notice has been provided, if a medical certification is requested, the employee must provide it before the leave begins. When it is not possible, the employee must provide the requested certification to the City within the timeframe requested by the City, unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.

B. Consequences for Failure to Provide an Adequate or Timely Certification

If an employee provides an incomplete medical certification, the employee will be given a reasonable opportunity to cure any such deficiency.

However, if an employee fails to provide a medical certification within the timeframe established by this policy, the City may delay the taking of FMLA/CFRA leave until the certification is provided.

The City has the right to deny FMLA/CFRA leave retroactively.

C. Recertification

If the City has reason to doubt the validity of a certification, the City may require a medical opinion of a second healthcare provider chosen and paid for by the City. If the second opinion is different from the first, the City may require the opinion of a third provider jointly approved by the City and the employee, but paid for by the City. The opinion of the third provider will be binding. An employee may request a copy of the healthcare provider's opinions when there is recertification.

D. Intermittent Leave or Leave on a Reduced Leave Schedule

If an employee requests leave intermittently or on a reduced leave schedule, the employee must provide certification that such leave is medically necessary.

IX. Employee Notice of Leave

Although the City recognizes that emergencies arise which may require employees to request immediate leave, employees are required to give as much notice as possible of their need for leave. If leave is foreseeable, at least 30 days' notice is required. In addition, if an employee knows that he/she will need leave in the future, but does not know the exact date(s), the employee shall inform his/her supervisor as soon as possible that such leave will be needed. Such notice may be given orally. If the City determines that an employee's notice is inadequate or the employee knew about the requested leave in advance of the request, the City may delay the granting of the leave until it can, in its discretion, adequately cover the position.

X. Reinstatement Upon Return from Leave

A. Right to Reinstatement

Upon expiration of leave, an employee is entitled to be reinstated to the position of employment held when the leave commenced, or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. Employees have no greater rights to reinstatement, benefits and other conditions of

employment than if the employee had been continuously employed during the FMLA/CFRA period.

B. Employee's Obligation to Periodically Report on His/Her Condition

Employee may be required to periodically report on their status and intent to return to work. This will avoid any delays to reinstatement when the employee is ready to return.

C. Fitness-for-Duty Certification

As a condition of reinstatement of an employee whose leave was due to the employee's own serious health condition, which made the employee unable to perform his/her job, the employee must obtain and present a fitness-for-duty certification from the healthcare provider that the employee is able to resume work. Failure to provide such certification will result in denial of reinstatement.

The City may require a medical opinion of a second healthcare provider chosen and paid for by the City.

D. Reinstatement of "Key Employees"

The City may deny reinstatement to a "key" employee if such denial is necessary to prevent substantial and grievous economic injury to the operations of the City, and the employee is notified of the City's intent to deny reinstatement on such basis at the time the employer determines that such injury would occur.

XI. Required Forms

Employees must complete the following forms in connection with leave under this policy:

1. Request for Family Medical Leave Form
2. Medical certification form if the leave is for the employee's own serious health condition or for the serious health condition of a child, parent, spouse, or domestic partner;
3. Authorization for payroll deductions for benefit plan coverage continuation; and
4. Fitness-for-duty to return from leave form; and
5. Authorization for release of medical information.

XII. Disclaimer

The City has the right to modify this policy at any time in accordance with state and federal law updates.

RULE XVII. PAY ADJUSTMENT

SECTION 17.01. Advancement: No salary advancement shall be made so as to exceed any maximum rate established in the compensation plan for the class to which the advanced employee's position is allocated. Advancement shall not be automatic but shall depend upon increased service value of an employee to the City as exemplified by recommendations of the immediate supervisor, length of service, performance, record, special training undertaken, or other pertinent evidence within the advancement policy established by the pay plan.

An employee who is promoted from one class to another class that is allocated to a higher salary range shall receive no less than the equivalent of a five percent increase in the class to which the employee is promoted.

SECTION 17.02. Application of Rates: Employees occupying a position in the competitive service shall be paid a salary or wages established for that position's class under the compensation plan as provided by Rule VIII. The minimum rate, if provided, for the class generally shall apply to employees upon original appointment. However, the City Manager may, when circumstances warrant, authorize original appointment or reinstatement at other than the minimum rate.

RULE XVIII. TERMINATION, DEMOTION, PROMOTION, REINSTATEMENT, TRANSFER, SUSPENSION AND ADMINISTRATIVE LEAVE

SECTION 18.01. Termination: The City Manager, upon the recommendation of the department head or division head, shall have the authority to terminate any regular employee for cause in accordance with procedures contained in the Personnel System Rules. Whenever it is the intention of the department head or division head to terminate a regular employee in the competitive service, the Personnel Officer shall be notified. Disciplinary termination action shall be taken in accordance with Section 21.

SECTION 18.02. Demotion: The appropriate department head or division head, with the approval of the City Manager or Personnel Officer, may demote an employee whose ability to perform the required duties falls below standard, or for disciplinary purposes. Upon request of the employee, and with the consent of the department head or division head, a demotion may be made to a vacant position. No employee shall be demoted to a position for which the employee does not possess the minimum qualifications. Written notice pursuant to Section 21.02 shall be given to any employee before the effective date of the disciplinary action.

SECTION 18.03. Promotion: Insofar as consistent with the best interests of the service, all vacancies in the competitive service shall be filled by promotion from within the competitive service, after a promotional examination has been given and a promotional list established.

If, in the opinion of the Personnel Officer, it is in the best interest of the municipal service, a vacancy in the position may be filled by an open-competitive examination instead of promotional examination, in which event, the Personnel Officer shall arrange for an open, competitive examination and for the preparation and certification of an open, competitive employment list.

SECTION 18.04. Reinstatement: With the approval of the appointing power, a regular employee or probationary employee who has completed at least six (6) months of probationary service, and who has resigned with a good record, may be reinstated within two (2) years of the effective date of the resignation, to a vacant position in the same or comparable class. Upon reinstatement, the employee shall be subject to the probationary period prescribed for 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 appointing authority at time of reinstatement.

SECTION 18.05. Transfer: No person shall be transferred to a position for which that person does not possess the minimum qualifications. Upon notice to the Personnel Officer, an employee may be transferred by the appointing power or designee at any time from one position to another position in a comparable class. For transfer purposes, a comparable class is one with the same maximum salary, involves the performance of similar duties, and requires substantially the same basic qualifications.

If the transfer involves a change from one department to another, both department heads or division heads must consent thereto unless the City Manager orders the transfer. Transfer shall not be used to effectuate a promotion, demotion, advancement, or reduction, each of which may be accomplished only as provided in the Personnel Ordinance or these Rules.

SECTION 18.06. Suspension: The department head or division head, with the approval of the City Manager or Personnel Officer, may suspend, with or without pay, an employee from a position at any time for a disciplinary purpose. Suspension without pay shall not exceed thirty (30) calendar days. Department heads or division heads may suspend a subordinate employee for not more than three (3) working days at any one time without approval of the City Manager or Personnel Officer, and not more than once in a thirty (30) calendar day period without approval of the Personnel Officer. Police Department, Fire Department, and Claremont Custody Center disciplinary actions will be administered in accordance with these Rules. Written notice in accordance with Section 21.02 shall be given to an employee before the effective date of the proposed disciplinary action.

SECTION 18.07. Administrative Leave: Notwithstanding the provisions of this Rule, upon the recommendation of the Personnel Officer, the City Manager may approve the temporary assignment of an employee to a status of leave with pay pending conduct or completion of such investigations or opportunity to respond as may be required to determine if disciplinary action is to be taken.

RULE XIX. EMPLOYEE GRIEVANCE PROCEDURE

SECTION 19.01. Unless otherwise specified in a memorandum of understanding, the following is the City's grievance procedure for City employees:

Policy: The goal of this grievance procedure is to make every reasonable effort to resolve applicable complaints as near as possible to the point of origin.

SECTION 19.02. Eligibility to File a Grievance: A grievant is a regular employee who is personally affected by an act or omission that occurred no more than ten (10) calendar days prior to the initiation of the grievance, provided that the act or omission comes within the definition of "grievance" as defined below.

SECTION 19.03. Definition of a "Grievance": Subject to the exclusions listed in this Policy, a grievance is defined as any dispute that: (1) is job-related, (2) is wholly or partially within the province of the City to rectify or remedy, (3) concerns terms and conditions of employment, (4) involves the interpretation, application, or alleged violation of these Policies or a current Memorandum of Understanding (MOU) between the City and a recognized employee organization representing City employees, and (5) is not subject to any other City dispute resolution process or procedure that is provided by statute, ordinance, resolution or agreement.

SECTION 19.04. Exclusions from the Grievance Procedure:

The following matters are excluded from the definition of "grievance":

1. Requests for changes in wages, hours, or working conditions, including any impasse or dispute in the meet and confer process or matter within the scope of representation;
2. Requests for changes in the content of employee evaluations or performance reviews, oral or written warnings, reprimands, or counseling memos;
3. Challenges to the decision to reclassify, layoff, transfer, deny reinstatement, or deny a step or merit increase;
4. Challenges to any disciplinary action; and
5. Challenges to examinations or the appointment to positions.

SECTION 19.05. Grievance Procedure:

The grievance procedure has the following four (4) steps. Failure at any step of this procedure to communicate the decision on a grievance shall permit the employee to proceed to the next step:

1. Step 1: Informal Discussion
Within ten (10) calendar days of the occurrence of the act(s) that constitute the grievance, an employee shall discuss the grievance with his/her immediate supervisor who will investigate and attempt to resolve the matter. The supervisor will give the employee an oral reply within ten (10) calendar days after the discussion. If the employee is not satisfied with the reply, he/she may proceed to Step 2.
2. Step 2: Formal Discussion
Any grievance not resolved at Step 1 may be submitted in writing to the immediate supervisor no later than ten (10) calendar days after the date of the supervisor's oral reply. The written grievance must identify all of the following:
 - a. Fully describe how the grievant is/was adversely affected by a specific act or omission which gave rise to the alleged violation, misinterpretation, or misapplication;

- b. Identify the specific provision of these Policies or an applicable MOU that was allegedly violated, misinterpreted, or misapplied;
- c. The date or dates on which the violation, misinterpretation, or misapplication allegedly occurred;
- d. The documents, witnesses or other evidence that support the grievance;
- e. The desired solution or remedy;
- f. The signature and identification of the grievant; and
- g. The person, if any, the grievant has chosen to be his/her representative.

The supervisor will provide the employee with a written response within ten (10) calendar days of receiving the grievance.

3. Step 3: Department Head

Any grievance not resolved at Step 2 may be submitted in writing to the department head no later than ten (10) calendar days after the date of the immediate supervisor's written reply. The grievant shall provide the department head with copies of the Step 2 response. Within ten (10) calendar days thereafter, the department head, may in his or her discretion, schedule a meeting with the grievant for the purpose of giving the parties the opportunity to resolve the grievance. The department head will give the grievant a written reply within ten (10) calendar days after receipt of the written grievance, or the meeting, whichever occurs later, and will file a copy in the grievance file. If the grievant is not satisfied with the response, he/she may proceed to Step 4.

4. Step 4: City Manager

Any grievance not resolved at Step 3 may be submitted in writing no later than ten (10) calendar days after the date of the department head's written reply. The grievant shall provide the City Manager with copies of the Step 2 and Step 3 responses. Within ten (10) calendar days thereafter, the City Manager may, at his or her discretion, schedule a meeting with the grievant to discuss the matter. After consideration of the facts and an investigation, if the City Manager deems necessary, he or she will give his or her written decision to the grievant.

5. City Manager's Decision on Grievance:

The decision of the City Manager will be final and binding. The City Manager's decision will be limited as follows:

- a. The decision shall neither add to, detract from, nor modify the language of these Policies or any applicable MOU.
- b. The decision shall be confined to the precise issue(s) the grievance has raised and that the grievant has submitted.
- c. Any monetary award in favor of the grievant may not exceed wages or benefits that the grievant has actually lost as a result of the matters alleged

in the grievance. In no event shall any grievance award include any compensatory damages or attorneys' fees.

SECTION 19.06. Settlement of Grievance: Any grievance will be deemed settled when it is not appealed to the next step within the specified time limit, unless an extension of time to a definite date has been mutually agreed upon in writing. Any grievance that the grievant fails to timely move to the next step shall be deemed resolved on the basis of last disposition.

SECTION 19.07. Representation: An employee may have a representative of his or her choice present at all stages of the grievance procedure, except that no one may be represented by an employee he or she supervises, and no employee may be represented by his or her supervisor or department head. If the employee's representative is a fellow employee, that employee will receive time off from his or her work assignment for the time of the grievance meeting or hearing plus reasonable travel time. Forty-eight hours prior to the grievance meeting, the employee shall inform the immediate supervisor, department head or City Manager whether he or she shall be represented at the grievance meeting and shall identify the representative.

SECTION 19.08. No Retribution: An employee shall not be penalized for using this procedure.

SECTION 19.09. Withdrawal: A grievant may withdraw any grievance at any time, without prejudice, by giving written notice to the City representative who last took action on the grievance, and by providing a copy of the notice to the Personnel Officer.

SECTION 19.10. Resubmission: Upon consent of the person hearing the grievance and the grievant, a grievance may be resubmitted to a lower step in the grievance procedure for reconsideration.

SECTION 19.11. Disclaimer: If an employee is given an order that he or she wishes to grieve, the employee must first comply with the order and file a grievance later, unless the employee reasonably believes that the assignment endangers the health or safety of the employee or others or if the employee reasonably believes that the requested assignment violates the employee's constitutional rights or the law.

SECTION 19.12. Delegation: The City Manager may delegate non-involved department heads or other management-level employees to act on his or her behalf in this process. The findings and recommendations they render will be advisory to the City Manager, whose ultimate decision will be final and binding.

RULE XX. CAUSE FOR DISCIPLINARY ACTION

SECTION 20.01. Standards of Conduct

1. All employees of the City are expected to adhere to standards of reasonable and prudent conduct. Employees who violate these standards should expect City management and supervisors to take appropriate disciplinary actions. Conversely, employees who perform exceptionally well or go beyond the normal demands of a job should be commended.

2. The following Standards of Employee Conduct apply to all employees of the City. These standards are not to be considered as a total and complete statement of management's expectations of employee behavior and performance. They are designed to serve as a framework within which employees are expected to conduct themselves, and within which supervisors and management are expected to administer discipline should these standards be violated.
3. The following Standards of Employee Conduct include a variety of offenses as well as possible corrective actions to be considered by supervisors in determining whether an employee's actions constitute an offense subject to discipline. Not all possible offenses are listed; only those which are of greater significance and/or are most common. Various kinds of corrective actions for first, second, and third offenses are also listed. These corrective actions are recommendations only, and are for general reference. The appropriate actions may be either more or less severe depending on the circumstances of a case. City management will exercise its discretion in recognizing that a single minor offense by a long-term employee with a good work record could be less severe than if committed by a relatively new employee with a poor work record. Progressive discipline requires that repeated offenses will normally carry more severe corrective actions than first offenses. For example, if the corrective action for a second offense is less than termination, and a third offense occurs, the principle of progressive discipline will be followed and a more severe corrective action, appropriate to the situation, will be imposed. A pattern of offenses after successive corrective actions ultimately results in dismissal.
4. An offense is considered a "first" offense the first time formal action such as a written reprimand, suspension or demotion is taken by the supervisor under the applicable section of this guide. An offense will be considered as a "second" or "third" offense only when it is of the same general nature (not necessarily identical) as the previous offense and the undesirable action has been pointed out to the employee previously. When a previous offense has occurred, the time elapsed between that offense and the current offense will be considered in determining the corrective action.
5. An employee may commit various kinds of offenses over a period of time. If the offenses are completely unrelated, they may not be treated as second and/or third offenses. However, all past offenses in the absence of any intervening pattern of good conduct, are indicative of a pattern of unsatisfactory behavior and will be considered when determining an appropriate corrective action.
6. Department heads or division heads may establish additional reasonable rules of employee conduct.
7. Employees must perform their duties in a manner, which earns and maintains the trust and respect of their supervisors, other employees, and the public.
8. Employees must provide a high quality of service to the public and must consistently perform their duties effectively and efficiently.
9. Employees must perform all duties reasonably required of them and report for work as scheduled, unless ill, injured, or involved in an emergency.

10. Employees must cooperate and work well with other employees and the public.
11. While at work, employees must not do anything that would impair their ability to perform their duties, or discredit the City or the department and their employees.
12. Employees must perform their duties in a safe manner. This standard is not restricted to operating equipment or motor vehicles.
13. City employees must be characterized by high personal integrity both in securing employment and in the performance of their duties.
14. The City's adopted Harassment, Discrimination, and Retaliation Prevention policies and City Manager's instructions require employees to practice nondiscrimination in the performance of their duties.

SECTION 20.02. Causes for Disciplinary Action

1. Incompetency.
2. Inefficiency.
3. Insubordination.
4. Neglect of duty.
5. Absence without leave.
6. Dishonesty.
7. Fraud in securing employment.
8. Discourteous treatment of the public or other employees.
9. Drinking alcoholic beverages on the job or reporting for work while under the influence of alcohol or intoxicants.
10. Addiction to narcotics or other habit forming drugs.
11. Conviction of a felony or misdemeanor involving moral turpitude.
12. Failure to pay just debts as reflected by multiple or repeated salary executions, court judgments, and/or repeated contacts by creditors during working hours.
13. Willful violation of any City Code or lawful departmental or City regulation, rule or order.
14. Any conduct which bears some rational relationship to the employment and is of a character that can reasonably result in the impairment or disruption of City Service.

15. Persistent failure by a safety employee to take treatment or corrective measures for a disqualifying physical or mental condition identified in a periodic or special medical examination.
15. Abuse of sick or other types of leave.
16. Using official position or office for personal gain or advantage.
17. Engaging in any employment, activity, or enterprise which constitutes a conflict of interest.
18. Disclosing confidential information.
19. Falsifying City documents.
20. Theft of, or aiding in the theft of, City property.

SECTION 20.03. Exceptions: Upon recommendation of the department head or division head to the City Manager in those extraordinary emergency circumstances, wherein the City Manager determines immediate disciplinary action is necessary against a regular employee, the City Manager may proceed to impose disciplinary action in accordance with the provisions of these Rules without compliance with the procedures set forth in Rule XX. If such exceptional action has been taken against a regular employee, the employee shall be entitled to a written statement of the reasons for the action, the charges, and a copy of the material upon which the action was based. The City Manager shall have three (3) calendar days following the action to serve this written statement on the employee, and the appropriate department head or division head shall file copies of all written notices, statements, requests, and responses with the City Manager. The provisions of this Section shall not apply to reductions in pay which are part of a general plan to reduce salaries and wages. An employee served with a statement under this Section shall be given the right to respond, orally or in writing, to the authority who can make a determination on the action, and shall have the right to appeal under Rule XXI.

RULE XXI. NOTICE OF DISCIPLINARY ACTION

- SECTION 21.01. Policy: Prior to disciplinary action involving a termination, suspension, demotion, or reduction in pay of a regular employee for disciplinary purposes, the procedure set forth in this rule shall be complied with.
- SECTION 21.02. Written Notice: Written notice of the proposed disciplinary action shall be affected in person, or by first-class mail, or by certified mail. Such notice shall include a statement of the reason(s) and the proposed action and the charge(s) being considered as provided in Section 20.02.
- SECTION 21.03. Employee Rights: The employee shall be given the opportunity to review the documents or materials upon which the proposed disciplinary action is based, and unless impractical to do so, the employee shall be supplied with a copy of the documents.
- SECTION 21.04. Employee Response: Within five (5) working days after the employee has had an opportunity to review the information provided above, the employee shall have the right

to respond, orally or in writing, to the person imposing and having authority to determine the proposed action.

SECTION 21.05. Temporary Re-Assignment: Notwithstanding any other provision in this rule, upon recommendation of the appropriate department head or division head, the City Manager or Personnel Officer may approve the temporary re-assignment of an employee to a status of leave with pay pending conduct or completion of such investigation or opportunity to respond as may be required to determine if the disciplinary action is to be taken.

SECTION 21.06. Notification of Employee and Right to Respond: Prior to any suspension without pay, demotion, reduction in pay, or termination of a regular employee for disciplinary purposes, the procedure set forth below shall be followed:

- (a) Written notice of the proposed disciplinary action shall be given to the employee by the appropriate department head or division head. Such notice shall include a statement of the reason(s) for the proposed action and the charge(s) being considered.
- (b) The employee shall be given an opportunity to review the documents or materials upon which the proposed disciplinary action is based, and, unless impracticable to do so, the employee shall be supplied with a copy of the documents.
- (c) Within five (5) working days after the employee has had an opportunity to review the notice of proposed disciplinary action, the employee shall have the right to respond, orally or in writing, to the department head or division head.
- (d) The final decision regarding the proposed disciplinary action will be made within ten (10) working days thereafter by the department head or division head.
- (e) When the department head or division head determines that termination is the appropriate discipline, regular employees may appeal disciplinary actions to an administrative hearing before the City Manager or his/her designee by filing a written request with the City Manager within five (5) working days of the imposition of the disciplinary action. For all other forms of disciplinary action, the employee may only appeal in accordance with Rule XXII.

RULE XXII. PERSONNEL APPEALS

SECTION 22.01. Appeal Rights: An aggrieved regular employee in the competitive service may, within seven (7) working days after the effective date of a disciplinary action consisting of termination, demotion, reduction in pay or suspension, appeal to the Committee for Employee Appeals except where specifically prohibited by ordinance or these personnel system rules. If, within the seven day appeal period, the employee involved does not file said appeal, unless good cause for the failure is shown, the action of the City shall be considered conclusive and shall take effect as prescribed.

SECTION 22.02. Notice of Appeal: If, within the seven-day appeal period, the employee involved files such notice of appeal by giving written notice of appeal from the disciplinary action imposed to the Personnel Officer. The Personnel Officer shall set a date for a hearing on the appeal not less than fifteen (15) working days, nor more than forty-five (45) working days from the date of said delivery, notifying all interested parties of the date,

time, and place of the hearing. Said time period may be extended by mutual consent of the parties.

SECTION 22.03.

Conduct of Hearing: Hearings conducted by the Committee for Employee Appeals shall be conducted in accordance with the following procedures and shall be private; provided, however, that the appellate may request a hearing open to the public. During the examination of a witness, all other witnesses, except the parties, shall be excluded from the hearing upon motion of either party.

The Committee for Employee Appeals shall select one of its members as chairperson. The chairperson is authorized to issue subpoenas, in the name of the City, and attested by the City Clerk at the request of either party prior to commencement of the hearing on the appeal. After the commencement of such hearing, subpoenas shall be issued only at the discretion of the chairperson of the Committee for Employee Appeals. (Also see Section 3.08)

The hearing need not be conducted in accordance with technical rules relating to evidence and witnesses, but hearings shall be conducted in a manner most conducive to determinations of the truth. Any relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rules which might make improper the admission of such evidence over objection in a civil action. Hearsay evidence may be used for the purpose of supplementing or explaining any 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 now or hereafter may be recognized as civil actions, and irrelevant and unduly repetitious evidence may be excluded. The Committee for Employee Appeals shall not be bound by technical rules of evidence. The Committee for Employee Appeals shall rule on the admission or exclusion of evidence.

Unless the Committee for Employee Appeals, for good cause shows and otherwise directs, the hearing shall proceed in the following order:

1. The party imposing discipline shall be permitted to make an opening statement.
2. The appealing party may be permitted to make an opening statement.
3. The party imposing disciplinary action shall produce the evidence on his/her part.
4. The party appealing from such disciplinary action may then open his/her defense and offer his/her evidence in support thereof.
5. The parties may then, in order, respectively offer rebutting evidence only, unless the Committee for Employee Appeals, for good cause, permits them to offer evidence upon their original case.
6. Arguments shall be permitted in the discretion of the Committee for Employee Appeals.

Each party shall have these rights:

1. To be represented by legal counsel or other person of his/her choice;
2. To call and examine witnesses;
3. To introduce evidence;
4. To cross-examine opposing witnesses on any matter relevant to the issues;
5. To impeach any witnesses regardless of which party first called him/her to testify;
6. And to rebut the evidence against him/her.

If the appellant does not testify in his/her own behalf, he/she may be called and examined as if under cross-examination.

SECTION 22.04. Findings and Recommendations: The Committee for Employee Appeals shall determine relevancy, weight, and credibility of testimony and evidence, and shall base its findings on the preponderance of the evidence. The Committee for Employee Appeals shall render its findings and recommendations as soon after the conclusion of the hearing or closing of the record as possible, and in no event later than ten (10) working days after concluding the hearing, unless otherwise stipulated by the parties. The decision of the Committee for Employee Appeals shall set forth its recommendations as to each of the charges and the reason therefore. Any member of the Committee for Employee Appeals may submit a minority or supplemental finding and recommendation.

SECTION 22.05. Review by the City Manager or His or Her Designee: The decision of the Committee for Employee Appeals is advisory only. The findings and recommendations of the Committee for Employee Appeals shall be mailed or delivered to the charged employee, Personnel Officer, and the City Manager or his/her designee, and shall set forth all findings and conclusions. If a dismissal is not recommended to be sustained by the Committee for Employee Appeals, the proposed decision and findings and recommendations of the Committee for Employee Appeals shall set forth a recommended effective date the employee is to be reinstated, which may be any time on or after the date the disciplinary action went into effect. Within ten (10) working days of delivery of the findings, conclusions, and recommendations of the Committee for Employee Appeals, the City Manager or his/her designee shall review the findings, conclusions, and recommendations of the Committee for Employee Appeals. The City Manager or his/her designee shall adopt, reject, or modify the proposed findings, conclusions, and recommendations of the Committee for Employee Appeals by written decision. Thereafter, the decision of the City Manager or his/her designee shall be final.

RULE XXIII. LAYOFFS

SECTION 23.01. Layoff: Whenever it is the intention of the City Manager to discharge an employee in the competitive service, the appropriate department head shall be notified and consulted prior to discharge. An employee in the competitive service may be laid off

at any time by the City Manager. Written notice shall be given to any employee before the effective date of any action under this Section.

SECTION 23.02.

Layoff Policy and Procedure: Whenever, in the judgment of the City Manager and/or the City Council, it becomes necessary to abolish any position or employment, the employee holding such position or employment may be laid off or demoted without disciplinary action and without the right to appeal. In effecting any layoff or demotion under this section, the procedures set forth herein shall be followed:

- (a) Notification: Employees to be laid off shall be given, whenever possible, at least fourteen (14) calendar days prior notice.
- (b) Vacancy and Demotion: Except as otherwise provided, whenever there is a reduction in the work force, the appointing authority shall first demote to vacancy, if any, in a lower class for which the employee who is the latest to be laid off, in accordance with subsection (c) of this Rule, qualified. All persons so demoted shall have their names placed on the re-employment list.
- (c) Employee Rights: An employee affected by layoff shall have the right to displace an employee in the same department, who has less seniority in the same or in a lower class in the same class series, or in a lower classification in which the affected employee once had probationary or regular status. For the purpose of this section and subsection (d) of these Rules, seniority includes all periods of full-time service at or above the classification level where layoff is to occur.
- (d) Seniority: In order to retreat to a former or lower class, an employee must have more seniority than at least one of the incumbents in their retreat class and request displacement action in writing within five (5) working days of receipt of notice of layoff.

Employees retreating to a lower or similar class shall be placed at the salary step representing the least loss of pay. In no case shall the salary be increased above that received in the class from which the employee was laid off.

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

- (e) Employment Status: In each class of position, employees shall be laid off according to employment status in the following order: temporary, provisional, probationary, and regular.

Temporary, provisional and probationary employees shall be laid off according to the needs of the service as determined by the appointing authority.

In cases where there are two (2) or more regular employees in the class from which the layoff is to be made, such employee shall be laid off on the basis of the last evaluation rating in the class, provided such rating has been on file at least thirty (30) days and no more than thirteen (13) months prior to layoff.

Employees within each category shall be laid off in inverse order of seniority of City service.

- (f) Re-Employment List: The names of persons laid off or demoted in accordance with these Rules shall be entered upon a re-employment list. Lists from different departments at different times for the same class of position shall be combined into a single list. Such list shall be used by every appointing authority when a vacancy arises in the same or lower class of position before certification is made from an eligible list.
- (g) Duration of Re-Employment List: Names of persons laid off shall be carried on a re-employment list for one (1) year, except that persons appointed to positions of the same level as that which was laid off, shall, upon such appointment, be dropped from the list. Persons who refuse re-employment shall be dropped from the list. Persons re-employed in a lower class, or on a temporary basis, shall be continued on the list for the higher position for at least one (1) year.

SECTION 23.03. Resignation: An employee wishing to leave the competitive service in good standing shall file with the appointing authority a written resignation stating the effective date and reasons for leaving at least two (2) weeks before leaving the service, unless such time limit is waived by the appointing authority. A statement as to the resigned employee's service performance and other pertinent information shall be forwarded to the Personnel Officer and placed in the employee's personnel file. The Personnel Officer shall schedule an exit interview prior to the employee's last date of employment. Failure to give notice as required by this Rule shall be cause for denying future employment with the City.

RULE XXIV. TRAINING OF EMPLOYEES

SECTION 24.01. Credit for Training: Participation in and successful completion of special courses of training may be considered in making advancement and promotions. Evidence of such activity shall be filed by the employee with the Personnel Officer.

SECTION 24.02. Responsibility for Training: The City Council encourages the training of employees. Responsibility for developing training programs for employees shall be assumed jointly by the City Manager, Personnel Officer, and department heads. Such training programs may include lecture courses, demonstrations, assignment of reading matter or such other devices as may be available for the purpose of improving the effectiveness and broadening the knowledge of municipal officers and employees in the performance of their respective duties.

RULE XXV. VIOLATIONS

SECTION 25.01. Violation of Rules: Violation of the provision of these Rules shall be grounds for rejection, suspension, demotion, dismissal, or other disciplinary action.

RULE XXVI. MANAGEMENT RIGHTS

SECTION 26.01 Management Rights Provision:

1. The City shall retain, whether exercised or not, solely and exclusively, all express and inherent rights and authority pursuant to law with respect to determining the level of, and the manner in which, the City's activities are conducted, managed, and administered, and the Associations and employees recognize the exclusive right to the City to establish and maintain departmental rules and procedures for administration of its departments.

2. The City has the exclusive right and authority to schedule work and/or overtime work as required in the manner most advantageous to the City.
3. Every incidental duty connected with operations enumerated in job descriptions is not always specifically described; nevertheless, it is intended that all such duties shall be performed by the employee.
4. The appointing authority reserves the right to discipline or discharge employees as set forth in the Civil Service procedures. The City reserves the right to lay off personnel of the City at any time.
5. The City shall determine assignments, and establish methods and processes by which assignments are performed.
6. The City shall have the exclusive right to transfer employees within departments and to positions outside a department in a manner most advantageous to the City.
7. The City shall have the authority, without prior meeting and conferring, to effect reorganizations and reallocation of work of the City.
8. The City has the right, without prior meeting and conferring, to contract for matters relating to municipal operations, including contracting out bargaining unit work. The right of contracting or subcontracting is vested exclusively in the City. When the City determines the need to contract out bargaining work, the City will provide written notification to the effected bargaining unit.
9. The inherent and express rights of the City , including those herein specifically referred to that are not expressly modified or restricted by a specific provision hereof, are not in any way, directly or indirectly, subject to meeting and conferring or the Grievance Procedure herein.