

CITY OF CARSON
PERSONNEL RULES

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and Amended by:

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RULE I

DEFINITION OF TERMS

The following terms, whenever used in these personnel rules, shall have the meanings set forth in this rule.

1. Appointing Authority. The city administrator shall be the appointing authority.
2. Appointment. The offer to an individual of a position in a classification.
3. Classification. A position or positions assigned to the same job title.
4. Classified Service. All classifications in the city service except those in the unclassified service.
5. Day. A calendar day.
6. Demotion. A reduction in the pay rate of an employee.
7. Department Director. An individual assigned to any of the following classifications. City administrator, director of community development, director of finance and administration, director of parks and recreation, director of personnel, director of community safety or director of public works
8. Discharge. The involuntary termination of an employee for a legitimate reason for a discipline purpose.
9. Eligible. An individual satisfactorily completing the examination process for a classification and available for appointment.
10. Employee. An individual compensated through the city payroll and assigned to a classification in the classified service.
11. Employment List. A listing of names of individuals eligible for appointment to a classification.
12. Medical Crisis. An injury, pregnancy, or sickness affecting a member of an employee's immediately requiring prompt treatment by a physician.
13. Pay Range. A level of pay established in the compensation plan.

14. Pay Rate. A specified dollar amount assigned to a merit step within a pay range.
15. Position. The duties and responsibilities assigned to an employee within a classification.
16. Prevailing Pay Rate. The regular, hourly pay rate assigned to an employee.
17. Promotion. The appointment of an employee to a different classification with a higher pay range.
18. Reallocation. A change in the placement of a position within the classification plan.
19. Reclassification. The reallocation of an individual position to a different classification which may be higher, lower, or at the same level, based upon substantial changes in the kind, difficulty, or responsibility of the duties of the position.
20. Rejection. The termination of a probationary employee or the assignment of a promotional appointee to a former classification during the probationary period.
21. Salary Range Adjustment. A change in the pay range of a classification.
22. Seniority. A status acquired by an employee based on the employee's period of continuous service to the city.
23. Suspension. The temporary separation of an employee from employment, without pay, for a legitimate reason for a disciplinary purpose.
24. Termination. The separation of an employee from employment with the city.
25. Title Change. The reallocation of an individual position to a different classification which is at the same level and is, at least in part, similar in kind, difficulty, and responsibility of duties.
26. Limited Term Employment. The temporary employment category of Limited Term shall provide benefits as determined by the City Manager and shall not extend beyond 36 months, unless authorized by the City Manager. Limited Term Employment shall be assigned unclassified status.
27. Y-Rating. A procedure whereby an employee who is reclassified, transferred or demoted downward to a classification having a lower pay range than his/her current classification may retain his/her current pay rate after the position change.

RULE II

ADMINISTRATIVE PROCEDURES

Section 1. Purpose of Personnel Rules. These personnel rules establish the policies and procedures for the administration of the city's personnel system. Except as otherwise provided, the personnel rules shall govern the employment relations between the city and only those employees occupying positions in classifications in the classified service. The employment relations matters contained in Rule XI and Rule XII of the personnel rules are subject to the meet and confer process. All other employment relations matters contained in the personnel rules are concerned with the merits, necessity and organization of the city and are not subject to the meet and confer process unless the modification of the personnel rules impacts on matters within the scope of representation.

Section 2. Delegation of Authority. Except as otherwise provided, all duties, responsibilities, powers and authorities granted by the personnel rules to the appointing authority, director of personnel or department directors may be delegated, in writing, to any subordinate employee or department director at the discretion of the delegating individual.

Section 3. Standard Management Procedures. The appointing authority has the exclusive authority to issue standard management procedures to implement these personnel rules.

Section 4. Unclassified Service. The unclassified service consists of the following:

- (a) Elective officers;
- (b) Individuals serving on boards, commissions and agencies;
- (c) Individuals performing services under contract;
- (d) City attorney;
- (e) Individuals performing services during a declared emergency;
- (f) Individuals appointed to part-time or seasonal classifications;
- (g) City administrator and Assistant City Administrator;

- (h) Director of community development, director of finance and administration, director of parks and recreation, director of personnel, director of community safety and director of public works;
- (i) Volunteers;
- (j) Individuals performing services on a temporary basis.

Section 5. Personnel Files. Personnel files shall be maintained in the personnel division of the department of personnel. The contents of personnel files shall be confidential and shall be reviewed by others in accordance with standard management procedures.

Section 6. Severability. In the event that any rule, section or subsection of these personnel rules shall be declared invalid by any court, or by any state or federal law or regulation, such determination shall not affect the validity of the other rules, sections and subsections of these personnel rules.

RULE III

CLASSIFICATION PROCEDURES

Section 1. Preparation of Classification Plan. The director of personnel shall be responsible for the preparation and maintenance of the classification plan. The classification plan shall contain a compilation of job specifications for classifications in the classified service. The classification plan shall be prepared and modified only after the director of personnel consults with the department directors and any affected recognized employee organization.

Section 2. Allocation of Positions. The director of personnel shall allocate every position in the classified service to one of the classifications established by the classification plan and shall allocate all positions substantially similar to the same classification.

RULE IV

RECRUITMENT PROCEDURES

Section 1. Announcement of Vacancy. The director of personnel shall publicly announce a vacancy in a classification in the classified service for a reasonable time prior to the closing date for receipt of applications. The announcement shall specify the title and pay range of the classification, example of duties, qualifications, and application procedures.

Section 2. Application Process. Applicants shall prepare and submit their applications as prescribed in the announcement and shall sign the application under penalty of perjury.

Section 3. Disqualification of Applicants. The director of personnel may disqualify any applicant from the recruitment process for a legitimate reason.

RULE V

EXAMINATION PROCEDURES

Section 1. Nature of Examination Process. The examination process shall measure the relative abilities of the applicants to perform the duties and responsibilities of a particular classification and shall examine the qualifications of an applicant by a variety of methods as determined by the director of personnel.

Section 2. Closed Promotional Examinations. When a vacancy exists in the competitive service, for a position other than an entry level position, the Director of Personnel may, with the approval of the appointing authority, post a notice of the vacancy at all city facilities and allow a reasonable time for receipt of applications from employees. A promotional employment list shall be prepared, after an examination is administered to employee applicants. A valid promotional employment list shall contain the name of at least one (1) eligible employee. If an open examination is conducted an employee who was affected may request in writing, the reason(s) why the examination was not closed.

Section 3. Internal Examinations. When a vacancy exists in the competitive service for an entry level position, or a Closed Promotional recruitment has not filled a vacancy, the Personnel Department may, with the approval of the appointing authority, post a notice of examination job announcement) open to current part-time and temporary employees only (Internal Examination). Part-time and temporary employees must have been employed for a minimum of six (6) months by the time the recruitment announcement closes. An internal employment list shall be prepared after an examination is administered to part-time and temporary employee applicants.

Section 4. Administration of Examinations. The Director of Personnel shall be responsible for the preparation of all examinations. The Director of Personnel may request assistance from other individuals regarding the administration, construction, and grading of examinations. The Director of Personnel may change the location of an examination or postpone or cancel an examination at any time for a legitimate reason.

Section 5. Grading of Examinations. The Director of Personnel may use any reasonable manner or method to grade the examinations. The Director of Personnel shall determine the eligibility of applicants for appointment based upon the grades received during the examination process.

Section 6. Notice and Review of Examination Results. The Director of Personnel shall notify each applicant of the results of the examination process. Applicants shall have the right to review their own examination papers in the presence of the Director of Personnel within five (5) days after the announcement of the examination results. An applicant may challenge any aspect of the examination process. The challenge shall be presented to the Director of Personnel within three (3) days after the applicant's review of the examination papers. The challenge shall be in

writing, and shall include a statement of the reason for the challenge. The Director of Personnel, and in his or her absence the City Administrator shall have the exclusive authority to resolve any challenge to the examination process.

RULE VI

EMPLOYMENT LIST PROCEDURES

Section 1. Preparation of Employment List. The director of personnel shall prepare an employment list based on the results of the examination process. The employment list shall contain the names of at least two (2) individuals more than the number of vacancies in the classification within the subject department. The director of personnel may arrange the names on the employment list in any reasonable manner.

Section 2. Duration of Employment List. An employment list shall be effective for one (1) year. With the approval of the appointing authority, the director of personnel may cancel an employment list, in writing, at any time.

Section 3. Removal of Names from Employment List. The director of personnel has the exclusive authority to remove an individual's name from the employment list for a legitimate reason.

RULE VII

APPOINTMENT PROCEDURES

Section 1. Types of Appointment. The appointing authority has the exclusive authority to fill vacancies in the city service. At the discretion of the appointing authority, vacancies shall be filled by demotion, re-employment, reinstatement, transfer, or appointment from an employment list. Except for unusual circumstances, the vacancy shall be filled within ninety (90) days from the date the position is vacated. An appointment shall not be effective until the individual reports for duty at the required time.

Section 2. Evaluation of Eligibles. When the appointing authority decides to fill a vacancy by an appointment from an employment list, the director of personnel shall transmit the employment list to the department director for evaluation. The department director shall review the names of the eligibles provided on the employment list and shall inter-view at least three (3) eligibles, if available, for each vacancy. After the interview process, the department director shall recommend to the appointing authority, in writing, the name of an eligible to fill the vacancy. The appointing authority may approve the recommendation of the department director, return the recommendation to the department director for further evaluation of the eligibles, or appoint an eligible from the employment list.

Section 3. Reemployment. Employees laid off, transferred, reclassified or demoted in lieu of layoff, and/or Y-rated, shall have their names placed on a reemployment list for their former classification. Such employees shall be offered the opportunity to be reappointed to their former classification only if a vacancy in such classification occurs within one (1) year of the effective date of their layoff, transfer, reclassification or demotion in lieu of layoff. This reappointment opportunity shall be offered to employees in the reverse order of their layoff, transfer, reclassification or demotion in lieu of layoff. A laid off employee reappointed from a reemployment list shall be considered as having been on leave of absence without pay during the period of layoff.

Section 4. Reinstatement. With the approval of the department director and the appointing authority, a former employee with a satisfactory employment record with the city, may be reinstated, within one (1) year of the effective date of a resignation, to a vacant position in the same or comparable classification formerly occupied by the employee. The names of former employees approved for reinstatement shall be included by the director of personnel on the employment list for their former classification. Upon reinstatement, an employee shall be credited with all previously earned seniority and merit increases and shall not be required to serve a probationary period.

Section 5. Transfer. A transfer is the assignment of an employee from one position to another position in the same classification. With the approval of the appointing authority, a department director may transfer an employee within the same department.

Section 6. Voluntary Demotion. Upon written request of an employee and with the approval of the appointing authority, an employee may voluntarily demote to a different classification. A voluntarily demoted employee shall be assigned to the pay rate in the pay range for such employee's new classification that minimized the reduction in the employee's pay rate in effect immediately prior to such demotion.

RULE VIII

MEDICAL EVALUATION PROCEDURES

Section 1. Medical Evaluation Upon Appointment. Prior to reporting for work, individuals appointed to classifications in the classified service shall be medically evaluated by the city physician.

Section 2. Discretionary Medical Evaluation. With the approval of the director of personnel, a department director may require an employee to be medically evaluated by the city physician at any time. If a medical evaluation report concludes that the employee cannot perform the duties of the employee's classification, an employee may be separated from employment with the city by the department director, with the approval of the appointing authority. A copy of the medical evaluation report may be provided to an employee separated from the city service for medical reasons. A medically evaluated employee shall not return to work without written authorization from the city physician.

RULE IX

PERFORMANCE EVALUATION PROCEDURES

Section 1. Purpose of Performance Report. The department director shall be responsible for the evaluation of the work performance of an employee. The appointing authority or department director may use the performance evaluation report to promote or train an employee or as a basis for disciplinary action. The department director shall use only job-related factors to evaluate an employee's work performance.

Section 2. Preparation of Performance Report. During the probationary period, the probationary employee or promotional appointee shall be evaluated every sixty (60) days. Probationary employees or promotional appointees shall be evaluated six (6) months after acquiring permanent status in a classification and thereafter every twelve (12) months for a period of twenty-four (24) months. An employee may also be evaluated at any time at the discretion of the department director.

Section 3. Discussion of Performance Report. Upon request, the department director shall discuss the performance report with the evaluated employee. The department director may modify the performance report after such discussion.

RULE X

PROBATIONARY PROCEDURES

Section 1. Duration of Probationary Period. An employee appointed or promoted to a position in the classified service shall serve a probationary period of not less than six (6) months beginning on the effective date of appointment or promotion.

Section 2. Rejection During Probationary Period. During the probationary period, with the approval of the appointing authority, the department director may reject a probationary employee or promotional appointee. A rejected promotional appointee shall be entitled to be informed of and to discuss the reason for the rejection with the department director prior to the effective date of the rejection. Except as otherwise provided in this section, a promotional appointee or probationary employee may be rejected without a hearing or right of appeal within the city's administrative process.

Section 3. Extension of Probationary Period. With the approval of the appointing authority, the department director may extend the probationary period up to an additional sixty (60) days. The department director shall notify the employee of the extension of the probationary period, in writing, before the expiration of the probationary period.

RULE XI

COMPENSATION PROCEDURES

Section 1. Preparation of Compensation Plan. The director of personnel shall be responsible for the preparation of the compensation plan. The compensation plan shall contain a list of the pay rates and pay ranges for classifications in the city service. The city shall meet and confer with any affected recognized employee organization prior to adoption of the compensation plan.

Section 2. Establishment of PM Rates. Upon appointment, an individual shall first be assigned to the minimum pay rate in the pay range established for the classification, provided that the appointing authority may approve an initial pay rate in excess of the minimum. A promotional appointee shall be assigned a pay rate in the pay range for the appointee's new classification that provides the appointee with a minimum pay rate increase of five percent (5%), provided that such new pay rate may not be in excess of the maximum pay rate for the pay range for the appointee's classification.

Section 3. Holiday Compensation. Except for department directors, employees required to work on a holiday shall receive, at the discretion of the department director, either pay, calculated at two and one-half (2-1/2) times their prevailing pay rate, or compensatory leave, credited at two and one-half (2-1/2) hours, for each hour worked.

Section 4. Overtime Compensation. Except for department directors, the city shall provide employees with overtime compensation subject to the following conditions:

(a) Employees shall receive either pay, calculated at one and one-half (1-1/2) times their prevailing pay rate, or compensatory leave, credited at one and one-half (1-1/2) hours, for each hour of overtime work. The department director shall have the exclusive authority to schedule and authorize overtime work and the city shall not compensate employees for unauthorized overtime work. The department director shall determine whether an employee shall receive either pay or compensatory leave as compensation for overtime work.

(b) Except as otherwise provided, overtime work shall be:

- (i) Work performed in excess of eight (8) hours in a shift;
- (ii) Work performed in excess of forty (40) hours in a week;

- (iii) Work performed on the first and second scheduled days of rest;
- (iv) Work performed at a time other than the scheduled shift.

(c) The first quarter hour of the first overtime hour shall not be considered overtime work unless the employee works more than a quarter hour of overtime. For purposes of determining an employee's eligibility for overtime compensation, only authorized paid leave time shall be considered as hours of work.

(d) When the department director decides that an emergency exists and requires that employees work more than four (4) hours between midnight and 8:00 a.m., such employees shall receive, at the discretion of the department director, either pay, calculated at two and one-half (2-1/2) times their prevailing pay rate, or compensatory leave, credited at two and one-half (2-1/2) hours, for each hour of emergency work. When the department director requires that employees work more than eight (8) hours during an emergency, such employees shall not return to work for at least eight (8) hours following completion of their emergency work.

(e) Employees called in to work at a time other than their scheduled shift shall receive overtime compensation for a minimum of two (2) hours regardless of the number of hours actually worked, except that if an employee does not report for work within thirty (30) minutes after being called in, such employee shall not be entitled to the minimum compensation, but shall be compensated only for the time actually worked.

Section 5. Court Service Compensation. Employees summoned to any court to perform any service, or to provide testimony regarding events observed in the course and scope of their employment, or as directed by the department director, shall be paid their prevailing pay rate during such court service. Employees will not be compensated for jury service which is voluntary.

Section 6. Except as specifically prohibited elsewhere, Y-ratings shall be given when persons or positions are reclassified, transferred or demoted downward for the City's convenience without considering an employee's job performance. Employees with Y-ratings will be frozen at their current pay rate and will not receive a salary range adjustment or cost of living increase until the salary range related to their new position exceeds the Y-rated pay rate. Shift differential shall be paid in addition to the Y-rated pay rate when the employee's new position qualifies for such pay. Other differentials shall be added to the Y-rated pay rate, as applicable. Except as otherwise provided above, Y-ratings shall be approved or denied at the discretion of the Appointing Authority.

(a) The practice of Y-rating is not to be confused with disciplinary involuntary demotion, salary range adjustments, or other normal personnel procedures. Y-ratings are sometimes, but not always, associated with a reorganization and redistribution of duties and responsibilities within the City.

RULE XII

LEAVE PROCEDURES

Section 1. Vacation Leave. The city shall provide employees with vacation leave subject to the following conditions:

(a) The department director has the exclusive authority to assign vacation leave to an employee. Unless the employee's use of vacation leave interferes with departmental operations, the department director shall permit employees to use vacation leave at the employee's discretion:

(b) Employees shall be credited with vacation leave at the following rates:

- (i) Eight (8) hours for each month of service or major portion thereof from the date of appointment;
- (ii) Ten (10) hours for each month of service or major portion thereof upon commencement of the employee's sixth year of service; and
- (iii) Thirteen and thirty-three hundredths (13.33) hours for each month of service or major portion thereof upon commencement of employee's eleventh year of service.

(c) Employees shall not be credited with vacation leave for leaves of absence without pay exceeding eighty (80) working hours in any calendar month.

(d) Employees may use vacation leave only after completing their initial six (6) months of service. Employees shall not use less than one (1) hour of vacation leave at any one time.

(e) Employees may carry over to the next calendar year up to three hundred sixty (360) hours of vacation leave. All vacation leave accrued in excess of three hundred sixty (360) hours shall be used within the calendar year in which the employee accrued such excess vacation leave.

(f) When an employee separates from the city service the employee shall be compensated for any accrued vacation leave. The value of accrued vacation leave shall be calculated using the employee's prevailing pay rate on the date of the employee's separation from city service.

Section 2. Sick Leave. The city shall provide employees with sick leave subject to the following conditions:

(a) Employees shall be credited with sick leave at the rate of eight (8) hours of sick leave for each month of service or major portion thereof. Sick leave shall not be credited for leaves of absence without pay exceeding eighty (80) working hours in any calendar month.

(b) Employees may accrue an unlimited number of sick leave hours. Employees may use accrued sick leave only after completing their initial one (1) month of service.

(c) Employees may not use sick leave at their discretion, but only in cases of actual personal sickness. Sick leave may also be used for medical and dental appointments, and pregnancy.

(d) When an employee uses sick leave, the department director may require the employee to present upon return to work a personal certification stating the reason for such sick leave. When an employee uses sick leave in excess of twenty-four (24) consecutive working hours, the employee shall present upon return to work a medical certification signed by a physician or licensed medical practitioner stating the reason for such sick leave.

(e) When an employee wishes to use accrued sick leave, the employee shall notify the department director either before, or within one (1) hour after the time set for beginning the work period, of the intended absence due to sickness, unless the employee is incapacitated and physically unable to provide the required notification. Employees on sick leave shall regularly inform the department director of their physical condition.

(f) When an employee separates from the city service for whatever reason the employee shall be compensated for one-half (1/2) the value of accrued sick leave. The value of accrued sick leave shall be calculated using the employee's prevailing pay rate on the date of the employee's separation from city service. A rejected probationary employee shall not be paid for any accrued sick leave.

Section 3. Compensation Leave. The city shall provide employees with compensatory leave subject to the following conditions:

(a) Upon advanced written notice and unless the employee's use of compensatory leave interferes with departmental operations the employee's immediate supervisor shall permit the employee to use compensatory leave at the employee's discretion. Employees shall not use less than one (1) hour of compensatory leave at any one time. Employees may use compensatory leave along with any other authorized paid leave with approval of the department director.

(b) An employee shall not accrue more than forty (40) hours of compensatory leave. An employee may carry over to the next calendar year up to forty (40) hours of compensatory leave.

(c) When an employee separates from the city service for any reason, the employee shall be compensated for any accrued compensatory leave. The value of accrued compensatory leave shall be calculated using the employee's prevailing pay rate on the date of the employee's separation from city service.

Section 4. Personal Leave. The city shall provide employees with personal leave subject to the following conditions:

(a) Effective January 1st of each year, employees shall be credited with forty (40) hours of personal leave. Employees appointed after January 1st shall be credited with personal leave upon appointment. Employee may use forty (40) hours of personal leave upon advance notice to the employee's immediate supervisor in the event of a medical crisis or upon the death of a member of the employee's immediate family. The employee's immediate family shall include an employee's spouse, children, parents, brothers, sisters, grandparents, grandchildren, parents-in-law, brothers-in-law, sisters-in-law or the employee's spouse's children.

(b) Employees may use up to sixteen (16) hours of their forty (40) hours of personal leave for any purpose. Upon advance notice and unless the employee's use of personal leave interferes with departmental operations, the employee's immediate supervisor shall permit employees to use their sixteen (16) hours of personal leave at the employee's discretion.

(c) Personal leave shall be forfeited if not used by the employee during the calendar year. Employees may use personal leave along with any other authorized paid leave with approval of the department director. Employees shall not use less than one (1) hours of personal leave at any one time.

Section 5. Holiday Leave. The city shall provide employees with the following holidays with pay subject to the following conditions:

- (a) January 1st;
- The third Monday in January (Martin Luther King Day);
- The third Monday in February;
- The last Monday in May;
- July 4th;
- The first Monday in September;
- November 11th;
- Thanksgiving Day;
- The Friday following Thanksgiving Day;
- December 25th;
- Three floating holidays;

Every day proclaimed by the president, governor or mayor of this city as a public holiday.

(b) When any day granted as a holiday falls on a Saturday or a Sunday, the preceding Friday or following Monday respectively shall be considered the holiday. In order to be paid for a holiday, the employee must work the scheduled work period immediately before the holiday unless the employee is absent from the scheduled work period immediately before a holiday on authorized paid leave.

(c) In the event that the mayor or the city council declares a portion of the day before Christmas (December 24th) or a portion of the day before New Year's Day (December 31st) to be a holiday, the employee must use such additional holiday leave when granted, and such leave cannot be accrued. Employees absent on other paid leave when such additional holiday leave is granted shall not receive compensatory leave or additional pay because of their absence.

(d) Floating holiday leave shall be provided to employees subject to the following conditions:

- (i) The department director has the exclusive authority to approve floating holiday leave. Unless the employee's use of floating holiday leave interferes with departmental operations, the department director shall permit employees to use floating holiday leave at the employee's discretion.
- (ii) Employees shall not use less than one (1) hour of floating holiday leave at any one time.
- (iii) Employees are encouraged to use floating holiday leave during the fiscal year. However, floating holiday leave shall be converted to vacation leave if not used by the end of the fiscal year.
- (iv) When an employee separates from the city service for any reason, the city shall compensate the employee for any floating holiday leave not taken, based on the date of the floating holiday and the employee's separation date. Employees will not be compensated for floating holidays occurring after their separation date.
- (v) New employees will be credited with floating holiday leave based on their date of hire. No floating holiday leave credit will be granted for floating holidays which occurred prior to their date of hire.

Section 6. Administrative Leave. The city shall provide department directors with administrative leave as time off from work, instead of pay or compensatory leave credit for overtime work, subject to the following conditions:

(a) Department directors shall be credited with sixteen (16) hours of administrative leave per month. A department director may carry over to the next calendar year up to forty-eight (48) hours of administrative leave. All administrative leave accrued in excess of forty-eight (48) hours shall be used within the month in which the department director accrued such excess administrative leave.

(b) A department director shall use administrative leave only upon written approval of the city administrator.

(c) When a department director separates from the city service for any reason, the city shall compensate the department director for any accrued administrative leave up to forty-eight (48) hours. The value of accrued administrative leave shall be calculated using the department director's prevailing pay rate on the date of the department director's separation from city service.

Section 7. Release Time Leave. The city shall provide employees with release time leave subject to the following conditions:

(a) Upon advance written notice and unless the employee's or designated representative's use of release time interferes with departmental operations, the immediate supervisor shall permit an employee and one designated representative to use release time as time off from work with pay in order to prepare a formal grievance or to appeal a disciplinary action.

(b) The immediate supervisor may approve release time requests for up to one (1) hour for both the employee and one (1) designated representative for each formal grievance. The immediate supervisor may approve release time requests for up to two (2) hours for both the employee and one (1) designated representative for each predisciplinary conference or disciplinary hearing. Additional requests for release time to prepare for a formal grievance or to appeal a disciplinary action must be approved in advance by the appointing authority.

(c) An employee's designated representative may use release time to be present at the presentation of formal grievance, a predisciplinary conference, or disciplinary hearing.

Section 8. Work Disability Leave. The city shall provide employees with work related disability leave subject to the following conditions:

(a) Except as otherwise provided, employees substantially disabled by bodily injury or sickness in the course and scope of employment shall be paid their regular pay

rate for up to twenty-six (26) weeks from the date of disability, or until the city's workers compensation insurance carrier terminates temporary disability either by means of a lump sum settlement or a retirement with pension, whichever event occurs first.

(b) When an employee receives workers compensation payments, the city shall pay the employee only the difference between such workers' compensation payments and the employee's regular pay rate. During the time the employee is substantially disabled, the employee shall continue to accrue vacation leave, sick leave, personal leave, administrative leave, and seniority for purposes of pay adjustments or advancements.

Section 9. Long Term Disability Leave. The city shall provide employees with long term disability leave subject to the following conditions:

(a) Employees substantially disabled by bodily injury or sickness outside the course and scope of employment and employees still substantially disabled after twenty-six (26) weeks of work disability leave are eligible for long term disability leave.

(b) After a thirty (30) day waiting period of substantial disability, the employee is eligible to receive a monthly disability income, reduced by any deductible benefits, as specified in the city's long term disability insurance program.

(c) Pregnant employees shall be eligible for long term disability leave subject to the same terms and conditions as any other employee substantially disabled by bodily injury or sickness outside the course and scope of employment.

Section 10. Military Leave. The city shall grant military leave to employees as provided in the California Military and Veterans Code Sections 389 through 395.4. Employees on ordered military leave shall be paid their regular pay rate in addition to their military pay.

Section 11. Leave Of Absence Without Pay. The appointing authority has the exclusive authority to approve an employee's request for leave of absence from work, without pay. Such leave of absence shall not be approved unless the employee provides the appointing authority with a written reason for the request. If the appointing authority approves such leave of absence for a period of ten (10) working days or less, the employee shall not lose any seniority for such leave of absence. After the expiration of an approved leave of absence without pay, employees shall be reassigned to their former classification.

Section 12. Time Off For Voting. The city shall provide employees with time off for voting subject to the following conditions:

(a) When an employee claims not to have sufficient time outside of working hours to vote at a statewide election, the employee may, without loss of pay, with the approval of the director of personnel, take off enough working hours which when added to the voting hours available outside of working hours will enable the employee to vote. The director of personnel may not authorize an employee to take off more than two (2) hours from work for

voting with pay. The time off authorized for voting shall be only at the beginning or end of a work period, whichever allows the employee the most time for voting and the least time off from work.

(b) If the employee knows or has reason to believe that time off for voting will be necessary on election day, the employee shall notify the director of personnel of that fact at least two (2) work periods in advance. At least ten (10) days before every statewide election, the director of personnel shall post the provisions of this section conspicuously at the civic center or elsewhere so that the notice may be seen as employees come or go to their place of work.

Section 13. Lunch Period. The department director shall provide employees with a reasonable lunch period during each work period. The amount of time available for a lunch period and the procedures for using such lunch period shall be determined by the department director.

Section 14. Rest Period. The department director shall provide employees with a rest period of fifteen (15) minutes for each half work period as determined by standard management procedures. Employees may not use the rest period to compensate for a late arrival to or early departure from work. Rest periods shall have no monetary value and shall be forfeited if not used during the work period.

Section 15. Leave For Permanent Part Time Employee. Except as otherwise provided, permanent part time employees shall not be granted the leave benefits granted to full time employees. The city shall provide permanent part time employees with a pro rata percentage of vacation leave, sick leave and release time leave, considering the number of working hours of a permanent part time employee as compared to the working hours of a full time employee.

RULE XIII

TERMINATION PROCEDURES

Section 1. Resignation. In order to resign in good standing, at least ten (10) working days in advance, an employee shall inform the director of personnel of the effective date of the resignation. This time limit may be waived, in writing, by the director of personnel. An employee absent from work without authorization for forty (40) consecutive working hours or more, without presenting a satisfactory explanation to the appointing authority as to the cause of the employee's absence, shall be considered as having voluntarily resigned from the city service.

Section 2. Layoff. The appointing authority may lay off employees or demote employees in lieu of layoff subject to the following conditions:

(a) The appointing authority shall notify those employees to be laid off at least twenty (20) working days prior to the effective date of any such layoff. When possible, the appointing authority shall demote employees in lieu of layoff. Permanent full time employees and permanent part time employees shall not be laid off until all temporary, part-time, seasonal, and probationary employees in the same classification have been separated from the city service.

(b) The appointing authority shall first layoff employees with the least seniority. If the seniority of employees is comparable, the appointing authority may consider merit factors in determining the order of layoff. If an employee is demoted in lieu of layoff, the appointing authority shall assign the employee to the pay rate in the pay range for the new classification that least reduces the employee's prevailing pay rate immediately prior to the demotion.

(c) The appointing authority shall fill vacancies with all eligibles on a reemployment list established for a classification prior to appointing eligibles from any other employment list for that same classification. The name of any eligible on a reemployment list shall be removed by the director of personnel after one (1) year of eligibility for appointment.

Section 3. Retirement. An employee may retire in good standing by separating from the city service in compliance with the provisions of any city approved retirement plan.

RULE XIV

DISCIPLINARY PROCEDURES

Section 1. Legitimate Reasons for Disciplinary Action. Disciplinary action consists of the discharge, involuntary demotion or suspension of an employee. An employee shall not be discharged, involuntarily demoted or suspended except for a legitimate reason. A legitimate reason for disciplinary action may include but shall not be limited to the following:

- (a) Violation of standard management procedures;
- (b) Failure to properly perform assigned duties;
- (c) Theft of city property;
- (d) Insubordination;
- (e) Conviction of a felony, or conviction of a misdemeanor relation to the employee's fitness to perform assigned duties;
- (f) Unauthorized absence from employment;
- (g) Tardiness;
- (h) Failure to maintain satisfactory working relationships with other employees or the public;
- (i) Reporting for work, or being at work, under the influence of or in possession of alcohol, or non-prescribed controlled substances;
- (j) Improper use of city funds;
- (k) Unauthorized use of city property;
- (l) Failure to properly care for city property;
- (m) Misstatement of material fact;
- (n) Failure to maintain any employment qualification;
- (o) Failure to comply with safety standards;

- (p) Other failure of good behavior either during or outside of employment such that the employee's conduct causes discredit to the city;
- (q) The use of threats of physical violence against and in the presence of employees and/or the general public; self defense is not grounds for discipline.
- (r) Involvement in an altercation/fight while at work. The recommended disciplinary action for fighting may be discharge. Employee will retain the right to appeal the disciplinary action.

Section 2. Disciplinary Authority. The department director shall have the responsibility to institute disciplinary action, to schedule and conduct any predisciplinary conference and to recommend the imposition of disciplinary action. The department director shall not impose disciplinary action against an employee without the prior approval of the appointing authority.

Section 3. Notice of Discipline. Prior to recommending the imposition of any disciplinary action, the department director shall notify the employee in writing of the nature of the proposed disciplinary action and its proposed effective date, the reason for the proposed disciplinary action, any specific charges against the employee, and of the employee's right to receive copies of the written documents and materials upon which the proposed disciplinary action is based, and of the employee's right to respond to the charge, either orally or in writing.

Section 4. Representation. If an employee requests or is required to meet with a department director or supervisor and such meeting involves the possible imposition of disciplinary action against the employee, the employee, upon request, shall be entitled to have one representative present at such meeting.

Section 5. Emergency Suspension. When a department director determines that an employee's conduct threatens or has caused injury to persons or property, the department director may impose a suspension against the employee, effective immediately, until a predisciplinary conference is conducted pursuant to the personnel rules. Within three (3) days of such emergency suspension, the department director shall notify the employee, in writing, of the nature of any proposed disciplinary action, the reason for the disciplinary action, and of any specific charge against the employee, and of the employee's right to receive copies of the written documents and materials upon which the disciplinary action is based, and of the employee's right to respond to the charge, either orally or in writing. The department director, unless otherwise requested by the employee, shall conduct a disciplinary conference in not less than ten (10) days after the effective date of the emergency suspension. The imposition of any emergency suspension against an employee does not preclude the department director from proposing a more severe disciplinary action against such employee receiving an emergency suspension. The appeal rights of an employee receiving an emergency suspension shall be governed by the procedures provided for in these personnel rules for employees disciplined in the usual situation.

Section 6. Reprimand. A reprimand is a written criticism of an employee's work performance and issued to an employee in accordance with standard management procedures. An employee may use the grievance procedure provided for in these personnel rules to challenge the issuance of a reprimand.

RULE XV

APPEAL PROCEDURES

Section 1. Request for Disciplinary Hearing. Employees shall have the right to appeal the imposition of disciplinary action. When an employee requests a disciplinary hearing, the request shall be in writing, signed by the employee, and presented to the director of personnel within ten days after the notification date of the imposition of the disciplinary action. Any such request shall be addressed to the director of personnel and shall identify the subject matter of the appeal, the grounds for the appeal, and the relief desired by the employee. All disciplinary hearings shall be conducted in private unless the employee requests, in writing, a public hearing. If the employee fails to request a disciplinary hearing within the prescribed time, the employee shall have waived the right to a hearing and all rights to further appeal of the disciplinary action.

Section 2. Scheduling of Disciplinary Hearing. The Director of Personnel shall schedule any disciplinary hearing within a reasonable time after the filing of the employee's request, considering the availability of a hearing officer and the convenience of the employee and witnesses. If the disciplinary action recommended by the department director is discharge, the disciplinary appeal hearing shall begin within fifteen (15) days after the filing of the employee's request, unless a time extension is agreed to by both the hearing officer and the affected employee.

Section 3. Hearing Officer. The appointing authority shall be the hearing officer for disciplinary hearings except that the appointing authority may designate a department director or third party as the hearing officer for any disciplinary hearing.

Section 4. Representation at Disciplinary Hearing. At the disciplinary hearing, the employee may appear personally and may be represented by counsel or other representative. Employees whose positions are represented by the Municipal Employees' Union, Local 809, may appear personally and may be represented by an employee designated by the union. The employee and the city shall have the right to produce and confront witnesses, and to present any relevant oral or documentary evidence.

Section 5. Burden of Proof and Evidence. The city shall have the burden of proof at the disciplinary hearing shall be required to prove the charges against the employee by a preponderance of the evidence. The disciplinary hearing shall not be conducted according to the technical rules of evidence.

Section 6. Conduct of Disciplinary Hearing. The conduct of the disciplinary hearing shall be under the control of the hearing officer with due regard for the rights and privileges of the parties. During the examination of a witness, the hearing officer may exclude from the hearing, any and all other witnesses. The hearing officer shall have the power to issue subpoenas to compel the attendance of witnesses or the production of documents.

Section 7. Hearing Officer's Decision. Within a reasonable time after the disciplinary hearing, the hearing officer shall issue a written decision containing findings of fact and conclusions of law. The hearing officer shall have the authority to affirm, revoke or reduce the disciplinary action imposed against the employee. Except as otherwise provided for in these personnel rules, the hearing officer's decision constitutes a final resolution of any disciplinary action and no further appeal shall be permitted within the city's administrative process.

RULE XVI

GRIEVANCE PROCEDURES

Section 1. Propose of Grievance Procedure. The grievance procedure shall be used to resolve employee complaints concerning terms and conditions of employment with the city. The grievance procedure shall not be used for:

- (a) The resolution of any complaint concerning any disciplinary action; or
- (b) The resolution of any complaint concerning any aspect of the examination process;
- (c) The resolution of any complaint relating to any concerted refusal to work.

Section 2. Informal Discussion of Grievance. When an employee has a complaint, the employee shall first informally discuss the matter with the employee's immediate supervisor within five (5) working days from the incident or decision generating the grievance. If after the discussion with the immediate supervisor, the complaint has not been satisfactorily resolved, the employee shall have the right to informally discuss the complaint with the supervisor's immediate superior. If after such a discussion, the complaint has not been satisfactorily resolved the employee shall have the right to file a formal grievance.

Section 3. Formal Grievance Procedure. The formal grievance shall be used to resolve an employee's complaint not satisfactorily resolved by informal discussion.

(a) An employee shall have the right to present a formal grievance, in writing, within five (5) working days after the informal discussion of the grievance with the immediate supervisor and the immediate super-visor's superior. All formal grievances shall state the reasons for the complaint and the employee's suggested solution.

(b) The formal grievance shall be presented to the department director. The department director shall discuss the grievance with the employee or the employee's representative. Within five (5) working days after receipt of the formal grievance, the department director shall render a written decision regarding its merits. If the department director's decision does not satisfactorily resolve the complaint, the employee may present the formal grievance to the director of personnel. The grievance shall be considered resolved and no further review of the subject matter of the grievance shall be permitted under this rule when the employee does not seek further review of the grievance within five (5) working days after receipt of the decision of the department director. Failure of the department director to render a written decision on the grievance within five (5) working days constitutes a decision denying the grievance.

(c) When the employee presents a formal grievance to the Director of Personnel, the Director of Personnel shall discuss the grievance with the employee, or the employee's representative. Within ten (10) working days after receipt of the formal grievance, the Director of Personnel shall render a written decision regarding its merits. If the decision of the Director of Personnel does not satisfactorily resolve the complaint, the employee may present the formal grievance to the City Administrator. The grievance shall be considered resolved, and no further review of the subject matter of the grievance shall be permitted under this rule when the employee does not seek further review of the grievance within five (5) working days after receipt of the decision of the Director of Personnel.

(d) When the employee presents a formal grievance to the City Administrator, the City Administrator shall discuss the grievance with the employee, or the employee's designated representative. Within fifteen (15) working days after receipt of the formal grievance, the City Administrator shall render a written decision regarding its merits. The decision of the City Administrator shall resolve the grievance and no further review of the subject matter of the grievance shall be permitted within the City's administrative process.

(e) A division head shall have the right to present a formal grievance to the department director within (10) working days from the date of the incident or decision generating the grievance. A grievance filed by a division head shall be reviewed by the department director in the same manner as described in subsection (b) except that if the decision of the department director does not satisfactorily resolve the complaint, the division head may present the formal grievance to the City Administrator.

(f) When the division head presents a formal grievance to the City Administrator, the City Administrator shall discuss the grievance with the division head, or the division head's representative. Within fifteen (15) working days after receipt of the formal grievance, the City Administrator shall render a written decision regarding its merits. The decision of the City administrator shall resolve the grievance and no further review of the subject matter of the grievance shall be permitted within the city's administrative process.

(g) The city shall not institute any reprisals against any employee or any representative resulting from the use of the grievance procedure. The City Administrator may designate a department director or third party to serve as the final reviewer for either employee grievances or division head grievances.