CITY OF ANGELS
CITY COUNCIL
RESOLUTION No. 26-79

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANGELS CAMP ADOPTING REVISED PERSONNEL RULES FOR THE CITY OF ANGELS CAMP AND REPEALING AND REPLACING PRIOR PERSONNEL RULES

WHEREAS, the City of Angels Camp ("City") maintains personnel rules and administrative policies governing employment practices, personnel administration, employee conduct, recruitment, classification, performance management, employee rights and responsibilities, and other matters related to City employment; and

WHEREAS, the City has reviewed and updated its Personnel Rules to provide a current and comprehensive framework for the administration of City personnel matters; and

WHEREAS, the revised Personnel Rules are intended to establish consistent employment practices and procedures applicable to City employees, subject to applicable federal and California law, the Angels Camp Municipal Code, and applicable memoranda of understanding and collective bargaining agreements; and

WHEREAS, the revised Personnel Rules recognize that, where a memorandum of understanding or collective bargaining agreement clearly conflicts with the Personnel Rules, the applicable memorandum of understanding or collective bargaining agreement shall control; and

WHEREAS, the revised Personnel Rules address, among other matters, employment classifications, equal employment opportunity, discrimination and harassment prevention, reasonable accommodation, recruitment and examinations, background and reference checks, performance evaluations, outside employment, personnel records, employee training, electronic communications and devices, social media, grievance procedures, public safety employee rights, and authorized use of artificial intelligence technology; and

WHEREAS, the revised Personnel Rules are also intended to provide appropriate administrative flexibility while maintaining compliance with applicable employment laws and preserving the City's authority to manage its workforce and municipal operations; and

WHEREAS, the City Council finds that adoption of the revised Personnel Rules will promote consistent, equitable, efficient, and legally compliant personnel administration throughout the City; and

WHEREAS, the City Council has reviewed the proposed revised Personnel Rules and considered the recommendation of the City Administrator.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Angels does hereby approve the Resolution No. 26-79.

SECTION 1. Adoption of Revised Personnel Rules

The City Council hereby adopts the **City of Angels Camp Personnel Rules, Revised 2026**, attached hereto as **Exhibit A** and incorporated herein by reference, as the Personnel Rules governing City employment and personnel administration.

SECTION 2. Supersession of Prior Personnel Rules

Upon the effective date of this Resolution, the revised Personnel Rules adopted herein shall supersede and replace prior City Personnel Rules to the extent they are inconsistent with the revised Personnel Rules.

Nothing in this Resolution shall be construed to impair, modify, or supersede any right, obligation, term, or condition established by an applicable memorandum of understanding, collective bargaining agreement, employment agreement, or applicable law.

SECTION 3. Compliance with Applicable Law and Agreements

The Personnel Rules shall be administered consistent with all applicable federal and California laws and regulations, the Angels Camp Municipal Code, and applicable memoranda of understanding, collective bargaining agreements, and other legally binding employment agreements.

Where a provision of the Personnel Rules conflicts with a controlling provision of an applicable memorandum of understanding or collective bargaining agreement, the controlling labor agreement shall govern to the extent of the conflict.

SECTION 4. Administrative Implementation

The City Administrator, or designee, is authorized to take such administrative actions as are reasonably necessary to implement the revised Personnel Rules, including:

1. Developing and issuing administrative procedures, forms, guidance, and other implementation materials consistent with the Personnel Rules;
2. Providing notice and distributing the revised Personnel Rules to City employees;
3. Coordinating employee acknowledgments or other documentation regarding receipt of the Personnel Rules;
4. Establishing administrative processes necessary to carry out the Personnel Rules; and

5. Making non-substantive administrative, formatting, numbering, or clerical corrections that do not alter the substantive rights or obligations established by the Personnel Rules.

Any substantive amendment to the Personnel Rules shall require approval by the City Council unless otherwise authorized by applicable law or a duly adopted City policy.

SECTION 5. No Contractual Right Created

The adoption of the Personnel Rules shall not be construed to create an employment contract or contractual right where none otherwise exists. The Personnel Rules shall be administered consistent with applicable law and controlling labor agreements.

SECTION 6. Severability

If any provision of this Resolution or the Personnel Rules adopted hereby is determined by a court of competent jurisdiction to be invalid or unenforceable, such determination shall not affect the validity of the remaining provisions, which shall remain in full force and effect to the fullest extent permitted by law.

SECTION 7. Effective Date

This Resolution shall become effective immediately upon its adoption, unless otherwise provided by law.

SECTION 8. Certification

The City Clerk shall certify to the passage and adoption of this Resolution and shall cause the same to be entered into the book of original resolutions of the City of Angels Camp.

PASSED AND ADOPTED this 15th day of September 2026, by the following vote:

AYES: BEHIEL, CHIMENTE, SCOTT, BROGLIO
NOES:
ABSTAIN:
ABSENT: SCHIRATO

H Bugarin

Haley Bugarin, City Clerk

Michael Chimente
Michael Chimente (Sep 22, 2026 12:34:35 PDT)

Michael Chimente, Vice Mayor

Resolution No. 26-79 (1)

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City of Angels

Personnel Rules

Adopted by Resolution No. 26-79

September 15, 2026

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ARTICLE 1

PURPOSE AND APPLICABILITY

These Personnel Rules are adopted by the City Council to establish a uniform framework for employment with the City. They are intended to promote efficient public service and to ensure fair and consistent personnel administration, in compliance with applicable law and in alignment with the Municipal Code and the City's collective bargaining obligations.

These Rules apply to all City employees unless specifically exempted or excluded. Independent contractors, volunteers, members of boards and commissions, and City Councilmembers are not considered employees and are not covered by these Rules unless explicitly stated otherwise.

These Rules are intended to operate alongside any applicable Memorandum of Understanding ("MOU") between the City and a recognized employee organization. In the event of a clear conflict between a provision of these Rules and a provision of an MOU, the MOU shall control for employees covered by that agreement.

These Rules do not create contractual rights or an express or implied employment contract. The City retains the exclusive authority to amend or modify these Rules at any time, consistent with applicable law.

ARTICLE 2

DEFINITION OF TERMS

The following terms used in these Personnel Rules shall have the meanings assigned below, unless the context indicates otherwise. Any terms not defined herein that are defined in the Meyers-Milias-Brown Act or other applicable law shall be given the meanings ascribed to them by statute.

Acting Appointment. Temporary assignment to a vacant position in the absence of a regular employee.

Allocation. Assignment of a position to its appropriate classification based on job duties and responsibilities.

Anniversary Date. The date of an employee's appointment to their current permanent classification.

Applicant. A person who has submitted a formal application for employment with the City.

Appointing Authority. The individual or body authorized to make or remove appointments.

Appointment. An offer and acceptance of employment in accordance with these rules.

Assignment. A designated appointment to a job classification for a set period.

At-Will. An employee who serves at the pleasure of the appointing authority, does not have a property right to continued employment with the City, and is not entitled to pre- or post-disciplinary procedural due process or evidentiary appeal.

Authorized Position. A position officially approved and funded by the City Council.

Bereavement Leave. Paid leave granted due to the death of an immediate family member.

Break in Service. Employment interruption resulting from resignation.

Certified Employee Organization. An officially recognized employee representative group.

City Administrator. The chief administrative officer appointed by the City Council to manage the day-to-day operations of the City, vested with the authority to implement and enforce these Personnel rules, oversee department operations, and exercise such other powers and duties as may be assigned by the City Council.

City Council. The City Council of the City of Angels.

Classification. A position or group of positions, the duties, authorities and responsibilities of which are sufficiently similar so that the same descriptive title, examples of duties, recruiting standards, and compensation can be applied.

Closed Examination. A competitive examination for a particular classification which may be taken by any employee who is paid by the City and who meet the requirements set forth in the examination announcement.

Compensatory Time Off (CTO). The leave time granted with pay in lieu of payment for approved overtime hours worked.

Confidential Employee. Any employee who, in the course of their duties, has access to sensitive information concerning personnel matters, labor relations, collective bargaining, and who acts in a confidential capacity to management, and who is required to develop or present management positions.

Consult. To communicate for the purpose of exchanging views, providing or obtaining advice, or notifying others of intended actions.

Continuous Service. A length of employment where there is no break in service with the City.

Day. A calendar day unless otherwise noted.

Demotion. The reassignment of an employee to a position in a lower classification or pay grade, whether voluntarily at the employee's request, as a result of a disciplinary action, or due to organizational needs, including a reduction in force.

Department. An administrative unit of the City as determined by the City Council and approved in the organizational chart of each fiscal year budget by the City Council.

Department Head. The person who administers the operation of a City department.

Designee. An employee designated by a Department Head or the City Administrator, as applicable, to act on their behalf, perform assigned duties in their absence, or serve in their stead as authorized.

Dismissal. Termination of an employee from the City service.

Eligible. A person whose name is on a current employment, re-employment or reinstatement list.

Employee. A person employed by the City, but not including elected officials, members of boards or commissions, or a person under contract as an independent contractor.

Employer. The employment relationship between the City and its employees and their employee organizations.

Employment List. A list of eligibles established by competitive examination who may be considered for employment with the City under specific conditions set forth in these Personnel Rules.

Examination (Test or Exam). A process to evaluate the qualifications, knowledge, skills, and abilities of applicants for a classification, which may include written tests, interviews, performance tests, or review of experience.

Exclusive Representative. An employee organization selected by majority vote of employees of a representation unit to be sole representative of all employees in that unit.

Fact-Finding. The investigation of an impasse between the City and a recognized employee organization over matters within the scope of representation, including the gathering of information and the preparation of non-binding findings or recommendations to assist the parties in resolving the dispute.

Final Score. The score used to establish an applicant's ranking on an employment list. The final score may be a score computed from a combination of scores from various parts of the exam process.

Fitness For Duty. An evaluation of an employee's physical or mental ability to safely and effectively perform the essential functions of their position, with or without reasonable accommodation, in compliance with applicable law.

Grievance. A formal complaint by an employee or a recognized bargaining group concerning the interpretation or application of an applicable Memorandum of Understanding, policy, rule, regulation, or these Personnel Rules affecting working conditions. An impasse in meeting and conferring, including over the terms of a proposed Memorandum of Understanding or administrative policy, is not a grievance.

Hire Date. The date upon which an employee begins employment with the City, whether temporary, reserve, probationary, etc. This date should not be confused with the employee's Service Date, which is defined separately

Immediate Family. Means an employee's spouse or registered domestic partner, child (including stepchild or foster child), parent (including stepparent or legal guardian), sibling, grandparent, grandchild, or any relative residing in the employee's household, or as defined by applicable law.

Impasse. deadlock between the City and a recognized employee organization in meeting and conferring in good faith over matters within the scope of representation, such that further negotiations would be futile and no reasonable prospect of reaching agreement exists.

Insubordination. The willful or deliberate failure of an employee to obey a lawful and reasonable order or directive from a supervisor or other authorized City official, or conduct that demonstrates a willful disregard for authority or a refusal to perform assigned duties.

Layoff. The involuntary separation of one or more regular employees from the workforce due to the abolishment of a position or positions, a reduction in the number of employees in a given classification, or economic reasons.

Leave of Absence. An approved period of time, authorized in writing, during which an employee is permitted to be away from work, with or without pay, for purposes such as personal matters, medical needs, military service, or other reasons as allowed by law or City policy.

Management Employee. An employee who participates in the formulation, implementation, or administration of City policies and programs, exercises discretion and independent judgment in directing the work of others, or has significant responsibility in planning, organizing, or controlling departmental operations.

Mediation. The process by which an impartial third party assists in resolving an impasse between representatives of the City and a recognized employee organization on matters within the scope of representation, through non-binding recommendations.

Meet and Confer. The obligation of the City and a recognized employee organization to meet in good faith to discuss and exchange information regarding wages, hours, and other terms and conditions of employment within the scope of representation, with the intent to reach agreement, in accordance with the requirements of the Meyers-Milias-Brown Act ("MMBA").

Memorandum of Understanding (MOU). A written memorandum jointly prepared by the City's representatives and representatives of a recognized employee organization, incorporating matters on which agreement has been reached through meeting and conferring. The memorandum shall be presented to the City Council for review, determination, and implementation.

Merit Increase. A salary increase within the City's salary schedule. Advancement to Steps A through D is based on performance, upon recommendation of the Department Head and at the sole discretion of the City Administrator. Advancement to Step E is granted at the sole discretion of the City Council.

Misconduct. Any behavior or action by an employee that violates established rules, policies, regulations, or standards or professional conduct, including acts that are dishonest, unethical, insubordinate, disruptive, or otherwise inconsistent with the proper performance of City duties.

Open Examination. A competitive examination for a particular classification in which all applicants who meet the qualifications for the classification may participate, regardless of City employment.

Oral Reprimand (Oral Warning). A verbal statement from a supervisor to an employee explaining an unsatisfactory aspect of job performance. An oral reprimand is intended to be corrective or cautionary.

Overtime. Hours worked by an employee in excess of the applicable work schedule or work period for the employee's classification, as established by law, applicable memorandum of understanding, or City policy (for most classifications, more than forty (40) hours per workweek).

Part-Time Employee. An employee who is filling a part-time position and is paid on an hourly or per diem basis.

Part-Time Position. A position in which an employee is regularly scheduled to work fewer hours than a full-time position for the same classification, typically less than the standard 40-hour workweek, and generally ineligible for full-time benefits unless otherwise specified.

Pay Plan (Salary Schedule). A structured schedule that establishes the minimum and maximum rates of pay for each classification in City service. The pay plan may include

pay ranges, steps, or grades and serves as a framework for determining employee compensation, including adjustments for merit, longevity, or other lawful factors.

Pay Range (Salary Range). The minimum and maximum compensation established for a classification, within which an employee's salary may be set or adjusted.

Payroll Deduction. An arrangement under which the City deducts from the salary of the employee sums of money for various authorized purposes.

Permanent Employee. An employee who has been given permanent status upon the completion of a probationary period.

Personnel File. The official employment record maintained by the City for each employee, containing information related to the employee's performance, conduct, and employment history.

Personnel Officer. The City Administrator or designee.

Position. A combination of current duties and responsibilities assigned to a single classification or normally performed by one employee.

Position Description or Job Description. A written statement that identifies the title, classification, essential duties, responsibilities, and minimum qualifications of a position, including any special requirements or working conditions, and serves as a general guide to the nature and scope of work performed in that classification.

Probationary Appointment. An appointment to a regular position, made from an eligible list if applicable, for a specified trial or working test period. During this period, the employee serves at will, and their suitability for continued employment is evaluated. The length of the probationary period is established by the appropriate MOU, Administrative Policy, or these Personnel Rules.

Probationary Employee. An employee appointed on a trial basis for a defined period, during which their performance, conduct, and overall suitability for the position and the City are evaluated. A probationary employee serves at-will and may be released at any time, with or without cause, and without the procedural protections afforded to permanent employees.

Promotion. The movement of an employee from one classification to another classification resulting in a higher base rate of pay.

Provisional Employee. Appointment of a person who has not qualified through examination with such appointment not to exceed six months and not constitute a part of a probationary period.

Reallocation. The reassignment of a position from one existing classification to another existing classification based on a material change in assigned duties or responsibilities, without creating a new classification or modifying the classification plan.

Reclassification. The reassignment of a position from one classification to another classification, either to an existing classification or to a newly established classification, based on substantial and continuing change in duties, responsibilities, or organizational needs that warrants review or modification of the classification plan.

Reemployment. The reappointment of a former regular employee from a reemployment list.

Reemployment List. A list of former employees who have been laid off or separated in good standing and are eligible for rehire in the same classification. Employees are placed on the list upon separation, and the list remains valid for one year from the date of placement.

Regular Employee. An employee who has been appointed to a position on a continuing basis, either full-time or part-time, and who is not serving in a temporary, provisional, or probationary capacity.

Regular Position. A position established by the City Council on a continuing basis, either full-time or part-time, intended to be filled by a regular employee who is eligible for applicable City benefits.

Reinstatement. The restoration, without examination, of a former employee to a classification in which they previously served as a regular, non-probationary employee.

Relief Employee. An appointment of an individual who has been certified from an appropriate eligible list if applicable, to address seasonal peak workloads; emergency assignments of limited duration; vacation and sick leave relief; or other situations involving fluctuating staff. Relief employees serve at the pleasure of the City.

Representation Unit. A group of employees recognized under the Meyers-Milias-Brown Act who share a community of interest for purposes of collective bargaining, as determined by applicable law and/or the Public Employment Relations Board (PERB). Representation units are established based on factors including similarity of duties, skills, working conditions, wages, and other relevant interests.

Representative. An individual designated by a recognized employee organization to act on behalf of the organization or its members in matters within the scope of representation, including meeting and conferring with the City.

Resignation. The voluntary, written separation of an employee from City service, effective on the date specified by the employee or accepted by the City.

Retirement. The separation from City employment upon eligibility for retirement benefits under the City's retirement system, in accordance with applicable law and City policies.

Salary. The amount of compensation assigned to an employee for the performing the duties of a position, within the established range and step in accordance with an applicable Memorandum of Understanding or Administrative Policy.

Secondary or Outside Employment. Any work or service performed by an employee outside of their City employment, whether compensated or uncompensated. Such employment must not interfere with the employee's performance of City duties or create a conflict of interest.

Seniority. A status attained by length of continuous service with the City.

Service Date. The date used to determine an employee's continuous service and seniority for purposes of vacation accrual rate and longevity pay in a regular position.

Shift. A scheduled period of work or duty.

Step Increase. A pay or salary increase within the limits of the pay or salary range established for a classification.

Supervisory Employee. Any employee having authority to exercise independent judgment in the interest of the City to assign, reward or discipline other employees or having the responsibility to direct them or to adjust grievances or to effectively recommend such action, if in connection with the foregoing the exercise of such authority is not merely routine or clerical in nature and requires the use of independent judgment.

Suspension. An involuntary absence without pay imposed by the City Administrator, with approval of the City Council, for cause.

Temporary Employee. An employee appointed for a limited period to perform work that is not ongoing or permanent, and who does not have regular or continuing status in a classification.

Termination. The permanent separation of an employee from City service for any reason, including resignation, retirement, layoff, or dismissal.

Transfer. The movement of an employee from one position to another within the same classification or to a comparable classification, either within the same department or toa different department, without loss of pay or benefits.

Vacant Position. Any position which has been authorized by the City Council, is unoccupied, and is available to be filled by appointment.

Workday. A consecutive 24-hour period established by the City during which an employee is regularly scheduled to perform assigned duties, as defined by the applicable Memorandum of Understanding, or Administrative Policy.

Workweek. A fixed, consecutive seven-day period, Sunday through Saturday, established by the City during which an employee's hours of work are recorded for purposes of calculating wages and overtime.

Written Reprimand. A formal, written notice maintained in an employee's personnel file, documenting unsatisfactory work performance or behavior and intended to correct the employee.

Y-Rate. When an employee's salary exceeds the maximum of the pay range for their classification, such as when an employee is demoted or reclassified/reallocated downward, the City may place the employee on a Y-Rate. Under a Y-rate, the employee's current salary is maintained, but no further step or merit increases are granted until the salary for the new classification reaches the level on the Y-rated salary. Y-rating ensures the employee's pay is not reduced while compensation is aligned with the revised pay structure over time.

ARTICLE 3

GENERAL PROVISIONS AND ADMINISTRATION

SECTION 3.01 EMPLOYEE ACKNOWLEDGMENT AND COMPLIANCE

By accepting employment with the City, each employee agrees to familiarize themselves with and comply with these Personnel Rules; policies and procedures established by the City Council and the City Administrator; the policies, procedures, and directives of their employing department; and any applicable Memorandum of Understanding between the City and a recognized employee organization, as amended from time to time.

Violation of any provision of these Personnel Rules shall constitute grounds for disciplinary action, up to and including dismissal.

SECTION 3.02 ADMINISTRATION

A. City Administrator Authority. The City Administrator is the chief administrative officer and head of the administrative branch of City government (Chapter 2.08, Angels Camp Municipal Code). Employees report to the City Administrator, not the City Council. The City Administrator has authority to administer, interpret, and enforce these Personnel Rules and the City's merit system; personnel-related ordinances, resolutions, and memoranda of understanding; and any other regulations, directives, or policies affecting the City's personnel system.

The City Administrator may issue Administrative Regulations to establish procedures and guidelines, provided they do not conflict with these Personnel Rules or directives of

the City Council. The City Administrator also has authority to direct and supervise all Department Heads and subordinate officers and employees, and may delegate responsibility to designee(s) to carry out personnel actions. Whenever the term “City Administrator” is used in these Personnel Rules, it includes any person or entity designated by the City Administrator.

B. Application of Personnel Rules. These Personnel Rules apply to all City employees unless specifically exempted or excluded herein. Elected and appointed officials, volunteers, independent contractors, and consultants are generally excluded, except where a provision explicitly applies to them.

If any provision of these Personnel Rules and Regulations conflicts with a provision of a current Memorandum of Understanding (MOU) between the City and a recognized employee organization, the MOU provision shall govern for employees covered by that MOU.

C. Right to Contract for Special Services. The City Administrator shall review and make recommendations to the City Council regarding the extent to which the City should contract for the performance of technical services related to the establishment or operation of the personnel system. The City may contract with any qualified person or agency to perform all or any portion of the responsibilities and duties set forth in these Personnel Rules.

SECTION 3.03 CODE OF ETHICS

City employees, officials, volunteers, contractors, and consultants shall act with honesty, integrity, and transparency; use public resources responsibly and in compliance with all laws; treat colleagues, residents, and partners with respect; avoid conflicts of interest; serve the community faithfully; and uphold the public trust in all their duties.

SECTION 3.04 CONFLICT OF INTEREST POLICY

City employees must act in the best interests of the community and avoid any personal, financial, or other interests that could conflict, or appear to conflict, with the impartial performance of their duties. Employees shall not accept money, gifts, favors, or gratuities in connection with the performance of their duties and must avoid any appearance of impropriety, complying with all applicable laws and City policies.

Employees in positions designated under the City’s Conflict of Interest Code must disclose reportable financial interests in accordance with the Political Reform Act. All employees must promptly report potential conflicts to their supervisor, Department Head, or the City Administrator.

SECTION 3.05 DEPARTMENT POLICIES AND PROCEDURES

Department Heads may develop and revise departmental policies and procedures as necessary to address operational needs, provided that such policies are consistent with

these Personnel Rules, any Administrative Policies issued by the City Administrator, and applicable meet-and-confer obligations.

SECTION 3.06 ADOPTION OF PERSONNEL RULES

These Personnel Rules shall be established by resolution of the City Council.

Any proposed amendments or revisions to these Personnel Rules shall be submitted in writing to the City Council by the City Administrator. The City Council shall consider, and may adopt, amend, or repeal the Personnel Rules in open session.

ARTICLE 4

EQUAL OPPORTUNITY AND ANTI-DISCRIMINATION, ANTI-HARASSMENT AND ANTI-RETALIATION POLICY, AND COMPLAINT PROCEDURE

SECTION 4.01 EQUAL EMPLOYMENT OPPOPRTUNITY POLICY STATEMENT

The City is committed to providing equal employment opportunities to all employees and applicants in all terms and conditions of employment, including hiring, compensation, training, promotion, transfer, discipline, and termination. Discrimination on the basis of race, color, religion or religious creed, national origin, ancestry, physical or mental disability, reproductive health decision-making, medical condition, genetic information, marital status, sex, gender, gender identity or expression, age (40 and over), sexual orientation, military or veteran status, or any other characteristic protected by law is strictly prohibited. Employees, volunteers, and applicants who believe they have experienced discrimination or abusive conduct are encouraged to report it promptly through the complaint procedures in these policies or by contacting the EEOC or the Civil Rights Department (CRD) (See Section 4.04).

SECTION 4.02 POLICY AGAINST DISCRIMINATION, HARRASSMENT, AND RETALIATION

A. Purpose. The purpose of this Policy Against Discrimination, Harassment, and Retaliation is to reaffirm the City's commitment to providing a professional work environment in which all employees are treated with dignity and respect. The City is committed to maintaining a workplace that is free from unlawful discrimination, harassment, and retaliation in all aspects of employment.

This policy is intended to comply with applicable federal and state laws, including, but not limited to, the Fair Employment and Housing Act and Title VII of the Civil Rights Act of 1964, and to establish clear standards of conduct and reporting procedures. The City will not tolerate conduct that violates this policy and will take appropriate corrective action when such conduct is identified, including, for employees, discipline up to and including termination; for appointees, removal from office or assignment as applicable; with respect to elected officials, any corrective measures authorized by law, such as censure, removal from committee or other assignments, or other action within the City's legal authority.

B. Covered Individuals and Scope. This policy applies to applicants for employment and City employees of all classifications and ranks ("Covered Individuals"). It covers all terms and conditions of employment and service to the City, including, but not limited to, selection, hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation, and training. This policy may also be considered by the City Council in determining appropriate corrective or remedial action with respect to appointed officials and, to the extent authorized by law, elected officials.

C. Definitions. The following definitions apply to this Article:

1. "Protected Class" includes characteristics such as race, religious creed, color, national origin, ancestry, physical or mental disability, reproductive health decision-making, medical condition, genetic information, marital status, sex, gender, gender identity or expression, age (40 and over), sexual orientation, military or veteran status, and any other basis protected by law.

2. "Protected Activity" includes requesting a reasonable accommodation for a disability or religious belief; filing a complaint or serving as a witness; opposing or reporting conduct believed to violate this policy or applicable law, including unsafe practices, misuse of public resources, fraud, or abuse of authority; participating in or cooperating with an investigation; exercising rights under the Workplace Know Your Rights Act; and disclosing information to a governmental or law enforcement agency, including the City, when the individual reasonably believes it evidences a violation of federal, state, or local law, rule, or regulation.

3. "Adverse Action" includes, but is not limited to, disciplinary action, unwarranted negative evaluations, denial of promotion, reduction in pay or hours, reassignment to less desirable duties, spreading rumors, harassment, or any action that would reasonably deter someone from engaging in a Protected Activity.

D. Policy Against Discrimination Based on Protected Class. This policy prohibits treating a Covered Individual differently or adversely because of their actual or perceived Protected Class, or their association with someone who has, or is perceived to have, a Protected Class. Such discrimination is strictly prohibited.

E. Policy Against Discrimination Based on Protected Activity. Discrimination, harassment, and retaliation based on an individual's Protected Activity are strictly prohibited.

F. Policy Against Harassment. Harassment of any individual based on their actual or perceived Protected Class is strictly prohibited. This includes, without limitation, the following types of conduct:

1. Verbal Harassment: Derogatory, offensive, or inappropriate speech, including epithets, slurs, stereotypical comments, or verbal propositions.

This includes comments, stories, or jokes regarding physical features, dress, appearance, race, or gender identity.

2. Physical Harassment: Physical acts such as assault, impeding or blocking movement, and offensive touching. Examples include patting, grabbing, pinching, or intentionally blocking a doorway.

3. Visual Harassment: Derogatory, offensive, or inappropriate emails, images, or drawings related to a Protected Class.

G. Policy Against Sexual Harassment. Sexual harassment, a form of harassment as described above, is illegal under both federal and California law, including Title VII of the Civil Rights Act of 1964 and the California Fair Employment and Housing Act (FEHA), and is strictly prohibited by the City. It occurs when an employee is subjected to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature. Sexual harassment is prohibited whether directed at an individual or resulting in a hostile, intimidating, or offensive work environment.

Sexual harassment includes, but is not limited to:

Quid pro quo harassment: Submission to or rejection of sexual conduct is used as a basis for employment decisions, such as hiring, promotion, pay, work assignments, or disciplinary actions.

Hostile work environment: Unwelcome sexual conduct that unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment. Examples include:

- Verbal: Sexual comments, jokes, innuendo, or propositions.
- Visual: Sexual images, drawings, emails, or texts.
- Physical: Unwanted touching, patting, grabbing, or blocking movement.

Employees may violate this policy even if their conduct is well-intentioned, if the recipient appears to have consented, or if there have been no prior complaints. Similarly, the City does not consider a lack of protest by the recipient to be a valid defense. Visual, verbal, or physical conduct between two individuals may also constitute harassment of a third person, even if the third person did not directly witness the conduct and the behavior was not directed at them.

H. Policy Against Retaliation. Retaliation is strictly prohibited. Retaliation occurs when any individual takes an adverse action against a Covered Individual or other protected person because they engaged in Protected Activity, including but not limited to reporting or opposing discrimination, harassment, or other unlawful conduct; participating in any investigation, complaint process, or proceeding; requesting a reasonable accommodation; or engaging in legally protected whistleblowing, including the

disclosure of information the individual reasonably believes evidences a violation of law, regulation, or public policy.

I. Respectful Workplace Policy. The City is committed to maintaining a professional and safe work environment that is free from conduct that is intimidating, offensive, or disruptive. Behavior, whether verbal, physical, or visual, that unreasonably interferes with a Covered Individual's work performance or creates an uncomfortable, abusive, intimidating, hostile, or offensive work environment is prohibited.

SECTION 4.03 COMPLAINT PROCEDURE

A. Reporting. An individual who believes they have experienced or witnessed discrimination, harassment, or retaliation is encouraged to report the conduct as soon as possible. A report or complaint may be made orally or in writing to a supervisor, the Department Head, or the City Administrator, without regard to the normal chain of command. While prompt reporting is encouraged, a delay in reporting will not preclude the filing or investigation of a complaint.

Any supervisory or management employee who receives a report or complaint of discrimination, harassment, or retaliation shall immediately notify the City Administrator. Additionally, supervisors and managers who become aware of or suspect that discrimination, harassment, or retaliation may have occurred must report such conduct, regardless of whether the affected individual has made a complaint.

B. Investigation and Documentation. Upon receiving a complaint, or a report from a supervisor or manager, the Department Head, City Administrator, or designee shall conduct or delegate the investigation. The investigation will ordinarily include the following steps:

1. Interview the complainant, the subject of the complaint, percipient witnesses, and any other individuals who may have relevant knowledge of the facts or circumstances at issue, in an order determined at the discretion of the investigator. Interviews may be recorded.

2. Obtain, review, and preserve all relevant documents, emails, personnel records, and other evidence that may pertain to the complaint or the credibility of any party or witness.

3. Determine whether the alleged conduct constitutes a violation of policy, based on a consideration of all relevant evidence and the totality of the circumstances, applying a preponderance of the evidence standard.

4. Prepare a written report summarizing findings and conclusions (Investigative Report). The Investigative Report may recommend corrective action and policy interventions if misconduct is substantiated.

5. Present the Investigative Report to the relevant appointing authority.

Investigations shall be conducted promptly and completed as soon as practicable. Not all reports or complaints require initiation of the formal investigative and documentation procedures described above. Depending on the nature of the report, the information provided, and the circumstances involved, the City may address concerns through informal review, supervisory guidance, counseling, or other appropriate corrective measures consistent with this policy. The City may also retain a third-party investigator to conduct the review when authorized by the City Administrator.

C. Obligation to Cooperate. When an investigation is conducted, all individuals involved are expected to provide truthful and complete information and to cooperate fully with investigators. Any attempt to intimidate, coerce, or retaliate against individuals for providing information or participating in an investigation is strictly prohibited and may result in disciplinary action, up to and including dismissal.

D. Conflict of Interest in Complaint Handling. If the Department Head is the subject of a complaint, the City Administrator or designee shall perform all investigative and documentation steps. If the City Administrator is the subject of the complaint, or if the complainant reasonably believes that reporting to the City Administrator would create a conflict of interest or compromise impartial handling, the complaint may be reported to any Councilmember or the City Attorney. In such cases, the City Council may direct the City Attorney to retain an impartial investigator, including outside legal counsel or a qualified third-party investigator, to conduct the investigation in accordance with this policy.

E. Resolution of Complaints. Upon completion of the investigation, the appointing authority shall determine appropriate corrective or remedial action based on the Investigative Report. If the complaint is substantiated, such actions may include training, counseling, discipline, reassignment, or other measures designed to stop the misconduct and prevent its recurrence. Any action taken against the subject employee shall comply with these Personnel Rules, any applicable Memorandum of Understanding, and legal requirements, including the Peace Officers' Bill of Rights (POBR, Gov. Code §§ 3300–3313) and the Firefighters Procedural Bill of Rights Act (FBOR, Gov. Code §§ 3250–3262), as applicable.

The complainant will be notified that the investigation has been completed and whether the allegations were substantiated, to the extent permitted by applicable confidentiality and privacy laws.

F. Confidentiality. To the extent possible, all complaints, investigations, and related records shall be treated as confidential and shared only on a need-to-know basis to facilitate a thorough and impartial investigation or to implement appropriate corrective or disciplinary action. However, complete confidentiality cannot be guaranteed, as the City must conduct a prompt and effective investigation and provide affected employees with applicable due process statutory rights.

G. Supervisor and Manager Responsibilities. Each supervisor and manager is responsible for the following:

1. Preventing discrimination, harassment, and retaliation. Supervisors and managers are expected to actively monitor the work environment and take proactive steps to address and remediate violations, including removing offensive materials and correcting inappropriate language or behavior.

2. Reporting complaints or observations. Supervisors and managers must immediately report any complaints or observations of discrimination, harassment, or retaliation to the appropriate authority (Department Head or City Administrator), even if the complainant or affected employee is not their direct report and even if the misconduct is only suspected.

3. Maintaining integrity of investigations. Supervisors and managers must avoid any actions that could compromise the investigation or be perceived as retaliatory.

4. Training compliance. Supervisors and managers are required to participate in sexual harassment prevention training every two years, as mandated by law.

SECTION 4.04 REPORTING TO OUTSIDE AGENCIES

Covered Individuals are not required to use internal complaint procedures before filing a complaint with a state or federal enforcement agency. Employees may report discrimination, harassment, or retaliation directly to these agencies, which have procedures to investigate complaints and take action when the law is violated.

Employees may contact the California Civil Rights Department (CRD), which enforces state civil rights laws including employment discrimination and harassment. The CRD Contact Center can be reached at 800-884-1684 (voice) or 800-700-2320 (TTY), or by email at contact.center@calcivilrights.ca.gov, and additional filing information is available at the CRD website (www.calcivilrights.ca.gov). CRD's headquarters is located at 651 Bannon Street, Suite 200, Sacramento, CA 95811.

Employees may also file complaints with the U.S. Equal Employment Opportunity Commission (EEOC), which enforces federal anti-discrimination laws. The EEOC can be reached at 1-800-669-4000 (voice) or 1-800-669-6820 (TTY), or via the EEOC Public Portal on its website (www.eeoc.gov).

Complaints filed with an outside agency do not relieve supervisors or managers of their obligation to report known or suspected misconduct internally. Retaliation against any individual who reports misconduct to an outside agency or participates in an external investigation is strictly prohibited.

ARTICLE 5

ACCOMMODATIONS, FITNESS FOR DUTY EXAMINATIONS, AND THE INTERACTIVE PROCESS

SECTION 5.01 REASONABLE ACCOMODATIONS

Absent undue hardship to the City or its operations, and except where an accommodation would pose a direct threat to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation, the City shall provide employment-related reasonable accommodations to Covered Individuals upon request as follows:

1. Disability. To qualified applicants and employees with a disability, to enable them to perform the essential functions of the position in accordance with the Americans with Disabilities Act of 1990 and the California Fair Employment and Housing Act.

2. Pregnancy, Childbirth, and Related Medical Conditions. To employees affected by pregnancy, childbirth, or related medical conditions, including lactation, when supported by medical certification where required by law, consistent with the California Fair Employment and Housing Act and the federal Pregnant Workers Fairness Act.

3. Victims of Qualifying Acts of Violence. To employees who are victims, or whose family members are victims, of a Qualifying Act of Violence, as defined in California Labor Code section 230.01, who request an accommodation to ensure their safety while at work, consistent with California Labor Code section 230 and California Labor Code section 230.1.

4. Religion. To employees and applicants for sincerely held religious beliefs, observances, or practices in accordance with Title VII of the Civil Rights Act of 1964 and the California Fair Employment and Housing Act.

5. As Required by Law. To any other Covered Individual where accommodation is required by applicable federal, state, or local law.

Where required by law, the City shall engage in a timely, good faith interactive process with the individual to determine an effective reasonable accommodation as set forth in Section 5.04.

SECTION 5.02 SUPPORTING DOCUMENTATION AND CERTIFICATION

The City may request reasonable documentation, where permitted by applicable law, to substantiate the need for an accommodation. The type and extent of documentation requested shall be limited to that which is necessary to evaluate the accommodation request and will vary depending on the nature of the request and applicable legal requirements. Employees may also be asked to confirm that the information provided is

true and accurate to the best of their knowledge. All medical and other supporting documentation shall be maintained in a confidential file separate from the employee's personnel file, in accordance with the California Fair Employment and Housing Act (FEHA), the Americans with Disabilities Act (ADA), and other applicable law.

SECTION 5.03 FITNESS FOR DUTY EXAMINATIONS

A. Applicants. The City may require applicants who have received a conditional offer of employment to undergo a post-offer medical or psychological examination, provided the examination is job-related, consistent with business necessity, and required of all applicants for the same job classification. Such examinations may include medical or psychological assessments, as necessary to determine the applicant's ability to safely and effectively perform the essential functions of the position.

B. Current Employees. The City may require an employee to undergo a fitness-for-duty examination when there is objective evidence that the employee may be unable to perform one or more essential job functions safely and effectively, or when there is a reasonable concern based on objective information that the employee's condition may pose a risk of harm to the employee or others.

C. Return to Work Examinations. Employees returning from extended medical leave may be required to provide certification from a health care provider confirming that the employee is able to safely perform the essential functions of the position, with or without reasonable accommodation, and identifying any necessary restrictions or limitations.

For absences involving a communicable disease, the City may require medical documentation, when job-related and consistent with business necessity, confirming that the employee is fit for duty and, if applicable, not contagious prior to returning to work.

D. Scope and Conduct of Examinations. The City may require that the examination be conducted by the employee's or applicant's health care provider or by a City-designated provider at the City's expense. The City shall limit requests for information to that which is job-related and consistent with business necessity, including:

1. Whether the individual is able to perform the essential functions of the position, with or without reasonable accommodation.
2. Any functional limitations or work restrictions and their expected duration.
3. Recommended reasonable accommodations, if applicable.
4. Whether reasonable accommodations are available.

5. Whether the individual poses a direct threat to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation.

E. Appeals. An applicant or employee who is determined to be medically or psychologically unfit and wishes to appeal shall submit a written appeal to the City Administrator within five (5) calendar days of receipt of notice of non-employability. The appeal shall be supported by relevant medical and/or psychological information, including any information demonstrating that the individual meets the applicable medical standards, or that a reasonable accommodation may enable the individual to perform the essential functions of the position.

All supporting documentation must be submitted within thirty (30) calendar days of the appeal.

The City may, in its discretion, refer the matter for additional review by a qualified medical or psychological professional to evaluate the submitted information and/or conduct a supplemental examination.

The City Administrator shall review the record, including any additional medical review obtained by the City, and shall issue a written determination within ten (10) calendar days of receipt of the complete appeal record.

The determination of the City Administrator shall be final.

F. Employee Leave or Reassignment. In unusual circumstances where an employee may pose a risk to themselves, co-workers, or others, the Department Head may recommend, and the City Administrator may authorize in writing, the employee's reassignment or compulsory leave with pay. Such action may be taken pending the results of a medical or psychological examination and any appropriate hearing.

G. Use of Applicant or Employee Provided Medical Information. If an applicant or employee provides medical information from their own health care provider, the City will not share that information with the City's designated health care provider conducting the examination without the individual's written authorization. If written authorization is provided, the City will provide the information to its designated provider to determine whether it affects the original assessment.

SECTION 5.04 ACCOMODATION/ INTERACTIVE PROCESS

A. Employee Initiation. Employees who require a reasonable accommodation for one of the protected categories listed in Section 5.01 should notify their Department Head or the City Administrator. Upon request, the City will engage in a timely, good-faith interactive process with the employee to identify and implement effective accommodations, unless doing so would impose an undue hardship or create a direct threat to the health or safety of the employee or others.

B. City Initiation. The City will initiate the interactive process when:

1. An applicant or employee requests a reasonable accommodation for any of the protected conditions listed in Section 5.01.

2. The City becomes aware of a potential need for accommodation through objective indicators such as a doctor's note, observation of the employee's work, notice from the employee or their healthcare provider, or the results of a job-related fitness-for-duty evaluation. This may occur independently of, or following, the exhaustion of leave under workers' compensation, FMLA, CFRA, or other leave rights.

C. Interactive Communication. After any of the circumstances described above trigger the need for an interactive process, the City Administrator or designee will promptly arrange a discussion or discussions, in person or via conference call, with the applicant or employee and their designated representative, if any. The purpose of these discussions is to engage in good-faith dialogue regarding all feasible potential reasonable accommodations.

D. Potential Accommodations. The interactive process may explore a wide range of possible accommodations tailored to the employee's needs, the job, and operational requirements. Examples include modified work duties or schedules, reassignment to a different position, temporary leave, changes to workplace facilities or equipment, flexible time off, or safety measures. The City will consider employee preferences but retains the right to select any reasonable accommodation it deems effective.

E. Determination. Upon completion of the interactive process, the City Administrator or designee will:

1. Review all relevant information provided by the applicant or employee.

2. Consider all potential reasonable accommodations, including those suggested by the individual, that would enable the applicant or employee to perform the essential functions of the position.

3. Evaluate whether further discussion or additional information is needed.

4. Determine whether reasonable accommodation(s) exists that would enable the individual to perform the essential functions of the position without creating a direct threat to the health or safety of the individual or others, or imposing an undue hardship on City operations. When multiple reasonable accommodations exist, the City may select the accommodation that best meets operational needs or is least disruptive to City operations.

5. Notify the individual of the determination in writing. Decisions will be made based on the facts and circumstances of each case, with discretion applied in a consistent and legally compliant manner.

SECTION 5.05 CONFIDENTIALITY OF MEDICAL INFORMATION

Medical records and information related to fitness-for-duty evaluations or accommodation needs are confidential and will be maintained separately from non-medical records. Access is limited to the City Administrator or designee, the City's legal counsel, first aid or safety personnel in emergencies, and supervisors responsible for implementing accommodations. Records may be disclosed only as permitted by federal or state law.

ARTICLE 6

EMPLOYMENT STATUS

SECTION 6.01 CATEGORIES OF APPOINTMENT

Employment in the municipal service is organized into the following categories:

A. At-Will. An at-will employee is one who serves at the pleasure of the appointing authority, has no property right to continued employment with the City, and is not entitled to any pre- or post-disciplinary procedural due process or evidentiary appeal.

B. Probationary. A probationary employee is one who, through the regular examination process, has been appointed to an authorized position with a monthly salary and is serving a probationary period either following initial employment with the City or after promotion to a higher job classification. The probationary period is as set forth in Article 14 of these Personnel Rules or in the applicable Memorandum of Understanding (MOU). During the probationary period, the employee serves at the pleasure of the appointing authority, has no property right to continued employment, and is not entitled to any pre- or post-disciplinary procedural due process or evidentiary appeal. A probationary employee serving in the initial probationary period is considered an at-will employee.

C. Regular. Regular employees are those who (1) have been appointed to an authorized position in the Employee Compensation Plan with a monthly salary, and (2) have successfully completed their probationary period and have been retained, as provided in Article 14 of these Personnel Rules. Regular employees may serve in either full-time or part-time positions.

D. Temporary. Temporary employees are hired to work on a short-term, seasonal, extra-help, or project basis. They may be full-time (scheduled to work 40 hours per week) or part-time (scheduled to work less than 40 hours per week) and appointed in accordance with Section 13.07. Temporary employees serve at-will, have no property right to continued employment, and generally are not entitled to City benefits, except as may be provided in a Memorandum of Understanding (MOU) or an employment agreement.

E. Retired Annuitants. Retired annuitants are individuals who have retired from the California Public Employees' retirement System ("CalPERS") and are appointed on a

limited-term or interim basis in accordance with law and CalPERS regulations. They are subject to limitations on work hours, compensation, and duration of employment, and are also subject to applicable reporting requirements. Retired annuitants may work full-time or part-time on a short-term, project, or seasonal basis; however, their employment is at-will and does not create a property right or entitlement to City benefits beyond what is permitted by law.

F. Provisional. A provisional employee is one who is temporarily appointed to a position in the competitive service when no eligible list exists or when a recruitment is pending in accordance with Section 13.06.

SECTION 6.02 VOLUNTEERS

A volunteer is not a City employee, but rather an individual who provides services to the City for civic or philanthropic purposes and receives no compensation or benefits other than nominal fees or reimbursement of authorized expenses. Volunteers serve at will and at the pleasure of the appointing authority. They have no property interest or right to continued service and are not entitled to pre-disciplinary or post-disciplinary procedural due process, including any evidentiary appeal.

SECTION 6.03 INDEPENDENT CONTRACTORS

An independent contractor is not a City employee and provides services solely pursuant to a contract approved by the City Council in accordance with the City's purchasing policies and procedures.

ARTICLE 7

CLASSIFICATION PLAN AND POSITION MANAGEMENT

SECTION 7.01. CLASSIFICATION PLAN AND ALLOCATION

A. Preparation and Maintenance. The City Administrator, or a designated person or agency, shall determine and document the duties and responsibilities of all City positions and establish and maintain a classification plan. Positions with substantially similar duties, responsibilities, authority, and work characteristics shall be assigned to the same classification. The plan may include classifications with no current incumbents to accommodate future organizational growth or structural changes.

B. Adoption and Amendment. The classification plan shall be adopted by resolution of the City Council. The City Administrator may recommend amendments, and proposed revisions may be submitted in writing by any interested party, including recognized employee organizations. The Council may create, adjust, divide, combine, revise, or abolish classifications as necessary.

C. Allocation of Positions. All positions in the City service shall be established by the City Council. No new position shall be filled until the classification plan has been

amended to provide for the position, except that temporary positions may be authorized by the City Council or the City Administrator as set forth in Section 7.05.

D. Official Use of Classification Titles. Each position shall be identified by its classification title in all personnel, payroll, and budget records.

SECTION 7.02 CLASSIFICATION DESCRIPTIONS AND QUALIFICATIONS

A. Classification Descriptions. The City Administrator shall prepare and maintain a written description for each classification. Each description shall include the classification title, definition, nature of work, typical duties, and required qualifications. Classification descriptions serve as a reference for consistent application of the classification plan. They are descriptive and not restrictive, indicating typical duties but not limiting the assignment of other tasks of similar kind or responsibility. Each description should be considered in its entirety and in relation to other classifications.

B. Qualification Statements. The following requirements and expectations generally apply to all positions and serve as guidance for preparing and applying qualification statements in classification and job descriptions:

1. Qualification statements shall set forth minimum education, experience, training, licenses, certifications, or job-related physical requirements. They may also identify desirable qualifications that are not required but beneficial.

2. Qualities such as honesty, literacy, reliability, professionalism, and the ability to work effectively with supervisors and colleagues are assumed for all positions. Positions involving public contact may inherently require proficiency in reading, writing, and speaking English.

3. Employees required to drive City or personal vehicles on City business must possess a valid California driver’s license and, if using a personal vehicle, maintain legally adequate insurance. The City shall cover the cost of any basic examination required for licensure.

4. Employees required to maintain professional certificates, licenses, permits, or registrations must do so in accordance with law. Costs of maintenance are the responsibility of the employee unless otherwise specified.

SECTION 7.03 PROMOTIONAL CLASSIFICATIONS

The City Administrator may recommend arranging classifications into promotional series when classifications are similar or closely related in duties, responsibilities, and requirements. This arrangement is intended to support career progression within the City service.

SECTION 7.04 RECLASSIFICATION

A. Review of Positions. When a position's duties or responsibilities change materially, the City Administrator may review the position and recommend reclassification to the City Council.

B. Status of Incumbents Upon Reclassification. Employees occupying positions that are reclassified may retain their position without further examination if:

1. The reclassification recognizes a change in duties that already existed for a significant period;

2. The change occurred during the incumbent's tenure and was not the result of planned management action; and

3. The incumbent possesses the knowledge, skills, and abilities required for the new classification.

C. Procedure for Incumbent Reclassification.

When reclassification is considered, the City Administrator shall consider the provisions of Section 7.05(b) and determine whether the reclassification constitutes a downward, lateral, or upgrade, and shall recommend to the City Council appropriate action. the following principles shall apply:

1. Downward: The incumbent may accept a demotion to the reallocated position or be assigned to a vacant position within the same classification and retain permanent status. If the incumbent refuses demotion or reassignment, the layoff procedure will be applied.

2. Lateral: The incumbent will remain in the classification to which the position is reallocated without change in status.

3. Upgrade: The employee will retain permanent status in the new classification if the City Administrator determines that the duties have not materially changed during the incumbent's tenure, or that any changes were gradual and the incumbent has performed higher-level duties for a significant period, typically six (6) months. In cases of reorganization, the City Administrator may require successful completion of a one (1) year probationary period before granting permanent status in the new classification. If none of these conditions are met, the employee may be transferred, demoted, laid off, or compete for the reallocated position.

(See Section 9.17 – Pay Following Reclassification.)

SECTION 7.05 TEMPORARY POSITIONS

Department Heads may request the creation of temporary positions by providing justification and proposed classification title and salary to the City Administrator, who will

submit recommendations to the City Council. Temporary appointments may be authorized through the adoption of the budget, approval of temporary staffing measures, or by appointment of a temporary employee through an employment agreement.

When necessary for efficient and economical department operation, the City Administrator may authorize temporary appointments in accordance with Section 13.7. Temporary employees may be full-time or part-time and serve at the pleasure of the City Administrator, subject to applicable employment laws and policies.

SECTION 7.06 TRANSFERS

At the discretion of the City Administrator or Department Head, an employee may be transferred from one job classification to another within the same salary range or from one assignment to another within the same classification. Involuntary transfers may only be made to classifications for which the employee meets the minimum qualifications.

SECTION 7.07 CONTINUED EMPLOYMENT

Continued employment with the City of Angels Camp is contingent upon good behavior, satisfactory work performance, the necessity of the work, and the availability of funds.

ARTICLE 8

WORK HOURS, OVERTIME, AND ATTENDANCE

SECTION 8.01 WORKWEEK

A. Standard Work Hours. The City shall use 2,080 hours as the standard annual work hours for calculating hourly rates of pay and for any other computations based on annual work hours, unless otherwise provided in a Memorandum of Understanding (MOU) or Administrative Policy.

B. Standard Workweek. For purposes of the Fair Labor Standards Act (FLSA), the City's workweek for employees not classified as fire protection employees or law enforcement employees shall consist of seven (7) consecutive 24-hour periods beginning Sunday at 12:00 a.m. and ending Saturday at 11:59 p.m. The workweek shall remain fixed and regularly recurring unless modified by the City in accordance with applicable law. This workweek shall be used for FLSA overtime calculation purposes, except as otherwise provided in this Article.

C. Fire Protection and Law Enforcement Employees. Fire protection employees and law enforcement employees subject to the Fair Labor Standards Act (FLSA), including 29 U.S.C. § 207(k), shall be governed as follows:

- For fire protection employees and law enforcement employees covered by an applicable Memorandum of Understanding (MOU), the establishment of any applicable FLSA work period shall be governed by the terms of the applicable MOU.

- For fire protection employees or law enforcement employees not covered by an applicable Memorandum of Understanding (MOU), including on-call firefighters, the City maintains a twenty-eight (28) consecutive day work period beginning January 1 at 12:00 a.m. and recurring in successive twenty-eight (28) day periods thereafter, for purposes of FLSA overtime calculation under 29 U.S.C. § 207(k). Such work period is fixed, regularly recurring, and administered by the City in accordance with applicable law.

SECTION 8.02 OVERTIME

A. General Rule. Except as otherwise provided in an applicable Memorandum of Understanding (MOU), a formally adopted work period under the Fair Labor Standards Act, such as those set forth in Section 8.01(C), or where a more protective standard applies under state or federal law, non-exempt employees shall be compensated at one and one-half (1½) times their regular rate of pay for all hours worked in excess of forty (40) hours in the City's designated FLSA workweek, as set forth in Section 8.01.

B. Approval and Reporting. Overtime work must be authorized in advance by a supervisor, except in emergency situations. All hours worked, whether authorized or not, must be accurately reported and will be compensated in accordance with applicable law. Failure to obtain prior authorization or to report all hours worked may result in disciplinary action, up to and including termination.

C. Exempt Employees. Employees designated as exempt under the Fair Labor Standards Act (FLSA) are not eligible for overtime compensation unless expressly provided by an MOU or employment agreement.

SECTION 8.03 ATTENDANCE

Regular attendance and punctuality are essential to the effective operation of City services. Employees are expected to work their assigned schedules and fulfill the duties and responsibilities of their positions. While exempt employees may have greater flexibility in scheduling to meet the demands of their positions, all employees are expected to manage their time in a manner that supports operational needs.

Employees who are unable to report to work as scheduled or who will be late must notify their supervisor as soon as practicable, in accordance with department procedures. Absences or tardiness that are not properly reported or approved may be considered unexcused.

Authorized absences include those approved in advance or protected by law, an applicable memorandum of understanding (MOU), or City policy. Excessive or unapproved absenteeism or tardiness that adversely affects operations or job performance may result in corrective action, consistent with applicable law, MOUs, and City policies.

SECTION 8.04 JOB ABANDONMENT

A. Purpose. The City expects employees to maintain regular attendance as set forth in Section 8.03. This policy defines the circumstances under which the City may deem an employee to have abandoned their position. Job abandonment occurs when an employee is absent from work for three (3) days without authorization and fails to notify the City for a specified period, showing no intention of returning to work.

B. City Action. When an employee is absent without authorization and fails to provide notice, the Department Head shall make reasonable efforts to contact the employee and keep the City Administrator informed. If contact cannot be made or the employee does not provide a satisfactory explanation, the City may treat the employee as having voluntarily resigned due to job abandonment. Written notice of the termination will be sent to the employee's address on file, with the separation effective as of the last day worked.

C. Exceptions. The City Administrator may waive the time requirements or take other appropriate action in case of emergency, illness, or other circumstances beyond the employee's control.

ARTICLE 9

PAY PLAN

SECTION 9.01 PREPARATION OF PAY PLAN

The City Administrator shall prepare and maintain a pay plan (or salary schedule) for all classifications in City service. The pay plan shall establish pay ranges and steps, indicating the minimum and maximum bi-weekly rates for each classification.

SECTION 9.02 ADOPTION OF PAY PLAN

The pay plan (or salary schedule) shall be established and amended by resolution of the City Council. Each classification in City service shall be assigned to a pay range with salary steps or an hourly rate.

SECTION 9.03 SALARIES

All pay rates shall be based on full-time service in full-time positions, unless otherwise authorized by the City Council

SECTION 9.04 SALARY AT INITIAL APPOINTMENT

Salary at initial employment shall be set at a step determined by the City Administrator based on the employee's qualifications and experience. Appointments above Step C require approval by the City Council.

SECTION 9.05 CALCULATION OF ANNIVERSARY DATE

Every regular employee in a classification with an established salary range shall have an anniversary date. All salary adjustments, except longevity pay, shall take effect on the anniversary date or any time thereafter. The date of any subsequent salary adjustment, excluding longevity pay, shall become the employee's new anniversary date. The anniversary date is distinct from the employee's service date, which is used for calculating vacation and longevity pay, and from the date of hire, which is the date the employee began working for the City, whether in a temporary, reserve, or probationary capacity. For employees who are reemployed, the anniversary date shall be the effective date of reemployment, and for employees who are reinstated, the anniversary date shall be the effective date of reinstatement.

SECTION 9.06 PERFORMANCE SALARY INCREASES

A. Eligibility for Step Increases. Department Heads may recommend a step increase to the next step in the salary range for a classification only when the employee has demonstrated satisfactory work performance. Department Heads may recommend an additional merit increase for employees demonstrating exceptional performance, but only after the employee has attained Step E on the salary schedule.

B. Processing Step Increases. The City Administrator shall process all approved step increases and notify the appropriate parties in writing of all approved increases. Such notification shall serve as authorization for Payroll to adjust the employee's salary to the higher step rate.

C. Step Increases Discretionary. Step increases are not automatic. They are granted at the sole discretion of the City Administrator based on the employee's merit, fitness, and value to the City, as documented in performance evaluations conducted by the Department Head or designee.

D. Merit Increases Beyond Step E. A merit increase shall be granted and take effect only after a written recommendation from the Department Head and the City Administrator, and with the approval of the City Council for any employee who has reached Step E in the salary schedule.

SECTION 9.07 APPLICABLE SALARY RATES FOLLOWING PAY RANGE INCREASES AND DECREASES

A. Upward Pay Adjustments. When the pay range for a classification is revised upward, incumbents in the affected classification shall have their salaries adjusted to the corresponding step in the new pay range (e.g., Step B to Step B, Step C to Step C, etc.).

B. Downward Pay Adjustments. When the pay range for a classification is revised downward, incumbents in the affected classification may have their salaries adjusted to

the corresponding step in the new pay range (e.g., Step B to Step B, Step C to Step C), or they may be placed on a Y-Rate at the discretion of the City Administrator.

SECTION 9.08 PAY RATE CHANGE ON ANNIVERSARY DATE

When a pay range change becomes effective on an employee's anniversary date, the employee shall first receive first any applicable range adjustment, followed by the corresponding step adjustment.

SECTION 9.09 STEP INCREASE ON DATE OF PROMOTION

When a pay range change becomes effective on an employee's anniversary date, the employee shall first receive any applicable range adjustment, followed by the corresponding step adjustment.

SECTION 9.10 APPLICABLE PAY FOLLOWING REEMPLOYMENT

Upon appointment from a reemployment list, as provided in Section 16.04 of these Personnel Rules, the employee shall receive the same salary step in the pay range that they held prior to layoff.

SECTION 9.11 APPLICABLE PAY FOLLOWING REINSTATEMENT

Upon reinstatement, as provided in Section 13.12 of these Personnel Rules, the employee shall receive no more than the same salary step in the pay range held prior to voluntary resignation or voluntary demotion. A new anniversary date shall be established for the employee coinciding with the date of reinstatement.

SECTION 9.12 APPLICABLE PAY AND ANNIVERSARY DATE FOLLOWING PROMOTION

A. Pay. Upon promotion, an employee shall be placed at the step of the new salary range that provides a minimum five percent (5%) increase over their previous salary. If the top step of the new range is less than five percent (5%) above the employee's current salary, the employee shall be placed at the top step of the new range.

B. Anniversary Date. Effective on the date of the promotion, a new anniversary date shall be established, coinciding with the effective date of the promotion.

SECTION 9.13 APPLICABLE PAY FOLLOWING TRANSFER

Upon the transfer of any employee from one position to another in the same classification or to another classification to which the same pay range is applicable, the employee shall remain at the same salary step and shall retain the same anniversary date.

SECTION 9.14 APPLICABLE PAY FOLLOWING DEMOTION

Upon the demotion of an employee to a classification with a lower maximum salary, the employee shall be assigned to a salary step in the lower pay range as follows:

1. Disciplinary Demotion: The employee may be placed at any step in the lower pay range that is at least one step below the salary previously received in the former classification, or as otherwise determined by the appointing authority.

2. Voluntary Demotion: If the demotion is voluntary, recommended by the Department Head, and approved by the City Administrator, the employee shall be assigned to the step in the new pay range that most closely matches the previous salary. If an exact match is not available, the employee shall be placed at the nearest lower step. The employee's prior anniversary date shall be retained.

SECTION 9.15 APPLICABLE PAY FOLLOWING RECLASSIFICATION

A. Lateral Reclassification. If a position is reclassified to a classification with the same maximum salary, the incumbent's salary and anniversary date shall remain unchanged.

B. Upward Reclassification. If a position is reclassified to a classification with a higher maximum salary, the incumbent's salary shall be adjusted in accordance with Sections 4.09 and 4.12 of these Personnel Rules.

C. Downward Reclassification. If a position is reclassified to a classification with a lower maximum salary, the incumbent shall be placed on the step of the new salary range that provides the same salary previously received. If the incumbent's current salary falls between steps in the new range, the employee shall be placed on the step immediately above their current salary.

SECTION 9.16 ACTING APPOINTMENT OR OUT OF CLASSSIFICATION AUTHORIZATION AND PAY

A. Authorization. The City Administrator may authorize, in writing, a special salary adjustment for an employee temporarily assigned to perform the duties of a higher-level position when it is determined to be in the best interest of the City. Employees receiving an acting appointment must meet the minimum qualifications for the higher-level position. Acting appointments may be considered in situations where:

1. A permanent position incumbent is expected to be absent for a significant period, generally thirty (30) days or more; or

2. A permanent position vacancy exists and organizational constraints preclude filling the position in a timely manner; or

3. The assignment is necessary to support special projects, training, or other operational needs where the best interests of the City would be served.

The acting assignment must apply to an established job classification as adopted by the City Council. The classification title for employees serving in an acting capacity shall remain unchanged.

B. Duration. Acting appointments may extend for no longer than six (6) months, except that the City Administrator may approve a single additional extension of up to six (6) months if either of the following conditions is met:

1. The City has conducted a recruitment process for the vacancy and determines it is in the best interest of the City to conduct an additional recruitment; or

2. The incumbent employee is on leave anticipated to expire after the initial one-hundred and twenty (120) calendar days but prior to the expiration of an additional 120 days.

This extension option must be exercised in writing no later than the one hundred and twentieth (120th) calendar day following the employee's notification. If the option is not exercised, any employee temporarily assigned out of classification shall cease the assignment and, on the one hundred and twenty-first (121st) calendar day, shall be returned to their regular assignment.

C. Compensation. When the employee authorized to work in the acting position has worked in the higher classification for a minimum of one (1) two-week pay period, the employee shall receive adjusted compensation at the first step in the pay range for the higher classification or a five percent (5%) increase over their current rate, whichever is greater, retroactive to the first workday in the higher classification. The City may not manipulate acting assignments to avoid paying the higher compensation. Upon termination of the acting assignment, the employee shall be returned to the salary of their former position.

(See also Section 13.9, Acting Appointments.)

SECTION 9.17 TEMPORARY PAY ADJUSTMENT FOR ADDITIONAL DUTIES

A. Authorization. With City Council approval, the City Administrator may authorize, in writing, a temporary pay adjustment for an exempt employee who assumes significant additional duties or responsibilities due to a vacancy, extended leave, or other temporary absence in another position. The additional duties must not be included in the employee's current job description and must require a substantial commitment of additional time.

B. Duration and Compensation. The temporary pay adjustment shall be effective for the period the employee performs the additional duties or for the period authorized by the City Administrator, whichever ends first, and shall not be considered a permanent salary increase. The City Administrator's written authorization shall specify the amount of the adjustment, the effective date, and

the anticipated duration. If the employee performs the additional duties for a minimum of one (1) two-week pay period, the adjustment may be up to five percent (5%) over the employee's current salary rate, as determined by the City Administrator and approved by the City Council, and may be applied retroactively to the first workday the employee assumed the additional duties.

SECTION 9.18 PAYROLL DEDUCTIONS

Deductions from employees' wages shall be made in accordance with applicable federal and state law, any applicable employment contract or memorandum of understanding (MOU), City policies, and with the prior written approval of the City Administrator.

Mandatory deductions required by law include, but are not limited to, federal and state income tax withholdings, Social Security, Medicare, and any other legally required contributions.

Voluntary deductions made pursuant to the employee's written authorization include, but are not limited to, employee organization dues, deferred compensation contributions, insurance premiums, and any deductions adopted in an applicable MOU.

All deductions shall comply with California law, including the limitations and notice requirements set forth in the California Labor Code.

ARTICLE 10

RECRUITMENT, ANNOUNCEMENTS, AND APPLICATIONS

SECTION 10.01 RECRUITMENT POLICY

The City is committed to a fair and open process designed to attract qualified individuals based on merit, job-related qualifications, and the needs of City service. All recruitment and application procedures will promote equal employment opportunity and comply with applicable state and federal law, supporting the City's goal of maintaining a skilled and effective workforce. The City Council is not bound by this Article when recruiting or appointing the City Administrator or any Department Head, in order to preserve its discretion to select individuals it deems best suited for key executive positions.

SECTION 10.02 OPEN AND CLOSED RECRUITMENTS

A. Recruitment. Recruitment is the process used to announce a job opening in the competitive service and/or to invite qualified individuals to apply and participate in the examination process. A recruitment may be initiated by the City Administrator at any time, regardless of whether a current vacancy exists. Recruitments may be conducted on a continuous basis to ensure, whenever practicable, that the City maintains a pool of qualified applicants for current and future employment opportunities. The City reserves the right to suspend, cancel, or modify any recruitment at its discretion.

B. Open Recruitments. "Open recruitments" are open to all individuals who meet the requirements and conditions specified in the examination announcement. Closed recruitments are restricted to qualified current City employees. The City Administrator may designate a recruitment open or closed, based on what is in the best interest of the City.

C. Closed Recruitments. "Closed recruitments" are limited to qualified current City employees who meet the requirements set forth in the announcement. The City Administrator may designate a recruitment as closed when it is determined to be in the best interest of the City. All requirements and conditions for participation will be specified in the examination announcement.

SECTION 10.03 LIMITED RECRUITMENT

When it is anticipated that the applicant group will be large relative to the number of anticipated vacancies, the City Administrator may take steps to limit the size of the applicant group through:(a) shortening the filing period; (b) specifying a maximum number of applicants to be accepted; or (c) other means appropriate to the circumstances and consistent with these Personnel Rules.

SECTION 10.04 SELECTIVE RECRUITMENT

The City Administrator may, within a job classification, restrict recruitment or selection to individual possessing a unique or specialized skill when the duties of a specific position require such skill.

SECTION 10.05 RECRUITMENT/ EXAMINATION ANNOUNCMENTS

Recruitment, examination, or job announcements shall be publicized in a manner designed to reach qualified individuals, as determined by the City Administrator or designee. Each announcement shall include the classification title and pay, a description of the work to be performed, the type of examination, the final date for accepting applications, the method of application, and any other pertinent information. The City Administrator may extend, postpone, or cancel any dates specified in a recruitment or examination announcement based on the needs of the City.

SECTION 10.06 APPLICATIONS FOR EMPLOYMENT

To ensure a fair, consistent, and orderly recruitment process, all applicants for City employment must comply with the following application requirements:

1. Applications shall be considered part of the examination process and they must be complete. The City Administrator or designee may decline to consider incomplete applications.

2. Applications must include the applicant’s signature, or an electronic signature where applicable, certifying that all information provided is true

and complete. The City Administrator or designee may decline to consider applications that are not signed.

3. Applications must be received by the person or office designated in the recruitment announcement on or before the final filing date and time. The City Administrator or designee may decline to consider applications received after the deadline.

4. Applications and addenda to applications shall become the property of the City.

5. Resumes or other documents may supplement the application but shall not substitute for it.

6. A separate, signed application must be submitted each time an applicant applies and for each classification of position for which they apply.

When the number of qualified applicants is excessive, the City Administrator or designee may limit further recruitment to the most qualified candidates and may close the application period early once a predetermined number of applications has been received.

SECTION 10.07 APPLICATION REVIEW AND REJECTION

The City Administrator or designee may reject any application that is incomplete, improperly completed, submitted after the application deadline, or indicates that the applicant does not meet the minimum qualifications for the position. Notice of any rejection shall be sent to the applicant by mail or email.

SECTION 10.08 CITIZENSHIP OF APPLICANTS

Employment is open to qualified persons who are citizens of the United States, as well as to qualified persons who are not citizens who meet State and federal requirements for employment in State and local government.

SECTION 10.09 VERIFICATION OF QUALIFICATIONS

A. Applicant Information. During the employment process, the City may verify information provided by applicants through employment references, education verification, and other job-related inquiries.

B. Documentation of Credentials. Applicants may be required to provide the City Administrator or designee with certified copies of any diploma, license, or other accreditation or certification claimed or required to meet the minimum qualifications for the position.

C. Driving Record Verification. For positions that require driving, all finalists will undergo verification of driving records through the California Department of Motor Vehicles, as well as fingerprinting and reference checks, consistent with applicable law.

D. Authorization and Consent. The City will obtain written authorization before conducting any background or DMV check. Applicants will be informed of the type and purpose of the information collected and must consent to its release.

SECTION 10.10 APPLICANT DISQUALIFICATION

The City Administrator may disqualify any applicant from consideration, before or after an examination, if the applicant's appointment would be contrary to the best interests of the City. Grounds for disqualification may include, but are not limited to, the following:

1. The applicant lacks any qualifications or requirements established for the position, as set forth in the classification description or these Personnel Rules.

2. The applicant is physically or psychologically unable to perform the duties of the position, and no reasonable accommodation can be made to enable performance..

3. The applicant knowingly makes a false statement, or engages in or attempts to engage in deception or fraud in their application, examination, or in securing eligibility for appointment.

4. The applicant engages in excessive use of intoxicating beverages or illegal use of narcotics or other controlled substances in a manner that could adversely affect work performance..

5. The applicant has been separated from prior employment, either by dismissal or resignation in lieu of dismissal, for cause, based on (a) legitimate, job-related, non-discriminatory, and non-retaliatory reason(s).

6. Reference or background checks indicate probable unfitness for the position.

7. The applicant fails to comply with the requirements set forth in the recruitment announcement.

8. The applicant uses or attempts to use personal or political influence, pressure, or bribery to obtain advantage in an examination or appointment.

9. The applicant fails to appear at the designated time and place for any part of an examination, or fails to respond within a reasonable time to communications regarding the recruitment process or availability for employment.

SECTION 10.11 NOTICE OF REJECTION OF APPLICATIONS

When an application is rejected, the City Administrator or designee shall notify the applicant in writing, either by mail to the last known address, by email, or by both.

SECTION 10.12 APPLICANT CONVICTION HISTORY AND CITY ADMINISTRATOR ACCESS TO CRIMINAL RECORDS

Applicants for employment may be required to undergo criminal history checks in accordance with Section 11.10 of these Personnel Rules.

ARTICLE 11

EXAMINATIONS

SECTION 11.01 TYPES OF EXAMINATIONS

The City Administrator may, at their discretion, conduct the following types of examinations:

1. "Open Examinations" are open to all individuals who meet the requirements and conditions specified in the examination announcement.

2. "Closed Examinations" are open to any current City employee who meets the requirements and conditions set forth in the examination announcement.

3. “Promotional Examinations” are restricted to current employees seeking advancement to a higher-level position within the same department. Only regular employees who meet the minimum qualifications set forth in the examination announcement may compete in promotional examinations. Promotional examinations shall be competitive, but this requirement shall not be construed to require more than one applicant for the position.

4. “Continuous Examinations” remain open at the discretion of the City Administrator rather than fixed application or examination dates. Applicants can apply and take examination any time while the examination remains open, and successful candidates are added to an eligibility list as they qualify.

SECTION 11.02 CONDUCT OF EXAMINATIONS

A. Oversight and Purpose. The City Administrator or designee shall oversee all examinations for City positions, including their preparation, administration, and conduct. Examinations shall be impartial and designed to fairly and accurately assess applicants’ ability to perform the job functions identified in the classification or job descriptions. This Article shall not limit the City Council in recruiting or appointing a City Administrator, nor shall it limit the City Administrator or City Council, as applicable, to recruit or appoint Department Heads.

B. Assessment Techniques. Techniques may include, but are not limited to, the following: review of applications; achievement or aptitude tests; interviews; performance or work-sample evaluations; physical or agility assessments; evaluation of prior or current work performance; review of personal background and references; successful

completion of prescribed training; or other job-related methods as determined by the City Administrator. Applicants who meet the minimum qualifications and pass all examinations may be subject to a background and/or reference check pursuant to Section 11.10.

C. Standards and Limitations. The following standards apply to all City examinations:

1. The probationary period is an integral part of the examination and selection process.

2. Physical, psychological, or medical assessments shall be limited to evaluating job-related fitness for duty and shall not be used in a discriminatory manner.

3. Examinations shall provide equal opportunity to all candidates and shall assess only factors directly related to the essential requirements of the position.

D. Scheduling and Administration. The City Administrator may schedule and conduct examinations as deemed necessary, whether or not a vacancy currently exists, and retains discretion to determine the manner, timing, and order of all examinations.

E. Examination Results and Disqualification. Failure in any part of an examination, or the inability to meet the standards outlined in the job announcement, may result in the applicant being deemed unsuccessful for the entire examination or disqualified from subsequent parts. Applicants will be notified by mail of their status in the examination process. An applicant who fails an examination is ineligible to retest for the same position for six (6) months.

F. Examination Accommodations. An applicant with a disability may request accommodations during the examination process. Upon receiving such a request, the City Administrator or designee may request reasonable documentation to verify the existence of the disability. (See Article 5).

SECTION 11.03 EXAMINATION SCORES

The City Administrator shall establish the minimum passing score for each test and the minimum overall score required for an applicant to qualify for consideration for appointment. Unless otherwise specified in the recruitment announcement, an applicant’s final score shall be based on the combined results of all tests and evaluations included in the examination. An applicant who fails to achieve a passing score on any required component of the examination shall be disqualified from participating in subsequent components of the examination.

SECTION 11.04 NOTICE OF EXAMINATION RESULTS

Each applicant in an examination shall be sent written notice of the results including, if applicable, the final score and relative position on the employment list. Notice may be sent to the applicant's last known mailing address or email address on file.

SECTION 11.05 PROTEST OF WRITTEN TESTS

For closed examinations only, an employee may protest the accuracy of scoring or the substantive content of written tests. Protests must be submitted to the City Administrator within ten (10) calendar days of the date the examination results were mailed. Upon receipt of a timely protest, the City Administrator may take such corrective measures as deemed appropriate, if any. Correction of any score shall not invalidate any prior appointment.

When a protest is filed, the City Administrator may, after considering the needs of the City, continue scoring tests and conducting other parts of the closed examination, certification, and appointment process prior to resolving the protest. Appointments made while a protest is under consideration shall not be invalidated, even if the City Administrator subsequently upholds the protest or takes corrective action.

SECTION 11.06 EXAMINATION RECORDS

Examination records are working documents, confidential in nature, and not public records. The City Administrator shall establish and maintain procedures to ensure the confidentiality of examination records, including rating sheets, test results, reference checks, background investigations, physical and psychological examination records, and documents or data related to ethnicity, sex, age, or citizenship/legal status. The relative position of an applicant on an eligible list shall be made known only to the applicant and to City employees involved in the recruitment or employment process.

SECTION 11.07 POSTPONEMENT AND CANCELLATION OF EXAMINATIONS

If, in the opinion of the City Administrator, an insufficient number of qualified applicants have applied for an examination, the City Administrator may extend the final filing date, reschedule the examination or any component tests, or cancel the examination(s) or recruitment.

SECTION 11.10 BACKGROUND INVESTIGATIONS AND CRIMINAL HISTORY REVIEW

A. Background Investigations. The City Administrator or designee may conduct background investigations to verify job-related credentials, including education, employment history, and references. Such investigations may occur at any stage of the selection process, except as otherwise limited by law.

B. Access to Criminal Records. In accordance with California Penal Code Sections 11105(b)(10) and 13300(b)(10), and Labor Code Section 432.7, the City Administrator or

designee is authorized, as permitted by law, to access and use Criminal Offender Record Information maintained by the California Department of Justice or local law enforcement agencies when necessary to fulfill employment or certification duties under these Personnel Rules.

C. Fair Chance Act Compliance. In accordance with the California Fair Chance Act (Gov. Code §12952), the City shall not inquire into, consider, or take adverse action based on an applicant's criminal conviction history until after a conditional offer of employment, unless allowed by law. Applicants who have received a conditional offer may be required to submit to fingerprinting and a criminal history background check through the California Department of Justice and, when applicable, the Federal Bureau of Investigation, including Live Scan processing.

D. Consideration of Convictions. The City will not deny employment solely because of a criminal conviction, except as allowed by law. For most positions, the City generally will not consider misdemeanor marijuana-related convictions that are over two years old or convictions that have been judicially sealed, expunged, or eradicated. In evaluating convictions, the City may consider the nature, date, and circumstances of the offense, evidence of rehabilitation, and whether the offense is relevant to the duties of the position.

E. Confidentiality. All background investigations shall comply with applicable federal, state, and local law, and information obtained shall be used solely for employment purposes and maintained as confidential.

ARTICLE 12

ELIGIBILITY LISTS

SECTION 12.01 ESTABLISHMENT OF ELIGIBILITY LISTS

An eligibility list is a ranked list of applicants who have successfully completed an examination process and are eligible for appointment to a specific job classification.

Upon completion of scoring, the names of successful applicants shall be arranged in order of final score, from the highest to the lowest passing score. Eligibility lists shall become effective when certified by the City Administrator.

The City Council is not required to establish a formal eligibility list when appointing the City Administrator or a Department Head.

SECTION 12.02 DURATION OF ELIGIBILITY LISTS

Eligibility lists shall remain in effect for the period established by the City Administrator at the time of certification or until the City Administrator determines the needs of the City would be best served by a new examination process. When fewer than three eligible names remain on an eligibility list, the City Administrator may declare a list exhausted.

Prior to its expiration, the City Administrator may extend the effective period of an eligibility for up to an additional twelve (12) months.

SECTION 12.03 ELIGIBILITY LISTS RESULTING FROM CONTINUOUS EXAMINATION

Persons attaining a passing score on a continuous examination shall be added to any existing eligibility list. Their relative standing on such lists shall be determined by the final scores earned by all individuals on the most recent eligibility list.

SECTION 12.04 ADDRESS CHANGES AND AVAILIBILITY FOR APPOINTMENT

It is the responsibility of individuals on eligibility or re-employment lists, or those requesting reinstatement, to notify the Personnel Office of any change of address or other change that may affect availability for appointment.

Individuals on eligibility lists or re-employment lists who do not indicate willingness to accept employment under the offered conditions will be considered to have declined appointment, and their names may be withheld from certification for other positions in with the same employment conditions.

SECTION 12.05 REMOVAL OF NAMES FROM ELIGIBILITY LISTS

The City Administrator may remove an individual's name from an eligibility list for any of the following reasons:

1. Disqualification for the reasons identified in these Personnel Rules that would constitute grounds for termination of employment;

2. Receipt of unsatisfactory performance reports, background investigations, or reference checks;

3. An unsatisfactory result on a medical, physical, or psychological examination indicating that the individual is unable to perform the essential functions of the position, with or without reasonable accommodation, as applicable;

4. Evidence that the eligible individual cannot be located or is unresponsive. Sufficient evidence includes, but is not limited to, failure to respond within five (5) workdays to a mailed or emailed notice, or failure to notify the City with of a change of address resulting in returned correspondence. The City Administrator may restore the individual's name to the eligibility list for acceptable reasons, provided that such restoration does not prejudice the recruitment process.

5. When an appointment has been made for the position for which the eligibility list was established;

6. Upon receipt of a written statement from the eligible individual to remove their name from the list;

7. If the eligible individual declines an offer of regular employment in the classification for which the eligibility list was established; or

8. If the eligible individual is notified of an appointment and fails to assume the position within two weeks, or within such time as directed by the City.

SECTION 12.06 CERTIFICATION OF ELIGIBILITY LIST

Except as otherwise provided in these Personnel Rules, when a position is to be filled from an eligibility list, the City Administrator or designee shall certify to the Department Head the top three candidates on the list for consideration (See Section 13.03).

SECTION 12.07 SPECIAL CERTIFICATION OF ELIGIBILITY LISTS

When an eligibility list for a classification contains fewer than three names, the City Administrator or designee may authorize the certification of fewer than three names or make provisional appointments to regular positions until additional names are added through one or more examinations. However, no provisional appointment may be made if any names are available on the re-employment list for the classification (see Provisional Appointments, Section 13.06).

SECTION 12.08 REINSTATEMENT TO ELIGIBILITY LIST

Any individual whose name has been removed from an eligibility list may request restoration by submitting a written request to the City Administrator specifying the reason(s) supporting the request. Restoration may be requested only during the original period of eligibility or any approved extension, and the City Administrator retains full discretion to grant or deny restoration. The City Administrator's lack of response to any request shall be deemed a denial.

ARTICLE 13

APPOINTMENTS AND PROMOTIONS

SECTION 13.01 APPOINTMENTS AND PROMOTIONS

All appointments and promotions shall be made based on merit and fitness. Vacancies in non-management positions may be filled by transfer, demotion, re-employment, reinstatement, or from a list of eligible candidates certified by the City Administrator or designee in accordance with Article 12. When necessary, a provisional appointment may be made pursuant to Section 13.06. The method for filling the vacancy shall be determined by the Department Head in consultation with the City Administrator.

This Article does not apply to the City Council in its appointment of Department Heads or the City Administrator.

SECTION 13.02 REQUEST TO FILL VACANCIES

Whenever a position is to be filled, the Department Head shall notify the City Administrator and, if applicable, request the certification of eligible individuals, providing all information required on the form(s) supplied by the City Administrator.

SECTION 13.03 CANDIDATE SELECTION FROM ELIGIBILITY LIST

Once the Department Head or designee has received the certified eligibility list from the City Administrator and completed the interview and testing process and has selected the top candidate, they shall submit a letter of intent to hire to the City Administrator. Upon the City Administrator's written concurrence, the Department Head will contact the applicant to extend an offer of employment, which may be conditional.

No appointment shall be made until the background evaluation and any other pre-employment tests deemed necessary and appropriate have been successfully completed.

SECTION 13.04 PSYCHOLOGICAL AND/OR MEDICAL EXAMINATIONS

A. Post-Offer Testing. Once a conditional offer of employment has been made by the City and accepted by the applicant, the City may require a medical or psychological examination, or both, provided the examination is job-related and consistent with business necessity.

If the results of the examination(s) indicate the applicant cannot perform the essential functions of the position with or without reasonable accommodation, or that accommodating the applicant would create an undue hardship for the City, the City may withdraw the conditional offer of employment. (See Section 13.05).

B. Promotional Testing. Psychological and/or medical examination(s) may be required for a promotional appointment if job related and consistent with business necessity, on the recommendation of the Department Head to the City Administrator.

C. Reporting for Duty. An applicant who successfully completes the required psychological and/or medical examination(s) and reports for duty within the period prescribed by the Department Head shall be deemed appointed. Failure to do so will be deemed a refusal of the appointment.

D. Examination Confidentiality. All examination results are confidential and shall be reviewed only by the Department Head, the City Administrator, or their designee, and used solely for employment-related purposes.

SECTION 13.05 ELIGIBILITY DETERMINATION

Following any medical or psychological examination, the City Administrator and the appropriate Department Head shall review the results. If a disability exists that prevents the applicant from performing one or more of the essential job functions, the City shall

follow the reasonable accommodation process set forth in Article 5, in accordance with the Americans with Disabilities Act.

SECTION 13.06 PROVISIONAL APPOINTMENTS

A provisional appointment to a regular position may be made when the needs of the City make it impractical to provide advance notice of pending or anticipated vacancies, during a recruitment, or when an eligibility list contains fewer than three (3) names as provided in Section 12.07 of these Personnel Rules, and delaying the appointment until a new list can be prepared and certified is not feasible. Provisional appointments may be made subject to the following conditions:

1. The City Administrator may approve a provisional appointment to a position until a regular appointment can be made.

2. As soon as practicable after a provisional appointment, the City Administrator shall cause an examination to be prepared and an eligibility list established.

3. No person shall serve in a provisional appointment more than six (6) consecutive months.

4. Time served in as a provisional employee shall not entitle the individual to special credit on any examination or in the establishment of any eligibility or employment list.

5. If a provisional employee is subsequently appointed as regular employee, service as a provisional employee shall not count for any purpose, including for purposes of probation, except for establishing the employee's seniority start date.

6. Unless otherwise approved by the City Administrator benefits, including but not limited to, retirement, health/medical insurance, life insurance, disability insurance, vision care, dental care, vacation, sick leave, and holiday pay, shall not accrue or be granted to provisional employees.

7. Provisional employees have no expectation of continued employment, serve at the will of the City, and may be removed at any time without the right to appeal or hearing.

SECTION 13.07 EXTRA-HELP AND TEMPORARY APPOINTMENTS

Upon the recommendation of the City Administrator, the City Council may approve extra-help or temporary appointments subject to the following conditions:

1. Time served under extra help or temporary appointment shall not entitle the appointment to special credit on any examination or in the establishment of any employment list.

2. When an eligibility or employment list exists, extra help or temporary appointments shall be made from the list. Acceptance of such employment does not remove a person from the list.

3. Extra help or temporary employment does not constitute a permanent appointment. If an extra help or temporary employee is subsequently hired as a regular employee, time served in the extra help or temporary role shall not count for any purpose except for establishing the employee's seniority start date.

4. Unless otherwise approved by the City Administrator, benefits, including but not limited to retirement, health/medical insurance, life insurance, disability insurance, vision care, dental care, vacation, sick leave, and holiday pay shall not accrue or be granted to extra help or temporary employees.

5. An extra-help or temporary employees have no expectation of continued employment, serve at the will of the City, and may be removed at any time without the right to appeal or hearing.

SECTION 13.8 REGULAR PART-TIME APPOINTMENTS

Upon the recommendation of the City Administrator and with the approval of Council, a regular part-time appointment may be made when part-time work is available on a continuous and ongoing basis.

SECTION 13.9 ACTING APPOINTMENTS

An acting appointment is the temporary assignment of an existing City employee to perform the duties of a higher-level position for a limited period. Acting appointments may be made when a position is vacant, when the incumbent is absent or unable to perform the duties of the position, or when operational needs otherwise require temporary assignment of higher-level responsibilities. The City Administrator may approve acting appointments when it is determined to be in the best interests of the City and subject to the following conditions:

1. The Department Head or City Administrator shall certify that the position is temporarily vacant due to the absence of the employee who normally fills such position.

2. No special credit shall be granted in any examination or in the establishment of any eligibility or employment list for services rendered in an acting role.

3. An acting appointment may, but is not required to be, made from an eligibility list. Any individual on an eligibility list who an acting appointment shall retain their place on such list.

4. An employee serving in an acting appointment shall not acquire regular status in the acting position.

5. Employee in acting appointments shall experience no change to their benefits, including, but not limited to, retirement, health/medical insurance, life insurance, disability insurance, vision care, dental care, and all leave accruals.

6. An employee in an acting appointment may be removed from the acting position and returned to their original probationary or regular position at any time, for any reason or no reason, without the right to appeal or hearing.

7. Employees appointed to acting positions shall perform all the duties and responsibilities of the position for at least the full number of work hours each workday.

8. Upon conclusion of the acting appointment, the employee shall return to their prior position.

9. An employee appointed to an acting assignment may be eligible for temporary increased compensation in accordance with Section 9.16.

SECTION 13.10 REINSTATEMENT APPOINTMENTS

A reinstatement appointment for individuals previously employed by the City may be made upon recommendation of the Department Head and City Administrator and approved by the City Council, provided that the individual meets the minimum qualifications for the position and, when deemed appropriate, the City receives a favorable medical report from the medical examiner. The following conditions shall apply to reinstatement appointments:

1. Any person reinstated shall be treated as a new employee and shall have no vested interest in, nor be entitled to, any benefits, accruals, or seniority from prior City employment, except to the extent that the City Council specifically and unambiguously grants such prior benefit, accrual, or seniority.

2. Any person seeking reinstatement must have previously completed probation and attained permanent status.

3. Reinstatement confers no rights and is granted solely at the City's discretion.

SECTION 13.11 EMPLOYEE OATH OF OFFICE

Every employee, before assuming the duties of employment, shall take and subscribe to the Oath of Office required Article 20, Section 3, of the California Constitution.

For temporary employees, the oath or affirmation taken as required by this Section shall remain effective for all successive periods of employment that commence within one calendar year from the date the oath or affirmation was originally subscribed.

No compensation or reimbursement for expenses incurred shall be paid to any employee of the City unless the employee has taken and subscribed to the oath or affirmation required by this Section.

SECTION 13.12 PROOF OF CITIZENSHIP OR LOCAL RESIDENCY

Any person appointed to a regular position shall be required to provide documentation to the City Administrator establishing identity and authorization to work in the United States, in accordance with applicable federal and state law.

ARTICLE 14

PROBATIONARY PERIOD

SECTION 14.01 PURPOSE OF PROBATIONARY PERIOD

The probationary period is an integral part of the testing and selection process. It is intended to allow observation of the employee's work, to support the employee in adjusting to the position, and to provide an opportunity to release any probationary employee who does not meet performance expectations or is not a good fit for the City or the position. A probationary employee serves at-will and may be released at any time during the probationary period, with or without cause, and without the procedural protections afforded to permanent employees.

SECTION 14.02 PROBATIONARY PERIODS FOR INITIAL AND PROMOTIONAL APPOINTMENTS

A. Initial Appointments. All regular appointments, whether full-time or part-time, are tentative and subject to a probationary period of at least six (6) months, unless otherwise specified by an applicable Memorandum of Understanding, Administrative Policy, or Employment Agreement. The probationary period begins on the effective date of appointment to a regular position

B. Promotional Appointments. Employees promoted to a higher classification shall serve a probationary period of at least six (6) months in the new position, unless otherwise specified by an applicable Memorandum of Understanding, Administrative Policy, or Employment Agreement. The probationary period begins on the employee’s first day in the new position.

C. Effective Date. Time served in other classifications, or in provisional, extra-help, temporary, emergency, or acting appointments, does not count toward the probationary period. Likewise, service in a part-time capacity is not credited toward completion of the probationary period for a full-time position.

SECTION 14.03 EXTENSION OF PROBATIONARY PERIOD

A. Extension of Probationary Appointment. As an alternative to the release of a probationary employee, the probationary period may be extended for additional periods, normally not to exceed a total of six (6) additional months absent extenuating circumstances. An extension of the probationary period must be approved in writing by the City Administrator.

B. Unpaid Leaves of Absence. Leaves of absence without pay shall not count toward completion of the probationary period. The probationary period will be automatically extended by the number of unpaid leave days that exceed one pay period.

C. Extensions for Absences Preventing Evaluation. If the probationary employee is not on an unpaid leave of absence but the City is otherwise unable to conduct a meaningful evaluation of the employee's performance of the essential functions of the position due to injury, leave, or modified duty, the Department Head may request, and the City Administrator may approve, a pause or extension of the probationary period for a period sufficient to permit proper evaluation.

SECTION 14.04 RELEASE FROM PROBATION

A. Probationary Appointment. With the written approval of the City Administrator, a probationary employee may be released from employment at any time during the probationary period, with or without cause. Such release shall not be subject to appeal. The effective date of termination shall not extend beyond the last day of the probationary period.

B. Probationary Promotion. An employee who does not successfully complete the probationary period in a promoted position shall be reinstated to their previous position if a vacancy exists, unless the employee is dismissed from City service for cause.

ARTICLE 15

CHANGES IN EMPLOYMENT STATUS

SECTION 15.01 ATTAINMENT OF PERMANENT STATUS

An employee appointed to a position shall attain permanent status in the classification upon successful completion of the probationary period as set forth in Article 14 or in the applicable Memorandum of Understanding.

SECTION 15.02 EMPLOYEE STATUS AFTER PROMOTION

An employee who has been promoted and successfully completes the designated probationary period in the new classification as set forth in Article 14 or the applicable Memorandum of Understanding shall gain attain regular status in that classification.

SECTION 15.03 EMPLOYEE TRANSFER

At the discretion of the City Administrator, an employee may be transferred to another position in the same classification or a comparable classification at the same salary level when it is in the best interest of the City.

Whenever possible, and except when waived by the employee, the employee being considered for transfer shall be notified at least five (5) calendar days in advance of the effective date of the transfer.

SECTION 15.04 EMPLOYEE DEMOTION

A. Reasons for Demotion. An employee may be demoted at their request, as a result of a reduction in force or other organizational needs, or for disciplinary reasons.

B. Voluntary Demotion. A permanent regular employee may request a demotion by submitting a written request to the City Administrator, who retains full discretion over the approval of such requests.

Voluntary demotions may be made to a vacant position or by a downgrade within the same position, when recommended by the Department Head and approved in writing by the City Administrator.

No employee may voluntarily demote to a position for which they do not meet the minimum qualifications, and no employee has a right to voluntarily demotion, regardless of whether they meet the minimum qualifications.

ARTICLE 16

LAYOFF

SECTION 16.01 INTENT AND NOTIFICATION

A. Statement of Intent. Whenever the City Council determines it is necessary to abolish a position or employment, the employee holding that position may be laid off or demoted without disciplinary action and without the right to appeal.

B. Employee Notification. Whenever possible, employees shall be given at least fourteen (14) calendar days' written notice of a layoff.

SECTION 16.02 REDUCTION IN FORCE AND EMPLOYEE DISPLACEMENT RIGHTS

A. Demotion to Vacancy. When a reduction in the workforce occurs, the City Administrator shall first consider demotion for employees scheduled for layoff, placing them in a lower classification vacancy for which they are qualified, if available.

B. Employee Displacement Rights. Employees affected by layoff may displace employees in the same department who have less seniority in a lower classification within the same classification series (Skilled Maintenance Worker to a Maintenance Worker) or in a lower classification in which they previously held permanent status. For

purposes of this section, seniority includes all periods of full-time service at or above the classification level where the layoff occurs. Any periods of leave without pay or absences due to disciplinary action shall not be counted toward seniority for purposes of this section.

In order to displace a former or lower classification, an employee must have more seniority than at least one incumbent in the target classification and must submit a written request for displacement to the City Administrator within five (5) working days of receiving notice of layoff. Employees exercising displacement rights shall be placed at the salary step that results in the east loss of pay. In no case shall the salary exceed the amount received in the classification from which the employee was laid off.

C. Probation Following Displacement. Employees displacing into a lower or comparable classification shall serve a probationary period in the new classification unless they have previously successfully completed a probationary period in the classification or a classification in the classification series.

SECTION 16.03 LAYOFF PROCEDURES

A. Order of Layoff. In each classification, employees shall ordinarily be laid in the following order of employment status: temporary, provisional, part-time, probationary and regular full-time.

Temporary, provisional, part-time, and probationary employees shall be laid off based on the needs of the City, as determined by the City Administrator.

B. Order of Layoff within Classification. In cases where two or more regular employees occupy the classification from which the layoff is to be made, such employees shall be laid off based on their most recent evaluation rating within the classification, provided the evaluation has been on file for at least thirty (30) days and no more than twelve (12) months prior to layoff as follows:

1. First, all employees having an overall rating of “unsatisfactory or needs improvement” or the equivalent;

2. Second, all employees having an overall rating of “standard,” “meets expectations,” or the equivalent;

3. Third, all employees having an overall rating of “superior,” or “exceeds expectations” or the equivalent;

4. Lastly, employees having an overall rating of “outstanding,” or “exceptional” or the equivalent.

C. Limited Consideration of Seniority. For layoff purposes, the City Administrator may consider the relative seniority of employees only when the qualifications and abilities of the affected employees are substantially equal.

SECTION 16.04 REEMPLOYMENT LIST

The names of employees laid off or demoted in accordance with these Personnel Rules shall be placed on a reemployment list. Reemployment lists from different departments, or compiled at different times for the same classification, shall be combined into a single list.

The City Administrator shall use the reemployment list to fill vacancies in the same or lower classification before certification is made from an eligible list.

Upon reinstatement, a former employee shall be subject to the probationary period prescribed for the classification. Upon the recommendation of the department head, the City Administrator may grant the reinstated employee credit for prior service in computing salary, vacation and sick leave accrual, and other benefits.

SECTION 16.05 DURATION OF REEMPLOYMENT LIST

Ther names of employees laid off shall remain on the reemployment list for one (1) year, except that employees appointed to regular positions of the same level from which they were laid off shall be removed from the list upon reappointment. Individuals who refuse reemployment shall also be removed from the list. Employees reemployed in a lower classification or on a temporary basis shall remain on the list for the higher classification for the duration of the one (1) year period.

ARTICLE 17

LEAVES OF ABSENCE WITH PAY

SECTION 17.01 BEREAVEMENT LEAVE

A. Paid Bereavement Leave. Employees who have been employed by the City for at least thirty (30) days are eligible for up to three (3) scheduled workdays of paid bereavement leave once per twelve (12)-month period, measured on a rolling basis from the date the bereavement leave is first taken, upon the death of a qualifying family member. Paid bereavement leave shall not affect the employee's accrual of vacation, sick leave, or other benefits.

B. Unpaid Bereavement Leave. Employees who have been employed by the City for at least thirty (30) days are eligible for up to two (2) additional scheduled workdays of unpaid bereavement leave during the same twelve (12)-month period, measured on a rolling basis from the date the bereavement leave is first taken, in accordance with California law. An employee may elect to use accrued vacation, sick leave, compensatory time, or other available paid leave in accordance with applicable policies, these Personnel Rules, or any applicable memoranda of understanding.

C. Qualifying Family Members. For purposes of this Section, a qualifying family member includes a spouse or domestic partner, child, parent, sibling, grandparent, grandchild, or parent-in-law. The City Administrator may, in their discretion, approve

bereavement leave for the death of another individual when the employee demonstrates a relationship equivalent to that of a family member.

D. Notification and Documentation. Employees should notify their supervisor, Department Head, or the City Administrator as soon as practicable of the need for bereavement leave. The City may require reasonable documentation of the death.

E. Limitations. Bereavement leave need not be taken consecutively but must be taken within three (3) months of the date of death, or, if the employee is on another type of leave at the time of death, within three (3) months of the employee's return to work.

SECTION 17.02 JURY DUTY

A. Eligibility and Notice. Each probationary or permanent full-time or part-time employee who is required to report for jury duty shall be granted a leave of absence upon presentation of the jury duty notice to the Department Head. Employees are encouraged to provide advance notice of jury duty whenever possible.

B. Compensation. Employees shall receive full pay for time served on jury duty that falls within their regular assigned work hours. Any fees received from the court for jury service, including compensation, mileage, and subsistence allowances, shall be retained by the employee.

C. Verification. Employees summoned to jury duty must provide evidence of the summons and documentation of the actual days served to the Department Head, who shall forward such information to the City Administrator.

SECTION 17.03 SUBPOENA

Employees shall receive full pay for court appearances required for their official duties when subpoenaed, provided that all fees received for such appearances are remitted to the City. Compensation for mileage, subsistence allowances, or other reimbursable expenses shall not be considered fees and may be retained by the employee..

SECTION 17.04 MILITARY LEAVE OF ABSENCE

A. Eligibility. Military leave shall be granted in accordance with all applicable state and federal laws, and employees shall receive pay and benefits to the extent required by law during the period of military leave.

B. Notice and Scheduling. Employees entitled to military leave shall provide their Department Head and the City Administrator an opportunity, within the limits of military regulations, to coordinate the timing of such leave. Whenever possible, employees should notify their Department Head at least thirty (30) calendar days in advance of the requested leave start date.

C. Documentation. To qualify for military leave, employees must present official military orders to their Department Head.

SECTION 17.05 WORK-RELATED DISABILITY LEAVE

A. Filing of Workers' Compensation Claims. Employees must promptly report all work-related injuries or illnesses and file a Workers' Compensation claim form as soon as possible, and no later than thirty (30) days after the injury or illness is discovered. Failure to timely report an injury or file a claim may result in a delay or denial of benefits. Employees are responsible for providing accurate and complete information regarding the injury to ensure proper processing of their claim.

B. Use of Sick Leave During Initial Three-Day Waiting Period. Whenever a regular full time employee, other than an employee subject to the provisions of Labor Code section 4850 et seq. (Police and Fire), is directed by the employee's physician to be absent from duty due to an injury arising out of and in the course of employment, the employee shall receive sick leave compensation for the first three (3) calendar days of such absence, provided the employee has sufficient accrued sick leave to cover the period.

If the employee's work-related disability continues for more than fourteen (14) calendar days, or if the employee is hospitalized, the first three (3) days of absence shall be compensated in accordance with the Workers' Compensation Act.

C. Supplementing Temporary Disability. Beginning with the fourth calendar day of such absence, the employee may elect to supplement workers compensation temporary disability benefits with prorated accrued sick leave in an amount sufficient to bring the employee's total compensation up to, but not exceeding, the employee's regular base pay.

After exhausting accrued sick leave, an employee may use any accumulated compensatory time off, accrued holiday leave, or vacation leave in the same manner.

D. Disability Leave for 4850 Employees. Employees covered by Labor Code section 4850 et seq. (police and fire) shall not have any portion of their work-related disability leave charged against accrued sick leave while they are receiving 4850 benefits. Once 4850 leave is exhausted, the employee may continue to receive pay by using accrued sick leave first, followed by compensatory time off, accrued holidays, and vacation leave, in that order, until all such leave is exhausted.

E. Misuse of Temporary Disability Leave. Employees who are found to abuse or fraudulently use the temporary disability program described above shall be subject to disciplinary action up to and including termination from City service.

F. Physicians' Reports. An employee using these temporary disability provisions must provide the Department Head and City Administrator with a copy of the attending physician's report, including a description of the nature and anticipated duration of the disability. The employee may be required to undergo physical, psychological, or other medical examinations as directed by the City or its workers' compensation claims administrator.

Employees are required to provide the Department Head and City Administrator with updates on their medical condition at intervals designated by the City Administrator. Such updates must be limited to information necessary to assess the employee's ability to perform job duties or to manage leave, consistent with applicable privacy and disability laws.

G. Leave Accrual During Temporary Disability. An employee using these temporary disability provisions shall continue to accrue vacation, holidays, and sick leave while receiving temporary disability payments under California Workers' Compensation Law or while otherwise in paid status with the City.

ARTICLE 18

LEAVES OF ABSENCE WITHOUT PAY

SECTION 18.01 AUTHORIZATION FOR LEAVE OF ABSENCE WITHOUT PAY

Employees are not entitled to a leave without pay except as required by law.

A. Leave Requests. Under special circumstances, requests for leaves of absence without pay may be granted by the City Administrator for a period of up to one (1) year. An employee must submit a written request to for any unpaid leave of absence to the City Administrator.

B. Medical Leave. A medical leave of absence without pay shall not be authorized until the employee has exhausted all accrued leave balances, except where otherwise required by law or by an applicable Memorandum of Understanding.

C. Personal Leave. A personal leave of absence does not permit the use of accrued sick leave.

SECTION 18.02 EARLY RETURN FROM AUTHORIZED LEAVE OF ABSENCE WITHOUT PAY

Employees may request permission from the City Administrator to return from an authorized leave of absence without pay before the scheduled expiration of the leave. Such requests may be granted at the sole discretion of the City Administrator, taking into account the operational needs of the City.

SECTION 18.03 STATUS OF EMPLOYEE ON AUTHORIZED LEAVE OF ABSENCE WITHOUT PAY

A. Continuity of Service. An authorized leave of absence without pay shall not be construed as a break in service, except as noted below. Rights accrued as of the time the leave is granted shall be retained by the employee.

B. Benefits During Unpaid Leave. Employees on an authorized leave of absence without pay shall not accrue benefits, including but not limited to, health/medical insurance, life insurance, vision care, dental care, vacation, sick leave, holidays,

retirement, and payments for special assignments if the leave period exceeds one pay period.

Employees and their dependents may continue health/medical insurance by paying the premiums for the duration of the leave on a monthly, advance basis. The premium paid by the employee must reflect the current COBRA (California Omnibus Budget Reconciliation Act) rate and be received by the City at least one week before the beginning of the covered month.

C. Return to Employment. An employee returning from an authorized leave of absence without pay shall retain the same status and be placed at the same salary step in the pay range for their classification as was in effect at the commencement of the leave.

D. Service Credit. Time spent on an authorized leave of absence without pay shall not count towards service, and the employee's service and anniversary dates shall be adjusted forward by the total period of the absence.

SECTION 18.04 FAILURE TO RETURN FROM AUTHORIZED LEAVE OF ABSENCE

Failure of an employee to return to his/her employment upon the expiration of any authorized leave of absence without pay shall constitute an automatic resignation from City Service. If the employee can show proof that there was good cause for the failure to return upon the expiration of the authorized leave of absence, the City Administrator may authorize an extension of said leave.

ARTICLE 19

VACATION AND SICK LEAVE

SECTION 19.01 VACATION ACCRUAL

A. Accrual Based on Length of Continuous Service. Each probationary and full-time employee shall accrue vacation benefits based on their length of continuous service and in accordance with the provisions of any applicable Memorandum of Understanding or employment agreement.

B. Proportional Accrual. Each probationary and permanent employee shall accrue vacation in proportion to their scheduled hours of work per week relative to the standard full-time work week; however, the total vacation hours accrued shall not exceed the amount provided to full-time employees. Vacation accrual shall also be governed by the provisions of any applicable memoranda of understanding or employment agreement.

C. Exclusion From Vacation Accrual. Provisional, temporary, extra-help, and emergency employees shall not accrue vacation benefits.

SECTION 19.02 MAXIMUM VACATION ACCRUAL

When an employee reaches the maximum number of vacation hours allowed under the applicable Memorandum of Understanding or employment agreement, vacation accrual shall cease. Accrual may continue beyond the maximum only if the employee obtains written approval from the City Administrator to increase their maximum vacation balance.

SECTION 19.03 TIME OF VACATION

Employees may request dates for vacation, but all vacation schedules are subject to the approval of the City Administrator, upon the recommendation of the Department Head, with due consideration for the operational needs of the City and the preferences of the employee.

SECTION 19.04 HOLIDAYS FALLING DURING VACATION

When a holiday or day observed in lieu of a holiday falls on a day an employee is scheduled to be on vacation, the day shall not be charged as against the employee's vacation balance. The employee shall receive holiday pay for that day and shall neither be paid vacation nor have vacation hours deducted.

SECTION 19.05 ILLNESS OR ACCIDENT DURING VACATION

An illness or accident that occurs during a regularly approved and scheduled vacation period may be converted to sick leave if approved in writing by the City Administrator, provided that the employee immediately submits the following to their Department Head upon return to duty:

1. A written request to convert the vacation time to sick leave; and

2. A written statement signed by the employee's attending physician certifying the nature of the illness or injury and dates which the employee was physically unable to work.

SECTION 19.06 PAYMENT FOR LEAVE BALANCES UPON TERMINATION

Unless otherwise provided in an applicable Memorandum of Understanding or employment agreement, an employee who separates from City employment shall be compensated at their current rate of pay for any vacation, CTO, holiday, and other similar leave balances accrued but not used as of the date of separation. In accordance with California law, and unless otherwise prescribed by applicable Memorandum of Understanding, unused sick leave balances and similar leave balances are not eligible for cash-out upon separation, in order to encourage employees to use it for their health and well-being.

SECTION 19.07 PURPOSE AND ELIGIBILITY FOR SICK LEAVE

A. Purpose. The purpose of this section is to provide employees with continuity of pay when they are unable to perform the duties of their position due to illness, injury, or the need for medical care. Sick leave is a not a vested property right; therefore, accrued sick leave has no cash value and will not be paid out upon termination from employment.

B. Eligibility. The City provides paid sick leave to eligible employees in accordance with California law. Paid sick leave is available to full-time, part-time, and temporary employees who meet the following requirements:

1. The employee has worked for the City for at least thirty (30) days within one year from the commencement of employment; and

2. The employee has completed a ninety (90) calendar day employment period before using accrued sick leave.

C. Notification. Any employee requesting sick leave shall notify their supervisor or department no later than one hour after the start of their work shift, or immediately upon becoming ill during work hours, unless otherwise specified by the Department Head.

D. Incompatible Activities and Leave Abuse. No employee on sick leave shall engage in work or activities that could hinder their recovery or ability to perform assigned duties.

While the City encourages legitimate use of sick leave, it may review patterns of use, such as repeated absences immediately before or after weekends, holidays, or scheduled days off, to ensure compliance with applicable law and City policy. If a pattern raises reasonable concerns about improper use, the City may require verification or take other appropriate action consistent with the law, these Personnel Rules, and any applicable memoranda of understanding.

Employees are expected to use sick leave only for purposes permitted by law and City policy. Misuse or abuse of sick leave, including misrepresenting the reason for leave, may result in disciplinary action.

SECTION 19.08 SICK LEAVE USE

An employee with accrued sick leave may use it for the following purposes:

1. To recover from physical or mental illness or injury; or

2. To seek medical diagnoses, treatment, or preventative care for an employee or the employee’s family; or

3. Enforcement quarantine of the employee in accordance with community health regulations; or

4. To care for a family member who is ill or needs medical diagnosis, treatment, or preventative case, with a maximum of fifteen (15) days of family sick leave taken per calendar year; or

5. Medical, vision and dental appointments which cannot be scheduled at other than work hours; or

6. As salary supplementation while temporarily disabled for a work-related injury. (See Section 17.05.); or

7. Employees may use accrued sick leave for the purposes authorized under Labor Code section 246.5 and Government Code section 12945.8, including:

a) Jury duty, if not paid pursuant to Section 17.02.

b) Legal protection: If the employee is a victim of domestic violence, sexual assault, or stalking and must appear in court to comply with a subpoena or court order, or to obtain a temporary restraining order, restraining order, or other injunctive relief to ensure the health, safety, or welfare of the employee or their child, including protecting family members.

c) Medical care: Seeking medical treatment for themselves or assisting a family member in obtaining medical care or recovering from injuries.

d) Victim services: Accessing domestic violence shelters, rape crisis centers, or other victim service organizations.

e) Mental health care: Receiving psychological counseling or mental health services.

f) Safety planning: Taking steps to prevent future violence.

g) Relocation: Moving or securing new housing, or enrolling children in school or childcare as a result of violence.

h) Caregiving: Providing care for a family member recovering from injuries.

i) Legal services: Seeking civil or criminal legal assistance for themselves or a family member.

j) Court proceedings: Preparing for, attending, or participating in legal proceedings related to victimization.

k) Child or dependent care: Preparing for, attending, or participating in legal proceedings related to victimization.

SECTION 19.09 SICK LEAVE ACCRUAL

Sick leave accrues at the rate specified in the employee's applicable Memorandum of Understanding, Administrative Policy, or employment agreement, but in no case shall it accrue at less than one (1) hour of paid sick leave for every thirty (30) hours worked. Sick leave shall be calculated based on the employee's regular work schedule, as required by California law.

Probationary, provisional, temporary, and permanent part-time employees who work for the City for thirty (30) or more days within a year shall accrue paid sick leave at a rate of not less than one (1) hour for every thirty (30) hours worked. Such employees shall be entitled to use accrued paid sick leave beginning on the ninetieth (90th) day of employment. In no event shall the total annual accrual for part time, provisional, or temporary employees exceed the number of hours allowed for full-time employees.

SECTION 19.10 MAXIMUM ACCRUAL OF SICK LEAVE

Employees may accrue sick leave without limit unless otherwise specified in the applicable Memorandum of Understanding, administrative policy, or employment agreement.

An employee may continue to accrue sick leave while receiving disability benefits for a work-related injury as set forth in Section 17.05, or as specified in an applicable Memorandum of Understanding.

SECTION 19.11 SICK LEAVE DOCUMENTATION

For absences more than three (3) consecutive workdays, the City may request reasonable documentation verifying the need for sick leave. With due regard to employees' privacy and safety, such documentation may include certification from a healthcare provider, a court subpoena or notice, or verification from a counselor.

SECTION 19.12 EXPIRATION OF SICK LEAVE

A. Expiration of Sick Leave. If an employee's illness continues after the expiration of sick leave, the absence shall be charged to compensatory time off, accumulated holidays, and vacation, in that order.

B. Leave of Absence Without Pay for Recovery. Upon exhaustion of sick leave, compensatory time off, accumulated holidays, and vacation, an employee may request a leave of absence without pay to recover from illness pursuant to Article 18 (Leaves of Absences without Pay). The request must be submitted to the employee's Department Head for referral to and consideration by the City Administrator and include a written explanation of the illness and an estimate of the time required for recovery, signed by the employee's physician.

SECTION 19.13 MEDICAL RELEASE AND EXAMINATION AFTER SICK LEAVE

Prior to returning to duty, an employee who has been on sick leave or a leave of absence may be required to provide a fitness-for-duty certification or undergo a physical, medical, and/or psychological examination as directed by the City Administrator in accordance with Section 5.03. The results of such examination shall be used solely to determine the employee's ability to perform the essential functions of the position, with or without reasonable accommodations. The costs of such examinations shall be borne by the City, and all medical information will be maintained confidentially in accordance with applicable law.

SECTION 19.14 HOLIDAYS FALLING DURING SICK LEAVE

When a holiday, or a day observed in lieu of a holiday, occurs on a day for which an employee is on approved sick leave, the employee shall not be charged sick leave for that day. The employee shall be compensated for the day as a holiday, and no sick leave shall be deducted.

SECTION 19.15 RELEASE FROM EMPLOYMENT OR REDUCTION IN RANK DUE TO PHYSICAL OR MENTAL DISABILITY

When an employee is unable to perform the essential duties of their position due to illness or injury, whether work-related or non-work-related, the City will engage in a good faith interactive process to explore reasonable accommodations. If, after this process, the City determines that no reasonable accommodations can enable the employee to perform the essential duties, or if the employee declines the offered accommodations, the City may separate the employee from employment.

SECTION 19.16 PAYMENT FOR SICK LEAVE UPON TERMINATION

An employee who separates from City service shall not be compensated for unused sick leave, except as expressly provided in an applicable Memorandum of Understanding, Administrative Policy, or employment agreement.

ARTICLE 20

FAMILY AND MEDICAL LEAVE ACT (FMLA) AND CALIFORNIA FAMILY RIGHTS ACT (CFRA)

SECTION 20.01 PURPOSE AND APPLICABILITY

The federal Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA) provide eligible employees with up to twelve (12) workweeks (480 hours) of unpaid, job-protected leave within a twelve-month period for qualifying reasons, including the employee's own serious health condition; care for a seriously ill family member; bonding with a newly born, adopted, or foster child; or participation in a qualifying exigency related to a family member's military deployment to a foreign country.

SECTION 20.02 ELIGIBILITY

To be eligible for FMLA/CFRA leave, an employee must meet both of the following requirements:

1. The employee must have been employed by the City for at least twelve (12) months; and

2. The employee must have worked at least 1,250 hours during the twelve (12) months immediately preceding the start of the FMLA/CFRA leave. (Accrued leave hours, such as vacation or sick leave, do not count toward this total.)

SECTION 20.03 QUALIFYING REASONS

FMLA/CFRA leave may be taken only for the following reasons, in accordance with the requirements prescribed by law:

1. The birth of a child, or the placement of a child with the employee for adoption or foster care, and to bond with the child;

2. To care for a child, parent, spouse, registered domestic partner, or designated person[1], with a serious health condition (as defined by law); or

3. The employee's own serious health condition that renders the employee unable to perform the essential functions of their position.

4. To care for a covered servicemember with a serious illness or injury or injury (FMLA only);

5. Certain qualifying exigencies related to a covered family member's military service (FMLA only).

SECTION 20.04 AMOUNT OF LEAVE

Eligible employees are entitled to up to twelve (12) workweeks of leave during a designated twelve-month period, as defined by City policy, for qualifying reasons under FMLA and/or CFRA. Employees may take FMLA/CFRA leave on a continuous or intermittent basis, as supported by a health care provider's medical certification.

Where leave qualifies under both FMLA and CFRA, the leave shall run concurrently, to the extent permitted by law.

SECTION 20.05 PAID AND UNPAID LEAVE AND BENEFITS

[1] Pursuant to the California Family Rights Act (CFRA), a "designated person" is any individual who is related to the employee by blood or whose association with the employee is the equivalent of a family relationship. The employee may identify the designated person at the time the leave is requested. For purposes of CFRA leave, the City may limit an employee to one designated person per twelve-month period.

A. Use of Leave Balances. FMLA/CFRA leave is generally unpaid. To remain in paid status, employees are required to concurrently use and exhaust all available accrued paid leave, such as sick leave, vacation, compensatory time, or other applicable leave, in accordance with this policy, applicable Memoranda of Understanding, and the law.

Employees on paid leave will continue to accrue sick leave and vacation leave at their normal rate. Employees on unpaid leave will not accrue any leave.

Leave shall be used in the following order unless otherwise permitted by law or the terms of a disability plan:

1. Employee's own serious health condition. Sick leave must be used first, followed by vacation leave, then any other accrued time off.

2. Serious health condition of a family member or designated person. The employee may elect to use sick leave. If the employee does not elect to use sick leave, vacation leave must be used first, followed by any other accrued paid time off other than sick leave.

3. Birth of a child or placement for adoption or foster care. Vacation leave must be used first, followed by any other accrued paid time off other than sick leave.

4. Qualifying military-related exigency. Vacation leave must be used first, followed by any other accrued paid time off other than sick leave.

5. Caring for a covered service member. The employee may use sick leave. If sick leave is not elected, vacation leave must be used first, followed by any other accrued paid time off other than sick leave.

B. Benefits. During approved FMLA/CFRA leave, the City shall maintain the employee's group health benefits on the same terms and conditions as if the employee were actively working, provided the employee continues to make any required employee contributions.

The City may recover the portion of the group health plan premiums it paid on behalf of an employee if the employee fails to return to work at the end of the approved leave period. Recovery will not occur if the employee's failure to return is due to the continuation, recurrence, or onset of a serious health condition that qualifies for FMLA/CFRA leave or other circumstances beyond the employee's control.

C. Exhaustion of Leave. Employees who wish to take leave beyond the family, medical, or military caregiver leave provided under this policy may request a leave of absence with pay, using accrued leave, or a leave of absence without pay pursuant to Article 18. Such leave requests will be granted in accordance with the applicable Memorandum of Understanding and these Personnel Rules.

SECTION 20.06 NOTICE AND CERTIFICATION

A. Leave Request. An employee requesting FMLA/CFRA leave must submit a completed leave request to the City Administrator at least 30 days before the leave is scheduled to begin. In the event of an unforeseen circumstance or sudden incapacitation, the employee or the employee's authorized representative must notify the City Administrator as soon as the need for leave becomes known.

B. Medical Certification. The City may require medical certification or other documentation supporting the need for leave, as permitted by law. Failure to provide required certification may result in delay or denial of leave protection.

C. Certification Dispute. If the City has a good-faith reason to question the validity of an employee's medical certification, the City may require a second opinion from a health care provider selected and paid for by the City. If the second opinion conflicts with the first, the City may require a third opinion from a provider mutually approved by the City and the employee, with costs covered by the City. The third opinion will be binding. Copies of the second and third opinions will be provided to the employee, upon request, at no cost.

SECTION 20.07 RETURN TO WORK AND DISABILITY

A. Reinstatement. Upon timely return from approved FMLA/CFRA leave, an employee shall be reinstated to the same or a comparable position, subject to applicable legal exceptions. Employees returning from leave for their own serious health condition may be required to provide a fitness-for-duty certification. (See Section 5.03.)

B. Failure to Return to Work. After a medical leave of absence, employees must return to work on the date designated by their medical provider. If the employee is unable to return on the scheduled date, they must notify the City Administrator or designee as soon as possible. Failure to return to work at the end of the authorized leave period will be considered a voluntary resignation.

C. Disability. If, upon returning from leave, an employee is unable to perform the essential functions of their position due to a physical or mental disability, the City will engage in an interactive process with the employee to identify a potential reasonable accommodation that would enable the employee to perform their job, in accordance with Article 5.

SECTION 20.08 COORDINATION WITH OTHER LEAVES

FMLA/CFRA leave shall run concurrently with other applicable leaves to the maximum extent permitted by law, including but not limited to workers' compensation leave and Pregnancy Disability Leave, as applicable.

SECTION 20.09 SUPERSEDING AUTHORITY

Nothing in this policy is intended to diminish any rights provided under the FMLA, CFRA, or other applicable law. In the event of a conflict between this policy and state or federal law, the law shall govern. Where an applicable Memorandum of Understanding provides greater benefits, the terms of the MOU shall control.

ARTICLE 21

PREGNANCY DISABILITY LEAVE

SECTION 21.01 PURPOSE AND APPLICABILITY

he California Pregnancy Disability Leave (PDL) law provides eligible employees with an unpaid leave of absence if they are disabled by pregnancy, childbirth, or related medical conditions. PDL ensures that employees may take time off for medical care, recovery, or other pregnancy-related conditions while maintaining job protection and continued health benefits.

SECTION 22.02 DISABILITY

For purposes of PDL, an employee is considered “disabled” if, in the opinion of her health care provider, she is unable to perform one or more essential job functions, or can perform them only with undue risk to herself, her pregnancy, or others.

PDL may be taken for any period during which the employee is physically unable to work due to pregnancy or a pregnancy-related medical condition. Examples include:

- Prenatal care or treatment
- Severe morning sickness
- Doctor-ordered bed rest
- Childbirth and recovery from childbirth
- Other pregnancy-related medical conditions

SECTION 22.03 LEAVE AMOUNT

Eligible employees may take up to four (4) months (approximately 17 1/3 weeks) of Pregnancy Disability Leave (PDL) per pregnancy. For employees working less than a full-time schedule or on an alternate workweek, leave is calculated on a pro rata basis.

PDL may be taken continuously, intermittently, or on a reduced work schedule, as medically necessary. PDL runs concurrently with FMLA if the employee is eligible. CFRA leave for baby bonding may begin after the conclusion of PDL.

SECTION 22.04 USE OF PAID LEAVE

Pregnancy Disability Leave (PDL) is generally unpaid. Employees are required to use accrued sick leave, but may elect to use accrued vacation, compensatory time, or floating holidays. Employees may also be eligible for salary replacement through State Disability Insurance (SDI), Paid Family Leave (PFL), or Short-Term Disability Insurance, as applicable.

The City will maintain group health coverage for the duration of PDL (up to four months) under the same terms and conditions as if the employee were actively working. Employees remain responsible for any employee-paid portion of premiums and other benefits, and contribution rates are subject to change during leave.

SECTION 22.05 NOTICE AND MEDICAL CERTIFICATION

Employees must provide as much notice as possible and submit a leave request through standard procedures. For foreseeable leave, at least 30 days' notice is required, including the estimated duration.

For planned medical treatment, employees should make reasonable efforts to schedule appointments to minimize disruption to City operations.

The City may require medical certification from the employee's health-care provider, including work restrictions or functional limitations and the probable duration of any disability.

SECTION 22.06 ACCOMODATIONS WHILE WORKING

If an employee is able to continue working with a reasonable accommodation, as determined by the City Administrator or their designee, the City will provide such accommodation in accordance with the health care provider's recommendation. Examples may include transfer to a less strenuous or hazardous position or modification of job duties. (See Article 5.)

SECTION 22.07 RETURN TO WORK

Employees will ordinarily be reinstated to the same position or a comparable job, which will occur within two business days of notice to return or as soon as reasonably possible if two days is not feasible. The City may be excused from reinstating an employee for legitimate business reasons unrelated to PDL, such as layoffs.

ARTICLE 23

PREGNANCY LACTATION BREAKS AND ACCOMODATION

SECTION 23.01 PURPOSE

The City is committed to promoting a family-friendly work environment and recognizes the importance of supporting lactating employees.

This policy is established to:

- Promote a supportive work environment for lactating employees;
- Inform employees of their legal rights to request lactation accommodations;
- Advise employees of the City's obligations to provide suitable lactation spaces; and
- Provide a clear process for requesting lactation accommodations.

This policy is intended to comply with California Labor Code §§ 1030 through 1034 and Government Code § 12945. In the event of a conflict between this policy and state or federal law, the law shall govern. Where an applicable Memorandum of Understanding provides greater benefits, the terms of the MOU shall control.

SECTION 23.02 POLICY

A. Lactation Breaks and Scheduling. The City shall provide lactating employees with:

1. Use of a lactation room or location; and
2. Reasonable break time to express breast milk.

Exempt employees:

- Time used for lactation breaks does not need to be recorded.

Non-exempt employees:

- May use regular paid rest periods or unpaid meal periods for lactation purposes.
- Supervisors are encouraged to allow flexible scheduling of rest periods whenever possible.

Employees should provide their department with a regular lactation schedule to ensure space availability and adequate work coverage. If the schedule changes, employees shall notify their supervisor or Department Head to establish a revised schedule. If the City is unable to provide the requested break time or location, a written response will be provided to the employee.

B. Temporary Lactation Locations. Due to operational, financial, or space constraints, the City may provide temporary lactations stations. Temporary locations must:

- Not be a bathroom;
- Be in close proximity to the employee's work area;
- Be shielded from view and free from intrusion;

- Comply with all applicable legal requirements.

C. Notice and Access to Policy. A copy of this policy, along with contact information for the City Administrator or designee, will be provided to new employees at the time of hire, employees approved for Pregnancy Disability Leave, and employees inquiring about parental or bonding leave.

SECTION 23.03 LACTATION SPACE REQUIREMENTS

Lactation rooms or locations must:

- Be close to the employee's work area or field territory;
- Be shielded from view and free from intrusion;
- Not be a bathroom;
- Be safe, clean, and free from toxic or hazardous materials (per Labor Code §6382);
- Include a place to sit and a surface for a breast pump and personal items;
- Provide access to electricity or alternative power sources for breast pumps;
- May include an employee's regular work area if it meets the above requirements;
- May be a multi-purpose room if it satisfies all requirements. Priority for lactation use is required while in use;
- Should have a lock;
- Be near a sink with running water and a refrigerator or alternative cooling device (e.g., City-provided cooler).

Departments should consult with the City Administrator or the City Attorney to ensure that lactation accommodations for field employees comply with all applicable laws and policies.

SECTION 23.04 RESPONSIBILITIES

A. Employees. Employees are responsible for notifying their department of lactation accommodation requests in advance, either verbally or in writing; notifying the appropriate Department Head or the City Administrator or their designee of any issues with lactation accommodations; informing their department of any changes to their lactation schedule or when the accommodation is no longer needed; and reporting any harassment, discrimination, or retaliation.

B. Department Heads and Supervisors. Department heads, designees, and supervisors are responsible for being familiar with this policy, assisting in identifying appropriate lactation locations, and communicating accommodation requests to the City Administrator or their designee for coordination.

C. City Administrator or Designee. The City Administrator or their designee is responsible for maintaining confidential records of accommodation requests and related communications in the employee's medical file, providing copies of accommodations to the department, and ensuring compliance with this policy.

SECTION 23.05 DEFINITIONS

Meal Break: A 30–60-minute break as defined under FLSA and applicable MOUs.

Reasonable Time: Time required to express milk, including travel to/from the lactation location, set-up/clean-up, and storage of milk.

Rest Break: A paid 15-minute break as defined under FLSA and applicable MOUs or Personnel Rules.

Retaliation: Any adverse action against an employee requesting or using lactation accommodations, including filing complaints.

SECTION 23.06 PROCEDURE FOR REQUESTING ACCOMMODATION

A. Requesting Lactation Accommodation. Employees must submit a completed Lactation Accommodation Request to their supervisor and the City Administrator or their designee at least five (5) business days before the requested start date, including any additional break time needed beyond regular rest or meal periods and an anticipated lactation schedule, and must promptly notify their supervisor and the City Administrator or their designee of any changes or when the need for accommodation ends.

B. Department Response. The department will provide a written acknowledgment of the request and outline the accommodations, and a copy of the request and response will be sent to the City Administrator or their designee. Denial of a request requires review and approval by the City Administrator or their designee. Once approved, lactation breaks should not be interrupted except in cases of emergency.

C. City Records. Records of lactation accommodation requests and their resolutions must be maintained for three years and include the employee's name, the date of the request, and a description of the resolution. Any denied requests must include the written denial and the rationale for the decision.

SECTION 23.07 RETALIATION AND COMPLAINTS

The City strictly prohibits discharge, harassment, discrimination, or retaliation against any employee for exercising rights under this policy or California Labor Code sections 1030 through 1034 (see Article 5).

Employees who believe their rights under this policy have been violated may report the matter to their Department Head, the City Administrator, any Councilmember, the City Attorney, or the California Labor Commissioner.

Employees who violate this policy may be subject to disciplinary action, up to and including termination of employment.

Questions regarding this policy should be directed to the City Administrator or their designee.

ARTICLE 24

PROHIBITION OF DRUGS AND ALCOHOL IN THE WORKPLACE

SECTION 24.01 PURPOSE

The City has a duty to its employees and to the public to maintain a workplace free from alcohol and drugs and to ensure that City services are delivered safely and effectively. This policy applies to all City employees, whether on City property or while conducting City business at any location, except where superseded by an applicable Memorandum of Understanding or mandatory federal drug and alcohol regulations. Compliance with this policy is a condition of employment, and violations may result in disciplinary action, up to and including termination.

The purpose of the City's Drug and Alcohol Abuse Policy is to:

1. Establish and maintain a safe, secure, healthy, and alcohol- and drug-free working environment for all employees;

2. Protect the public and all individuals who interact with City employees;

3. Reduce alcohol- or drug-related inefficiencies, risks, injuries, and property damage; and

4. Provide guidelines for the rehabilitation of employees who seek the City's assistance in addressing alcohol or drug-related dependence or problems.

SECTION 24.02 DEFINITIONS RELATED TO DRUG AND ALCOHOL ABUSE POLICY

The following definitions apply to this Article:

Alcohol: Alcohol means ethyl alcohol or ethanol, including any beverage, mixture, or preparation containing alcohol. The term includes beer, wine, distilled spirits, and any other substance containing alcohol.

City Premises: All buildings, parking lots, land, service yards, patios, lunchrooms, break areas, restrooms, loading docks, City-owned vehicles, work sites, or any other location where employees perform services for the City, regardless of City ownership or control.

Employee: Any person legally occupying a full-time or part-time position in the service of the City.

Illegal Drug: Any substance that is illegal to use, sell, transfer, possess, manufacture, or consume under federal, state, or local law.

Prescribed Drug: Any drug or medication lawfully prescribed for use by an employee by a licensed medical practitioner.

Reasonable Suspicion: Reasonable suspicion exists if objective factors indicate impairment, including unusual or erratic behavior, incoherence, body odor, red or watery eyes, unsteady gait, slurred speech, lapses in performance, or other evidence of drug or alcohol influence. Testing may also be required after work-related accidents or safety violations.

Under the Influence: Any state in which alcohol or drugs have modified behavior, resulting in substandard or impaired job performance, diminished motor reflexes, impaired coordination, speech, or mental concentration, or other conduct that poses a safety hazard to the employee, coworkers, or others.

SECTION 24.03 PROHIBITED CONDUCT

The following acts are strictly prohibited and may result in disciplinary action, up to and including termination:

1. Reporting to work or performing duties under the influence of alcohol or drugs.

2. Using, possessing, distributing, manufacturing, purchasing, or selling alcohol, illegal drugs, or any prescription drug not lawfully prescribed during work hours, including rest breaks, on City property or while performing City business.

3. Failing to notify the Department Head before work when taking any medication or drug that could impair the safe and effective performance of duties or operation of City equipment.

4. Failing to notify the Department Head or City Administrator of any workplace-related criminal drug conviction within five days of the conviction.

5. Having a criminal conviction for a drug violation that occurred in the workplace.

Violations of this policy that may constitute criminal conduct will be reported to the appropriate law enforcement authorities.

SECTION 24.04 PRESCRIPTION DRUGS

Employees may possess and use prescription drugs only as prescribed by a licensed medical provider and must follow the directions, dosage, and combination specified. If

the use of a prescription drug during work hours could affect the employee's ability to perform duties safely, including operating heavy equipment, the employee is responsible for obtaining a written opinion from their medical provider. Employees must not use prescription or over-the-counter medications in a manner that impairs judgment, coordination, or the ability to perform essential job functions safely.

Employees must notify their supervisor, Department Head, or the City Administrator if medication may impact their ability to perform safety-sensitive duties. All information regarding prescription drug use will be treated as confidential medical information.

SECTION 24.05 DRUG AND ALCOHOL TESTING

The City may test applicants and employees for drug or alcohol use under certain circumstances. All testing will be conducted through a certified outside laboratory.

A. Pre-Employment Testing. Applicants for positions requiring pre-employment testing must pass a drug and alcohol test following a conditional offer of employment. Such positions include, but are not limited to, safety-sensitive roles affecting public safety, such as operating heavy trucks transporting hazardous materials, enforcing drug laws, or operating natural gas pipelines, and positions involving direct contact with or influence over children.

B. Reasonable Suspicion Testing. The City may require testing for employees suspected of being under the influence of drugs or alcohol at work. Supervisors must document the facts supporting reasonable suspicion in writing and review them with the Department Head. Testing must be approved by the City Administrator. Once approved, the employee will be relieved from duty, transported to the testing facility, and sent home afterward. The employee may use sick or other paid leave until results are received.

C. DOT-Regulated Testing. Employees in positions subject to the Department of Transportation (DOT) drug and alcohol testing requirements will be tested in accordance with all applicable federal regulations. This includes pre-employment, random, post-accident, reasonable suspicion, and return-to-duty testing as required by the DOT.

D. Refusal to Submit to Testing. An employee's refusal to consent to a medical examination or drug/alcohol test may result in immediate suspension pending investigation. Employees who refuse testing are not eligible for rehabilitation benefits under this policy. Employees who voluntarily participate in counseling before being asked to test may use the rehabilitation benefits. Refusal may also be considered misconduct or unsatisfactory job performance, subject to discipline.

SECTION 24.06 TESTING PROCEDURES

If an employee consents to testing, the employee must complete and sign an Authorization for Testing Form, an Authorization for Release and Use of Testing Information, and any other documents required by the testing facility. The Department

Head, City Administrator, or their designee will arrange transportation for the employee to the designated testing facility.

Employees will not be tested for inactive metabolites from off-duty cannabis use unless permitted by law.

SECTION 24.07 TESTING RESULTS

A. Positive Test Results. Positive test results may be retested to ensure accuracy and prevent false positives. Chain-of-custody procedures will be strictly maintained. Test results are confidential and will be kept in a separate medical records file. Employees may request access to their results or disclosure to parties with a legitimate need to know.

A confirmed positive result may result in disciplinary action, up to and including termination.

If the employee demonstrates that a medical or psychological condition caused the behavior, the City may place the employee on medical leave and require a release from a licensed physician prior to returning to work. The City may also require an evaluation by a City-selected physician before reinstatement.

B. Negative or Inconclusive Results. If the results of a drug or alcohol test are negative or inconclusive, no disciplinary action will be taken. The employee will promptly resume their regular duties, and any sick or vacation leave used while awaiting the test results will be reinstated or credited.

C. Tampering, Adulteration, or Dilution. If a test result or the testing facility indicates that a sample may have been tampered with, adulterated, or diluted, the City will conduct a prompt investigation to determine the circumstances. If the investigation indicates that the employee intentionally tampered with, adulterated, or diluted the sample, it will be treated as a confirmed positive result and may result in disciplinary action, up to and including termination.

Pending completion of the investigation, the City may place the employee on administrative leave. The employee may also be required to undergo a new test under direct observation.

D. Appeals and Employee Rights. Employees have the right to review their test results and submit relevant medical or other supporting information to contest the results. Any disciplinary action arising from a confirmed test result may be appealed pursuant to the applicable Memorandum of Understanding or in accordance with Article 29 of these Personnel Rules, as applicable.

SECTION 24.08 INSPECTIONS AND SEARCHES

To maintain a safe and drug-free workplace, the City reserves the right to inspect City-owned or controlled property as permitted by law, including lockers, desks, vehicles,

and work areas. If there is reason to believe alcohol or drugs are present, the City may involve law enforcement to conduct a search.

SECTION 24.09 REHABILITATION AND EMPLOYEE ASSISTANCE

Employees are encouraged to voluntarily seek help for drug or alcohol use and may be eligible for rehabilitation or counseling through the City's Employee Assistance Program. Participation in such programs does not excuse violations of this policy, and employees remain subject to disciplinary action for misconduct, unsafe behavior, or other policy violations, regardless of enrollment in a rehabilitation program. Early self-referral is encouraged to address issues before they escalate to disciplinary matters.

ARTICLE 25

NEPOTISM POLICY

SECTION 25.01 PURPOSE

To maintain public trust in City government, ensure fairness among employees, and to promote safety, security, supervision, and morale, the City prohibits the employment or appointment of relatives, spouses, and domestic partners in positions where conflicts of interest may occur. The following restrictions apply to appointments made by the City Council and the City Administrator, as well as to employees who supervise or are supervised by relatives or individuals with whom they have a dating or domestic partnership relationship.

SECTION 25.02 DEFINITIONS

The following definitions apply to this Article:

Relative: A person related to an employee or official by blood, marriage, or registered domestic partnership within the third degree of kinship, including:

- Children, stepchildren, and grandchildren
- Parents and grandparents
- Siblings, including half-siblings
- Aunts, uncles, nieces, and nephews
- Spouses or domestic partners
- In-laws of any of the above

Spouse: A person who is legally married to another person, or a person who is a registered domestic partner under California law.

Supervisory Relationship: A relationship in which one employee has the authority or responsibility, by virtue of their City position, to direct, control, reward, or discipline another employee.

SECTION 25.03 EMPLOYMENT OF RELATIVES

The City will not appoint, promote, or transfer any person within the same department, division, or facility where a relative already holds a position if any of the following conditions would result:

1. Both employees report to the same supervisor.
2. A supervisory relationship exists between the relatives.
3. The employees share duties on (a) work assignment(s).
4. The arrangement could create an adverse impact on supervision, safety, morale, or efficiency, or otherwise create a conflict of interest, as determined by the Department Head or City Administrator.

SECTION 25.04 CHANGES IN RELATIONSHIP STATUS

A. Employee Disclosure of Changed Status. Employees who enter into a relationship that creates a supervisory connection with a relative, spouse, domestic partner, or dating partner must immediately disclose the relationship to their Department Head or the City Administrator.

B. Conflicts and Potential Conflicts Among Employees. The City Administrator has the authority to determine whether the employment of family members, spouses, domestic partners, or employees in dating relationships within the same department, division, or reporting chain creates an actual or perceived conflict of interest that could negatively affect the working environment, supervision, or operations.

C. Review and Resolution of Conflicts. If an actual or perceived conflict is identified, the City Administrator or their designee will review the circumstances, including the positions involved, the relative seniority of the employees, and the best interests of the City. The City Administrator or their designee will then take appropriate action to eliminate or mitigate the conflict. Such actions may apply to one or both employees and may include reassignment, demotion, transfer, modification of supervisory duties, or other administrative adjustments.

D. Separation. If the conflict cannot be resolved through reassignment or other administrative measures in a manner consistent with the City's interests in supervision, safety, security, or morale, the City Administrator shall determine an appropriate resolution, which may include separation from City employment of one of the employees. In the absence of a voluntary resignation, the City may separate the less senior employee. Such separation is not disciplinary in nature and is not subject to grievance, appeal, or pre- or post-disciplinary due process.

ARTICLE 26

PERFORMANCE EVALUATIONS

City employees' job performance shall be evaluated at least once annually. Evaluations shall be conducted in accordance with a schedule established by the City Administrator or Department Head, based on the operational needs of the applicable Department. In addition, the Department Head may conduct a performance evaluation at any time, at their discretion.

Performance evaluations are not subject to appeal. An employee may request a discussion of the evaluation and may submit a written response. Any response submitted within thirty (30) days of receiving the evaluation will be placed in the employee's personnel file.

ARTICLE 27

SECONDARY OR OUTSIDE EMPLOYMENT

SECTION 27.01 POLICY CONCERNING OUTSIDE EMPLOYMENT

A. General Rule. Employees may request permission to engage in secondary or outside employment, activities, or enterprises during non-working hours, provided the activity is lawful and does not conflict with their duties, responsibilities, or obligations to the City, as determined by the Department Head or City Administrator.

B. Disclosure and Approval. Employees shall disclose any secondary or outside employment in writing to their Department Head or the City Administrator and obtain prior written approval to ensure compliance with this policy and applicable law. Approval may be denied or withdrawn if the secondary employment:

- Conflicts with the employee's assigned duties or responsibilities,
- Interferes with the employee's availability or performance,
- Creates an actual or potential conflict of interest or the appearance of impropriety, or
- Otherwise undermines public confidence in the integrity or impartiality of the City.

Approval may also be denied or withdrawn for other legitimate, job-related reasons consistent with applicable law and the City's operational needs. Authorization for outside employment is automatically terminated if the employer or nature of the work changes, including changes in hours, location, or duties. Employees must submit a new approval request under this policy when such changes occur.

The Department Head or City Administrator shall ordinarily respond in writing within ten (10) calendar days. This period may be extended if additional information, consideration, or consultation is required.

C. One Year Authorization. Unless otherwise specified by the Department Head or City Administrator, an outside employment authorization is valid for a maximum of one (1) year. If the employee wishes to continue the outside employment, activity, or enterprise beyond that period, the authorization must be resubmitted annually to maintain a valid, continuous approval.

D. Appeal of Department Head or City Administrator Determination. An employee who disagrees with a determination that their proposed secondary or outside employment is inconsistent, incompatible, or in conflict with City duties may appeal the decision. The appeal must be submitted in writing to the City Administrator or designee within ten (10) calendar days of receiving the determination. The appeal must include all relevant documentation and information supporting the employee's position.

The City Administrator or designee shall review the appeal, consider any additional information, and determine whether the employee's outside employment, activity, or enterprise is compatible with City employment. If approved, the authorization, including any conditions or restrictions, will be provided to the employee in writing and placed in the personnel file. A written decision will ordinarily be issued within ten (10) calendar days, and the City Administrator's decision is final.

SECTION 27.02 PROHIBITED CONDUCT

Employees may not engage in secondary or outside employment, activities, or enterprises that conflict with or are detrimental to their City duties, even if the employment has been authorized by the Department Head or City Administrator. City time, resources, equipment, facilities, uniforms, authority, influence, or confidential information must never be used for outside employment. Employees shall not imply City endorsement of their outside work or receive compensation for tasks performed as part of their official City duties

Violation of this policy may result in disciplinary action, up to and including immediate dismissal, in accordance with the City's disciplinary procedures as set forth in Article 29.

ARTICLE 28

DISCIPLINARY STANDARDS AND AUTHORITY

SECTION 28.01 PURPOSE

To promote standards of conduct and work performance that support the efficient and effective delivery of public services, this Article identifies the circumstances under which disciplinary action may be taken and sets forth the procedures governing such proceedings.

SECTION 28.02 GROUNDS FOR DISCIPLINARY ACTION

The following conduct shall constitute grounds for disciplinary action, which may include, but is not limited to, written reprimand, demotion, suspension, or dismissal. This

list is intended to alert employees to common causes for discipline; it is not exhaustive, and other forms of unacceptable behavior may also warrant disciplinary action. Examples of such conduct include:

1. Misuse or unauthorized use of sick leave;

2. Absence without authorized leave, chronic tardiness, or leaving the assigned work area without authorization;

3. Misconduct, including willful or negligent violation of these Personnel Rules, department rules, directives, regulations, policies, resolutions, or applicable ordinances;

4. Insubordination, including refusal to follow or comply with lawful directions by a supervisor;

5. Acceptance of gifts or gratuities in connection with, or relating to, the employee's official duties (small or nominal gifts excluded);

6. Conviction of a felony or a misdemeanor involving moral turpitude, provided the conviction is substantially related to the employee’s job duties. A plea or verdict of guilty, or a conviction following a plea of nolo contendere, shall be considered a conviction for purposes of this provision;

7. Engaging in outside employment that adversely affects the employee's City job performance or otherwise creates a conflict of interest;

8. Discourteous treatment of the public or City employees, or disorderly conduct on City property or while conducting City business, including fighting or using profane, abusive, or threatening language toward others;

9. Conduct that interferes with the reasonable management, operation, or good order of the City or any of its departments or divisions;

10. Engaging in political activities while on duty or in uniform, or using City authority or resources for political purposes;

11. Violation or neglect of safety rules or procedures;

12. Failure to maintain good behavior, on or off duty, that is of such a nature as to bring discredit to the City or any of its services;

13. Discrimination or harassment against employees or members of the public on the basis of race, color, national origin, religion, ancestry, sex (including pregnancy, childbirth, and related medical conditions), sexual orientation, gender identity or expression, marital status, age, physical or mental disability, medical condition, genetic information, or military/veteran status;

14. Inefficiency, incompetence, or negligence in the performance of duties, including failure to complete assigned tasks or training, or failure to perform duties in a prompt, competent, and reasonable manner;

15. Refusal or failure to improve job performance in accordance with written or verbal direction;

16. Workplace violence or threats (See Article 34);

17. Being impaired on duty, using illicit drugs while on duty, or misusing prescription medication in a manner that affects performance or judgment, or being unable to perform job duties due to the use of alcohol or drugs;

18. Failure to maintain required certificates or licenses, including suspension of a driver's license when the position requires driving;

19. Careless, negligent, or improper use of City property, equipment, or funds, including unauthorized removal, loss, personal use, damage, or any use that creates an unreasonable risk of damage;

20. Unauthorized disclosure of confidential information or official records;

21. Participation in an illegal strike, work stoppage, slowdown, or other job action against the City;

22. Dishonesty, including making false statements, falsifying records, misrepresenting or concealing material information, or engaging in any conduct intended to deceive the City or its representatives;

23. Retaliation against any employee for engaging in activity protected by law or by these Personnel Rules, including but not limited to reporting suspected violations, filing a complaint, participating in or cooperating with an investigation or proceeding, requesting a reasonable accommodation, or exercising any rights set forth in Article 4 (Anti-Harassment, Discrimination, and Retaliation).

24. Conduct unbecoming a public employee or any other failure to meet the standards of conduct reasonably expected of a City employee;

SECTION 28.03 AUTHORITY TO INITIATE DISCIPLINARY ACTION

A. Department Head. Department Heads may impose written disciplinary action on employees within their respective departments. The City Administrator must be notified of any written disciplinary action within 24 hours, excluding holidays and weekends.

B. City Administrator. The City Administrator or designee may take disciplinary action against any City employee, except management employees, in accordance with these Personnel Rules.

C. City Council. The City Council may take disciplinary action against management employees in accordance with these Personnel Rules.

SECTION 28.04 DISCIPLINARY POLICY AND TYPES

A. Policy. Disciplinary action shall be reasonably related to the nature and severity of the violation.

B. Progressive Discipline. When appropriate, discipline shall be progressive, moving from less severe to more severe action. However, the City reserves the right to impose any level of discipline it deems appropriate based on the circumstances, and no specific sequence of disciplinary action is required in all situations.

C. Administrative Leave. The City Administrator, designee, or appointing authority may place an employee on temporary administrative leave pending the investigation of an incident or allegation, or pending disciplinary action. Administrative leave for non-exempt employees shall be with pay. For exempt, at-will employees, administrative leave may be with or without pay, as determined by the appointing authority.

The appointing authority shall establish the terms and conditions of any administrative leave.

D. Types of Discipline. Discipline may include, but is not limited to, the following:

1. Verbal Reprimand
2. Written Reprimand
3. Suspension Without Pay/ Reduction in Pay
4. Demotion
5. Dismissal

SECTION 28.05 VERBAL REPRIMAND

A verbal reprimand is an informal disciplinary action intended to notify an employee that their performance or conduct must be improved. The supervisor shall clearly identify the areas requiring improvement, establish reasonable expectations and goals for improvement, and advise the employee that failure to improve may result in more serious disciplinary action.

The supervisor may document the time, date, and substance of the verbal reprimand for reference should further disciplinary action become necessary; however, no record of the verbal reprimand shall be placed in the employee's official personnel file unless subsequent discipline is imposed. If the employee fails to demonstrate improvement, a written reprimand may be issued as the next level of discipline.

SECTION 28.06 WRITTEN REPRIMAND

A written reprimand is a formal disciplinary action that notifies the employee of deficiencies in work performance or conduct, identifies the reasons for dissatisfaction with the employee's performance or behavior, and advises the employee that further disciplinary action may be taken unless immediate and sustained improvement occurs.

A copy of the written reprimand shall be placed in the employee's official personnel file by the City Administrator or the Administrator's designee. The written reprimand may serve as evidence in a subsequent disciplinary or administrative hearing.

The employee may submit a written response to the written reprimand within thirty (30) days of receipt. Any such response shall be placed in the employee's personnel file by the City Administrator or the Administrator's designee.

SECTION 28.07 SUSPENSION WITHOUT PAY

A suspension without pay is the temporary separation of an employee from duty for disciplinary purposes. During a period of suspension without pay, an employee shall not accrue or be permitted to use any paid leave benefits, including vacation, sick leave, compensatory time off, or holidays.).

SECTION 28.08 TEMPORARY REDUCTION IN PAY

A reduction in pay is a disciplinary action that temporarily lowers an employee's compensation in lieu of a suspension without pay. During a period of disciplinary pay reduction, the employee shall not work overtime unless expressly approved in advance by the Department Head or the City Administrator.

SECTION 28.09 DEMOTION

A disciplinary demotion is a formal action that moves an employee from one classification or position to a lower classification or position, or retains their current rank and title while reducing their pay to a lower step within the same salary range. A disciplinary demotion may result in a correspondingly lower salary and may be effective for a limited duration or may be indefinite.

SECTION 28.10 DISMISSAL

Dismissal is the termination of an employee from City employment for cause.

ARTICLE 29

DISCIPLINARY PROCEDURES

SECTION 29.01 PROCEDURE FOR SUSPENSION, REDUCTION IN PAY, DEMOTION, AND DISMISSAL

A. Probationary and At-Will Employees. Employees who have not attained permanent status, as well as all at-will employees, may be dismissed with or without

cause and without the right to appeal, at the discretion of the Department Head, with the written concurrence of the City Administrator.

Department Heads and the City Administrator may be dismissed with or without cause and without the right to appeal only by the City Council.

B. Disciplinary Procedure for Permanent Employees. The following procedural steps shall be observed for the suspension, temporary reduction in pay, demotion, or dismissal of a permanent employee in the competitive service:

1. Notice of Proposed Disciplinary Action. The employee shall receive written notice of the proposed action at least ten (10) calendar days prior to the proposed effective date. Notice shall include:

a. The specific disciplinary action proposed and its effective date;

b. The reasons for the proposed action, or charges;

c. The materials or evidence upon which the proposed action is based; and

d. A statement advising the employee of the right to a pre-disciplinary hearing, at which the employee may respond to the proposed disciplinary action either in person or in writing, to the person proposing the action prior to its effective date, and the right to be represented at all stages of the proceedings by a representative of the employee's choice, at the employee's expense.

2. Pre-Disciplinary Hearing. An employee who timely requests a pre-disciplinary hearing may respond orally or in writing within a reasonable period set by the person proposing the disciplinary action, who shall serve as the hearing officer. The hearing shall be informal, and the employee may not bring witnesses. After the hearing, the hearing officer shall consider the employee's response and may sustain, modify, reduce, or increase the findings or level of discipline, or rescind the proposed action entirely. The hearing officer shall provide the employee with written notice of the final decision.

3. Notice of Final Disciplinary Action. If the employee declines a pre-disciplinary hearing, or if, following a pre-disciplinary hearing, the hearing officer decides to impose a suspension, temporary reduction in pay, demotion, or dismissal, the employee shall be notified in writing of the action on its effective date. The final notice of discipline shall include a statement advising the employee of their right to a hearing: before the City Administrator if the disciplinary action results in a loss of pay equivalent to three (3) days or less, or before the City Council if the disciplinary action results in a loss of pay equivalent to more than three (3) days.

The employee shall have the right to appeal the action within five (5) calendar days of receiving the written notice by filing a notice of appeal with the City Administrator. The employee is required to serve the disciplinary action as scheduled, even if an appeal is filed, unless otherwise directed by the City Administrator.

4. Post-Disciplinary Appeal to City Administrator (Suspension of Three days or Less). If the employee timely requests a post-disciplinary appeal hearing, the City Administrator shall schedule a hearing within thirty (30) calendar days and advise the employee of the time and place. The employee has the right to be represented at the hearing by a person of their choice at their own expense. The hearing shall be informal, and the City Administrator shall have the discretion to allow witness testimony, determine the number of witnesses, if any, and set the scope of such testimony.

5. Post-Disciplinary Appeal to City Council. If the employee has timely filed a notice of appeal for a suspension exceeding three (3) days, the City Council shall serve as the hearing body for the appeal. At its discretion, the City Council may hear the matter directly or refer the appeal to advisory arbitration.

The following rules shall apply:

a. Hearing Conduct. The post-disciplinary hearing, whether conducted directly by the City Council or by an advisory arbitrator, shall be conducted in a fair and orderly manner. The formal rules of evidence shall not apply; however, the hearing body may admit any relevant evidence of reasonable probative value and may assign it such weight as it deems appropriate. The hearing body may also consolidate multiple pending appeals for hearing purposes.

b. Burden of Proof and Standard. The Department Head or City Administrator shall have the burden of proving, by a preponderance of the evidence, that the disciplinary action was warranted. In evaluating the evidence, the hearing body shall determine whether the findings are supported by the facts and whether the disciplinary action was reasonable and consistent with City policies and applicable law.

c. Advisory Arbitration. If the City Council refers the appeal to advisory arbitration, the arbitrator shall conduct a hearing, receive evidence, and issue written recommended findings and a proposed decision. The City Council shall consider the arbitrator’s recommendation and issue a written final decision regarding the disciplinary action to the parties.

d. Final Determination. The City Council shall issue its written decision within a reasonable time following the conclusion of the hearing or the receipt of the arbitrator's advisory opinion. The Council's determination, whether issued directly or following advisory arbitration, shall be final and binding.

6. Time Limitations. Any time limitation provided herein may be waived in writing by mutual agreement between the employee and the City. If the employee fails to comply with any time limitation, the appeal shall be deemed waived.

SECTION 29.02 INVESTIGATION AND INTERROGATION OF PUBLIC SAFETY OFFICERS AND FIREFIGHTERS

In the investigation and interrogation of public safety officers suspected of misconduct, the rights afforded under the Peace Officers' Procedural Bill of Rights Act (Government Code §§ 3300–3311) shall apply. In the investigation and interrogation of firefighters suspected of misconduct, the rights afforded under the Firefighters' Bill of Rights Act (Government Code §§ 3250–3262) shall apply.

ARTICLE 30

EMPLOYEE GRIEVANCES

SECTION 30.01 GRIEVANCE DEFINITION

A formal complaint by an employee or bargaining unit regarding the interpretation or application of an applicable Memorandum of Understanding, policy, rule, regulation, or these Personnel Rules, relating to working conditions.

SECTION 30.02 GRIEVANCE PROCEDURE GUIDELINES

A. Informal Resolution. It is the City's policy that, whenever possible, employee complaints be resolved at the lowest level of supervision.

B. Representation. At any stage of the grievance process, the employee may consult with or be represented by their certified association or other representative of their choosing, at the employee's own expense.

C. Advancement of Grievance. Ordinarily, a grievant must proceed through the grievance process in the order described below. For purposes of efficiency, however, the grievant may request to skip one or more steps. Such a request may be granted at the discretion of the person authorized to hear the grievance at the step to which it is advanced. Any agreement to skip steps shall be documented in writing.

SECTION 30.03 GRIEVANCE PROCEDURE

Grievances that cannot be resolved informally may be escalated and handled in accordance with the following procedures:

1. First Step. The employee (hereinafter “grievant”) shall submit the grievance in writing to the grievant’s immediate supervisor within ten (10) calendar days of the occurrence in question, or within ten (10) calendar days after the grievant knew or reasonably should have known of the occurrence. The written grievance shall minimally include a clear statement of the issue, the specific occurrence being grieved, the date(s) of the occurrence(s), and the remedy or resolution requested by the employee.

The supervisor shall attempt to resolve the matter and respond to the grievant within five (5) calendar days. If additional investigation or consultation is required, the supervisor shall notify the grievant and respond within a reasonable period.

2. Second Step. If the grievant is not satisfied with the supervisor’s Step 1 response, or if no response is provided, the grievant may submit the written grievance to their Department Head within five (5) calendar days of receiving the supervisor's response, or, if none was provided, within five (5) calendars days after it was due. The Department Head shall attempt to resolve the matter and respond in writing to the grievant within five (5) calendar days. If additional investigation or consultation is required, the Department Head shall notify the grievant and respond within a reasonable period.

3. Third Step. If the grievant is not satisfied with the Department Head’s Step 2 response, or if no response is provided, the grievant may submit the written grievance to the City Administrator within five (5) calendar days of receiving the Department Head’s response, or, if none was provided, within five (5) calendar days after it was due. The City Administrator shall attempt to resolve the matter and respond in writing to the grievant within five (5) calendar days. If additional investigation or consultation is required, the City Administrator shall notify the grievant and respond within a reasonable period.

4. Fourth Step. If the grievant is not satisfied with the City Administrator’s Step 3 response, or if no response is provided, the grievant may submit the written grievance to the City Council for review within five (5) calendar days of receiving the City Administrator’s response, or, if no response was provided, within five (5) calendar days after it was due.

The grievance appeal at this step shall be submitted to the City Clerk and the City Administrator and shall minimally include:

- A clear statement of the issue,
- The specific occurrence being grieved,
- The date(s) of the occurrence,

- The remedy or resolution requested by the employee, and
- A certification that previous steps have been followed or properly waived.
- Copies of all responses previously provided by the supervisor, Department Head, and City Administrator.

The City Clerk shall place a properly filed Step 4 grievance on the City Council's agenda for its next regularly scheduled meeting, and the grievant shall be notified. The City Council shall review the grievance and any supporting documentation. The grievant shall be allowed to present an oral argument to the Council. Such oral argument shall be limited to the content of the grievance and shall not include additional testimony or evidence, unless agreed to in writing by the grievant and the City Administrator, or by any other party appearing in interest.

The Council may ask questions, receive information from the Department Head, City Administrator, or other staff, and deliberate in open or closed session as permitted by law. Following its review, the Council shall render a written decision to the grievant within thirty (30) calendar days. This decision shall constitute the final administrative determination.

ARTICLE 31

EMPLOYER-EMPLOYEE RELATIONS

SECTION 31.01 PURPOSE

It is the City's intention to establish policies and procedures for the administration of employer-employee relations within City government, including the formal recognition of employee organizations and the resolution of disputes concerning wages, hours, and other terms and conditions of employment.

SECTION 31.02 EMPLOYEE RIGHTS AND REPRESENTATION

Employees of the City have the right to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on matters of employer-employee relations, including wages, hours, and other terms and conditions of employment. Employees also have the right to refrain from joining or participating in the activities of any employee organization. In addition, employees may represent themselves individually in dealings with the City, to the extent permitted by state law. Neither the City nor any employee organization shall interfere with, intimidate, restrain, coerce, or discriminate against any employee in the exercise of these rights.

SECTION 31.03 CITY MANAGEMENT RIGHTS AND RESPONSIBILITIES

Responsibility for managing the City and directing its workforce is vested in City officials and Department Heads as provided by law. To fulfill this responsibility, City management retains the exclusive right to: determine the mission and organization of departments,

offices, and boards; establish service standards for the public; assign, direct, and reassign work; recruit, hire, promote, or transfer employees; evaluate employee performance; take disciplinary action for proper cause; relieve employees for lack of work or other legitimate reasons; establish and enforce workplace rules, policies, and procedures; control the methods, means, and personnel by which City operations are conducted; manage departmental budgets and resources; maintain workplace safety and efficiency; and take all necessary actions to ensure uninterrupted services and carry out the City's mission in emergencies.

SECTION 31.04 CERTIFICATION OF EMPLOYEE ORGANIZATION

A. Representation Units. The representation units of the City shall be:

1. Miscellaneous Employees
2. Exempt Employees
3. Police Employees
4. Fire

B. Modification and Establishment of Bargaining Units. The City Administrator may, after consultation with affected employee organizations, modify the Units by moving classifications from one unit to another, creating units, abolishing units, adding new classifications, and deleting old classifications. The bargaining units shall be kept current with any changes.

Employees or an employee organizations may petition the City Administrator to create a new representation unit or otherwise modify existing units. The City Administrator or designee shall consult with affected employee organizations before taking action on this request.

If a new unit is created by splitting an existing unit represented by a certified or exclusive representative, that representative shall continue to represent the original unit. A new employee organization may become the representative of the new unit only through a decertification election.

Any party to a dispute concerning the appropriateness of a unit may request mediation by the State Conciliation Service. The costs of mediation, if any, shall be shared equally by the parties.

C. Certification and Election of Exclusive Employee Representatives. Employee organizations may be certified by the City Council to represent their members upon demonstration of support from the employees in the proposed unit. Where no exclusive representation exists, an employee organization may become eligible for certification as the exclusive representative as follows:

1. Upon receipt of an original petition signed by at least thirty percent (30%) of the employees in the proposed unit stating their desire to be

exclusively represented by an employee organization, the City Administrator shall give notice of an election to be held not less than thirty (30) calendar days and not more than forty (40) calendar days after receipt of the petition.

2. Other employee organizations may be placed on the ballot by filing, no later than fifteen (15) calendar days prior to the date, a secondary petition signed by at least fifteen percent (15%) of the employees who were employed on the date the original petition was received, stating their desire to be represented by the additional representative organization.

3. The election shall be conducted by secret ballot. Only employees who were employed at the time the original petition was received shall be eligible to vote.

4. To be certified as the exclusive representative, a candidate organization must receive:

a. A majority of votes from employees voting in favor of being represented by an employee organization; and

b. A plurality of votes among competing employee organizations..

5. Once certified, challenges or decertification elections may not be initiated sooner than one (1) year following certification of the exclusive representative.

SECTION 31.05 CHALLENGES TO CERTIFICATION AND DECERTIFICATION

In the event certification is challenged or a request to decertify the representative of a representational unit is received, the following procedure shall apply:

1. A request to challenge or decertify the certified or exclusive employee organization must be submitted in the form of a petition signed by at least thirty percent (30%) of the employees in the representational unit. Upon receipt of such a petition, the City Administrator shall schedule an election within thirty (30) calendar days to consider decertification and, if applicable, the selection of a replacement employee organization.

2. The certified employee organization shall be decertified or replaced if a majority of those casting valid ballots vote in favor of decertification.

SECTION 31.06 REPRESENTATION RIGHTS AND OBLIGATIONS

A. Meet and Confer Rights. Upon request, and to the extent required by the Meyers-Milias-Brown Act (Government Code section 3500 et seq.), a certified employee organization shall have the right to meet and confer in good faith with authorized representatives of the City regarding wages, hours, and other terms and conditions of employment that fall within the statutory scope of representation for its recognized employee unit.

Upon commencement of the meet and confer process, the parties shall refrain from making public statements to the press or to individuals not participating in the process, provided, however, that the parties may exchange information concerning items under discussion with other jurisdictions or employee organizations. Nothing contained herein shall preclude either party from exercising rights granted by City, State, or Federal law.

B. Exclusive Representation. A recognized exclusive employee organization shall be the sole representative of all employees in the designated bargaining for purposes of representation in matters within the scope of representation. Notwithstanding the foregoing, an individual employee may present grievances or concerns directly to the City without intervention by the employee organization, provided such presentation is not inconsistent with an applicable Memorandum of Understanding and is otherwise permitted by State law.

C. Membership and Dues Authorization. Consistent with applicable State and federal law, including *Janus v. AFSME*, no employee shall be required, as a condition of employment, to join or financially support an employee organization. No dues, fees, or other charges shall be deducted from an employee's wages unless the employee has provided prior written authorization for such deductions. An employee may revoke such authorization in accordance with the terms of the authorization and applicable law.

SECTION 31.07 SCOPE OF REPRESENTATION

The scope of representation shall include all matters relating to wages, hours, and other terms and conditions of employment, as well as employer-employee relations, as provided by law. It does not, however, extend to the merits, necessity, or organization of any service or activity provided by law of executive order.

SECTION 31.08 NOTICE REQUIREMENTS

A. Proposed Changes. Each certified employee organization affected by any proposed ordinance, rule, resolution, or regulation directly relating to matters within the scope of representation shall be provided notice and an opportunity to meet with the appropriate management representatives prior to adoption. For purposes of such notification, the published agenda of the City Council shall constitute sufficient notice of proposed actions. However, this form of notice shall not be deemed adequate if the agenda item is phrased in a manner that does not clearly indicate the full and true nature of the matter to be considered.

B. Contracting Actions. Except as allowed by law, the City shall provide recognized employee organizations written notice no less than forty-five (45) days prior to issuing a request for proposals (RFP) or request for quotes (RFQ) or renewing or extending an existing contract for services that are within the scope of work performed by the classifications represented by the employee organization.

SECTION 31.09 ATTENDANCE AT MEETING

Certified employee organizations may designate a reasonable number of employees to serve as official representatives. Such representatives shall be released from work without loss of compensation when meeting and conferring with City representatives on matters within the scope of representation.

SECTION 31.10 ACCESS TO EMPLOYEES AND USE OF CITY RESOURCES

Authorized representatives of certified employee organizations shall be granted reasonable access to employees in their unit during work hours for representational purposes, including the processing of grievances.

Access to City work locations, as well as the use of City paid time, facilities, equipment, and other resources by employee organizations or their representatives, shall be permitted only to the extent authorized in memoranda of understanding or administrative procedures. Such access and use shall be limited to lawful activities directly related to employer-employee relations and shall not include internal employee organization activities, including, but not limited to, soliciting membership, campaigning for office, or conducting organization meetings or elections. All access and use must be conducted in a manner that does not interfere with the efficiency, safety, or security of City operations.

SECTION 31.11 MEMORANDUM OF UNDERSTANDING

Upon agreement by the parties, a proposed written Memorandum of Understanding shall be prepared and jointly presented to the City Council for approval.

SECTION 31.12 IMPASSE PROCEDURE

Impasse procedures are as follows:

A. Mediation. If the parties agree to submit the dispute to mediation and agree on the selection of a mediator, the dispute shall be submitted to mediation. The cost of mediation shall be borne equally by the parties. All mediation proceedings shall be private. The mediator shall make no public recommendation, nor take any public position at any time concerning the issues under consideration.

B. Request for Fact Finding. If the parties fail to agree to submit the dispute to mediation, either party may request a fact-finding panel within thirty (30) days after a written declaration of impasse. If the parties utilize a mediator and fail to resolve the dispute through mediation within fifteen (15) calendar days after the mediator begins meeting with the parties, either party may request fact-finding.

C. Fact Finding Panel. If the parties agree to fact-finding, they shall bear the costs of the fact-finding process equally. The parties may mutually select one or more fact-finders. If the parties cannot agree on the appointment of fact-finder(s), a fact-finding panel of three (3) members shall be established as follows:

1. One member shall be appointed by the City Administrator.

2. One member shall be appointed by the Exclusively Recognized Employee Organization.

3. The two appointees shall jointly select the third member, who shall serve as chairperson.

If the first two panel members are unable to agree on a third member, either party may request a list of qualified neutrals from the State Mediation and Conciliation Service (SMCS). The list shall include seven (7) individuals with experience in municipal labor relations. The parties shall flip a coin to determine which party strikes first. The parties shall then take turns striking names from the list until only one name remains. The remaining individual shall be appointed as the third panel member and shall serve as chairperson.

SECTION 31.13 FACT-FINDING PROCEDURE

The following establishes the jurisdictional and procedural requirements for fact-finding under the Meyers-Milias-Brown Act (Government Code section 3500 et seq.):

A. Guiding Authority. The fact-finder(s) shall consider and be guided by applicable federal, state, and local laws in conducting the fact-finding proceedings.

B. Criteria for Findings and Recommendations. Subject to any stipulations by the parties, the fact-finder(s) shall determine and apply the following measures and criteria in arriving at findings and recommendations:

1. Comparative Analysis. The fact-finder(s) shall first, as relevant to the issues in dispute, compare the total compensation, hours, and conditions of employment of the employees in the unit with those of employees performing comparable services in public and private employment in the same or comparable communities. For the purpose of this section "total compensation" shall include:

   a. All wage compensation, including but not limited to premium pay, incentive pay, minimum pay, standby pay, out-of-classification pay, and deferred pay;
   b. All paid leave time;
   c. All allowances, including but not limited to educational and uniform benefits; and
   d. Employer payments for all health, welfare, and pension benefits.

2. Adjustments to Comparative Analysis. The fact-finder(s) shall adjust the results of the above comparisons based on the following factors:

   a. Compensation necessary to recruit and retain qualified personnel.

b. Maintaining appropriate compensation relationships between job classifications and positions within the City and ensuring compaction is appropriately managed.

c. The pattern of change in the total compensation for employees in the unit, compared with changes in the relevant "Consumer Price Index" for goods and services and with changes in wages and compensation of comparable wage earners.

3. Preliminary Recommendations and Financial Limitations. Based on the adjusted comparisons, the fact-finder(s) shall determine preliminary recommendations, subject to the City's financial ability to implement them. In assessing the City's financial resources, the fact-finder(s) shall give deference to the following:

a. Other legislatively determined and projected demands on City resources, including budgetary priorities established by the City Council; and

b. Equitable compensation adjustments for other employees and employee groups during the same fiscal period(s); and

c. Revenue projections not exceeding currently authorized tax and fee rates for the relevant fiscal year(s);

d. Maintenance of sufficient and sound budgetary reserves; and

e. Constitutional, statutory, municipal, and other limitations on the level and use of revenues and expenditures.

C. Findings of Fact and Recommendations. The fact-finder(s) shall prepare written findings of fact and recommendations addressing the issues in dispute, incorporating the criteria, adjustments, and financial limitations described in subsection B. Any fact-finding panel member may submit dissenting findings of fact and recommendations in writing. The fact-finder or chairperson of the fact-finding panel shall serve the findings of fact and recommendations on the City Administrator (or designee) and the designated representative of the employee organization. If impasse has not been resolved within ten (10) calendar days after service of the findings and recommendations, the fact-finder or the chairperson of the fact-finding shall submit them to the City Clerk for consideration by the City Council for the Council's legislative consideration of the impasse.

D. Final Legislative Authority. If the parties do not agree on mediation, do not agree on the selection of a mediator, do not agree on fact-finding, or, having agreed to fact-finding-finding, fail to resolve the impasse, the City Council may take such action regarding the impasse as it deems appropriate in the public interest. Any legislative action taken by the City Council regarding the impasse shall be final and binding.

SECTION 31.14 LABOR MANAGEMENT COMMITTEE

A. Establishment and Membership. There is hereby established a special joint committee for the purposes of discussing matters of mutual interest and concern. The City and each recognized employee organization may designate up to three representatives to serve on the committee.

B. Meetings and Procedures. The committee shall meet at times mutually agreed upon or as requested by one or more parties. The party or parties requesting a meeting will provide an agenda of items to be discussed. All items submitted by one or more parties shall be addressed. Meetings will be held during normal working hours at no loss of pay to participants. No overtime shall be authorized for meetings, or portions of meetings, conducted outside an employee's normal work schedule. The committee shall make recommendations, which may be implemented by the appropriate authorities.

SECTION 31.15 CONSTRUCTION

A. Preservation of Rights. Nothing in this Article shall be construed to deny any person, employee, or recognized employee organization the rights granted under federal or state law.

B. Preservation of City and Employee Organization Authority. The rights, powers, and authority of the City Council shall not be modified, limited, or restricted by this Article. The rights of employee organizations in all matters, including the right to pursue legal action, shall not be modified, limited, or restricted by this Article.

ARTICLE 32

ELECTRONIC COMMUNICATIONS AND DEVICES POLICY

SECTION 32.01 PURPOSE

The City recognizes that electronic communications (e.g., email and other messaging platforms) and electronic devices (e.g., cellular phones, smartphones, computers, tablets, radios, and similar tools) are essential for conducting City business efficiently and effectively. This policy establishes rules regarding the use, acquisition, accountability, reimbursement, and personal use of electronic communications and devices.

The City aims to promote efficient and effective communications by providing electronic messaging accounts and communication devices to officials and employees as necessary. All equipment purchased by the City remains the property of the City and must be returned when the official or employee separates from service or when the equipment is no longer required for City business.

SECTION 32.02 ELECTRONIC COMMUNICATIONS AND INTERNET USE

A. No Expectation of Privacy. City officials and employees have no expectation of privacy when using City-owned or City-issued accounts, devices, networks, or servers,

including email systems, messaging platforms, internet access, and cloud-based services. All communications, data, and activities conducted on or stored within City resources are the property of the City. The City reserves the right to access, monitor, audit, copy, review, retain, and disclose such communications and information at any time to ensure compliance with City policies, promote operational efficiency, maintain system integrity and security, and fulfill legal and regulatory obligations.

B. Authorized Use. City-provided internet and devices are to be used for official City business only. Officials and employees must not use these resources inappropriately, including accessing offensive or non-business-related websites.

C. Standards of Conduct. Emails, attachments, and other electronic communications are subject to the same ethical standards as other City documents. Communications may not contain profane, defamatory, harassing, illegal, discriminatory, or offensive content.

D. Personal Use. Incidental and brief personal use of City email is permitted only for essential matters that cannot reasonably be addressed outside of work hours. Such use must be infrequent, minimal in duration, and must not interfere with the performance of official duties or the efficient operation of City systems.

All personal communications conducted on City email systems remain subject to the City's ownership, access, monitoring, and review rights as set forth in Paragraph A above. Employees should exercise appropriate discretion when using City resources for any personal purpose.

E. Public Records Act Compliance. Communications relating to City business, whether created, sent, received, or stored on City-owned systems or on personal accounts or devices, may constitute public records subject to disclosure under the California Public Records Act (Government Code section 7920.000 et seq.). Officials and employees may be required to produce City-related communications from personal devices or accounts in order to comply with public records requests. The City also reserves the right to access City-owned devices, accounts, and systems as necessary to fulfill its legal obligations. Employees shall conduct all City business in a professional manner with the understanding that such communications may be subject to public inspection and disclosure as required by law.

SECTION 32.03 ELECTRONIC COMMUNICATION DEVICE ISSUANCE AND USE

A. Issuance. The City may provide electronic devices to officials and employees when required for job duties. Devices are intended to enhance service to the public and must be used solely for official City business.

B. Ownership and Access. All City-issued devices remain City property and are subject to recall, inspection, and retrieval at any time. Officials and employees have no expectation of privacy regarding communications sent or received on City devices or accounts.

C. Care and Security. Officials and employees must protect City devices from damage, loss, or theft and immediately report any incidents to the City Administrator. Damage resulting from policy violations may result in the official or employee bearing replacement costs.

D. Use While Driving. Device use while driving is prohibited unless a hands-free device is employed and in accordance with applicable laws. Officials and employees are solely responsible for any traffic violations or liabilities resulting from device use while driving.

SECTION 32.04 FAILURE TO COMPLY

Violations of this policy may result in disciplinary action in accordance with these Personnel Rules, up to and including termination of employment, revocation or restriction of electronic device or system access privileges, and other corrective or remedial action.

ARTICLE 33

SOCIAL MEDIA POLICY

SECTION 33.01 PURPOSE

The City of Angels Camp uses social media tools and other online platforms to reach a broader audience, increase citizen engagement, and promote transparency and trust. The goals of the City's social media presence are to:

- Increase public awareness and understanding of City services.
- Promote the value and importance of City programs.
- Maintain open, professional, and responsive communication with the public and media.

While the City encourages public engagement, the City retains ultimate authority over the content published on its official social media accounts. This policy establishes rules for the creation, management, and use of City social media accounts by officials and employees.

The City has implemented this policy in order to establish guidelines for the appropriate use of social media by City employees.

SECTION 33.02 COVERED INDIVIDUALS

This policy covers all City employees regardless of rank or title.

SECTION 33.03 CITY OWNERSHIP

All content created, sent, or received on City social media accounts or devices is the property of the City. Social media platforms are administered by the City, but the City does not control third-party content posted by users.

The City Administrator, or their designee, has the sole responsibility for managing, updating, and monitoring all City social media accounts. All posts must reflect official City positions, not personal opinions.

SECTION 33.04 SOCIAL MEDIA USE REQUIREMENTS

The City requires employees to:

1. Comply with City Policies: Observe and adhere to all City policies applicable to social media use, including those addressing confidentiality, privacy, harassment, and workplace violence.

2. Comply with the Law Follow all applicable federal, state, and local laws, including those protecting confidentiality, privacy, and prohibiting discrimination or harassment.

3. Avoid Representing the City: Do not comment on any matter on behalf of the City or imply that personal posts or comments reflect the City's opinions or positions.

4. Use Social Media Appropriately During Work Hours: Refrain from accessing or using social media during work hours, except as authorized for official City business.

5. Protect the City's Reputation: Avoid any social media use that could negatively affect job performance, the City's reputation, or the public's trust in the City.

SECTION 33.05 RECOMMENDED BEST PRACTICES

City employees are highly visible members of the community and are often recognized by the public, even when off duty. For this reason, it is important that employees maintain a standard of respect, professionalism, and appropriateness in all interactions, including on social media. The City encourages employees to follow the best practices outlined below when using social media.

Employees are encouraged to follow these best practices when using social media:

1. Accuracy and Truthfulness: Ensure all posts are accurate, truthful, and do not contribute to the spread of misinformation.

2. Respectful Communication: Be respectful in all interactions; refrain from attacking or posting unnecessarily negative comments about others.

3. Privacy Protection: Do not post personal information about yourself or others.

4. Consider Permanence: Remember that content shared on social media may be permanent and cannot always be fully deleted.

ARTICLE 34

ARTIFICIAL INTELLIGENCE POLICY

SECTION 34.01 PURPOSE

This Article establishes standards governing the use of artificial intelligence ("AI") by City employees. Its purpose is to protect confidential information, ensure compliance with applicable laws and City policies, maintain public trust, and preserve human accountability for decisions made in the course of City business.

SECTION 34.02 AUTHORIZED USE AND EMPLOYEE RESPONSIBILITY

Employees may use artificial intelligence ("AI") tools for City business or on City-owned devices only in accordance with this Article and any administrative procedures or policies adopted by the City, and only when authorized by their Department Head or the City Administrator. Permissible uses may include research assistance, summarizing information for employee review and revision, and generating outlines and other work-related purposes approved by the City.

Employees shall not use personal AI accounts or unapproved AI tools for City business. Use of personal AI accounts or other non-City-approved AI tools for City business may result in City records being stored outside City-controlled systems and may create additional public records, confidentiality, privacy, or security concerns. Any use of personal AI accounts or tools for City business requires prior approval from the Department Head or City Administrator.

Employees shall review and verify AI-assisted content for accuracy, appropriateness, and legal compliance before relying on or distributing it. Employees remain responsible for all work product created, reviewed, edited, transmitted, or otherwise used in the course of City business.

SECTION 34.03 ADMINISTRATIVE POLICIES

The City Administrator may, in consultation with staff and the City's information technology service providers as appropriate, adopt administrative procedures or policies governing the approval, implementation, monitoring, procurement, and use of artificial intelligence ("AI") systems to supplement this Article. The City Administrator may also restrict or prohibit the use of particular AI tools when necessary to protect the City's interests, including information security, legal compliance, and operational integrity.

SECTION 34.04 CONFIDENTIAL AND PROTECTED INFORMATION

Employees shall treat information entered into an AI system, as well as information generated, received, or communicated through an AI system, as potentially subject to disclosure under the California Public Records Act (CPRA) and other applicable laws. AI prompts, inputs, outputs, responses, and related communications may constitute City records and shall be created, maintained, and handled in accordance with applicable

laws and City policies governing records management, confidentiality, privacy, and information security.

Employees shall not enter confidential, privileged, personnel, medical, law enforcement, litigation-related, financial, human resources, regulatory, compliance, or other protected information, including sensitive personal information of community members such as Social Security numbers or banking information, unless the system has been approved by the City for such use and appropriate safeguards are in place.

Employees shall comply with all applicable laws and City policies governing confidentiality, privacy, records management, and information security.

Nothing in this section shall be construed to expand the city's obligations under the CPRA or any other applicable law, or to create an obligation to disclose records or information that are otherwise exempt from disclosure.

SECTION 34.05 PROHIBITED USE

Employees shall not:

1. Upload confidential or protected information in violation of Section 34.04;

2. Use AI in any manner prohibited by law or City policy;

3. Circumvent City policies, security measures, or approval processes through the use of AI;

4. Use AI to create knowingly false, deceptive, misleading, harassing, discriminatory, or unlawful content;

5. Represent AI-generated legal information as legal advice or rely on AI-generated legal information without appropriate review;

6. Make or substantially base employment-related, regulatory, enforcement, permitting, or other discretionary governmental decisions based on AI-generated findings or recommendations without meaningful human review, confirmation, and approval.

ARTICLE 35

POLICY AGAINST VIOLENCE IN THE WORKPLACE

SECTION 35.01 ZERO TOLERANCE FOR WORKPLACE VIOLENCE

The City is committed to maintaining a safe and secure environment for employees and members of the public and maintains a zero-tolerance policy for threats, intimidation, or acts of violence. The workplace includes all locations where City business is conducted, including City facilities, vehicles, and parking areas. Violations of this policy may result in disciplinary action, up to and including termination, and may also be referred for criminal prosecution, as appropriate.

SECTION 35.02 PROHIBITED BEHAVIOR

Employees are prohibited from engaging in, participating in, or promoting acts of intimidation, violence, threats, coercion, assault, or abusive behavior toward any person in the course and scope of City employment. Any conduct or communication involving workplace violence, as described below, regardless of whether it is intended as humorous, harmless, joking, or as a form of venting, is prohibited.

SECTION 35.03 WORKPLACE VIOLENCE DEFINED

“Workplace violence” is any act of violence, or threat of violence, that occurs in the workplace, including any conduct that causes an individual to reasonably fear for their personal safety or the safety of their family, friends, or property. Workplace violence does not include lawful acts of self-defense or the defense of others. Examples of workplace violence include, but are not limited to:

- Threats or acts of physical violence or harm, including assault or battery, directed at an individual or their family, friends, associates, or property, regardless of whether the employee sustains an injury.
- Written, verbal, or electronic statements or gestures that express an intent to harm a person or damage property.
- Fighting, challenging another person to fight, or engaging in dangerous horseplay.
- Harassing, threatening, or intimidating behavior, including unwanted phone calls, stalking, or surveillance.
- Possession, display, or use of weapons, including using common objects as weapons, on City property or while performing City business, unless the weapon is issued or expressly authorized by the City for the performance of official duties. For purposes of this policy, a weapon means any firearm, knife, chemical agent, club, baton, or any other device, tool, or implement capable of causing bodily harm, or used in a manner reasonably likely to cause harm or threaten another person.

SECTION 35.04 INCIDENT REPORTING PROCEDURES

A. Employee Obligation to Report. Employees who have been the victim of, or have witnessed, workplace violence shall immediately report the incident to their supervisor, Department Head, or the City Administrator. Supervisors and Department Heads shall promptly forward all such reports to the City Administrator for review and appropriate action, which may include notification of law enforcement or a formal internal or third-party investigation, as appropriate.

B. Reporting Suspicious or Concerning Behavior. Employees are encouraged to promptly report any conduct, statements, or situations that reasonably appear

suspicious, unusual, escalating, or may indicate a risk of workplace violence, even if no specific threat has been made. Reports may be made to a supervisor, Department Head, or the City Administrator. Employees should err on the side of reporting concerns rather than attempting to determine whether a threat is credible or substantiated. All reports shall be treated seriously and reviewed promptly, and may be referred for further assessment or investigation as appropriate, including consultation with law enforcement or qualified professionals when necessary.

C. Investigation and Documentation. The City Administrator, Department Head, or their designee shall promptly document any incident of workplace violence. Such documentation shall include, at a minimum:

- Names of employees involved.
- Date, time, and location of the incident.
- Description of the incident.
- Names and statements of witnesses.
- Description of unidentified parties, if applicable.
- Description of the act(s) or behavior at issue.
- Any other information relevant to the incident.

The City Administrator or designee shall document any corrective or remedial action taken in response to the incident and shall maintain all records related to the incident for a minimum of five (5) years.

SECTION 35.05 REMEDIAL ACTION

The City Administrator or designee shall take appropriate remedial action to ensure employee safety. Such actions may include, but are not limited to:

- Placing the employee alleged to have engaged in workplace violence on administrative leave pending the outcome of the investigation.
- Removing the threatening or potentially violent individual from the worksite to prevent further risk.
- Immediately contacting law enforcement when the situation warrants or as required by law.
- Imposing discipline, up to and including termination, against any employee found to have engaged in workplace violence following a thorough investigation.

SECTION 35.06 EMPLOYEE INVOLVEMENT

The City encourages employees and authorized employee representatives to participate in identifying, evaluating, and determining corrective measures to prevent workplace violence. Employees are also encouraged to take part in designing and implementing training programs aimed at preventing workplace violence.

Employees and authorized employee representatives who wish to discuss safety hazards, corrective measures, preventative training, or any other measures to improve workplace safety are encouraged to contact their Department Head or the City Administrator.

SECTION 34.07 INJURY AND ILLNESS PREVENTION PROGRAM

The City is committed to complying with California Labor Code sections 6401.7 and 6401.9. The City maintains an Injury and Illness Prevention Program (IIPP), which includes a Workplace Violence Prevention Plan (WVPP) that outlines procedures for preventing, reporting, and responding to workplace violence. Employees may access the WVPP through the City Administrator or their Department Head for more information regarding their responsibilities, reporting obligations, and training requirements.

ARTICLE 36

APPEARANCE STANDARDS

SECTION 36.01 POLICY STATEMENT

The following appearance standards are intended to promote the City's legitimate, non-discriminatory objectives of maintaining workplace safety and a professional appearance consistent with employees' job duties and level of public contact. Employees with questions about the application of these standards, or who require an accommodation, should promptly consult their Department Head or the City Administrator.

SECTION 36.02 DRESS CODE

Employees are required to dress appropriately for the duties of their position. The following dress code regulations apply to all City employees. Employees are expected to observe the following standards at all times:

- All clothing and footwear must be clean, neat, in good repair, and appropriate for the work environment and the duties performed.
- Dress must be professional and suitable for the work setting, particularly for employees who have contact with the public.
- Prescribed uniforms and required safety equipment must be worn.
- Hair must be clean, neat, and well-groomed.

- Beards, mustaches, and sideburns must be maintained in a neat and well-groomed manner.
- Jewelry must not create a safety hazard.
- Employees are expected to maintain good personal hygiene.

SECTION 36.03 TATOOS

Employees are expected to maintain a professional appearance while at work and must comply with the standards outline below.

- Tattoos are not permitted on the head or face.
- Visible tattoos, including those on the neck, shall not contain obscene, sexually explicit, discriminatory (based on a protected class), extremist, or gang-related content.

ARTICLE 37

LIMITS ON POLITICAL ACTIVITY

SECTION 37.01 NO SOLICITATION OR POLITICAL ACTIVITY DURING WORK HOURS OR ON CITY PROPERTY

City employees and officers shall not engage in political activity, including soliciting or receiving political funds or contributions to support or oppose any ballot measure affecting working conditions, during working hours or on City property.

SECTION 37.02 NO TARGETED SOLICITATION OF CITY OFFICERS OR EMPLOYEES

Officers, employees, or candidates for elective City office shall not directly or indirectly solicit political contributions from other City officers or employees, except as part of a broader solicitation directed to a significant segment of the public that may incidentally include City officers or employees.

SECTION 37.03 NO POLITICAL ACTIVITY IN UNIFORM

No City employee or officer shall engage in political activity while wearing a City uniform or other City-issued clothing.

ARTICLE 38

PERSONNEL FILES

SECTION 38.01 CONFIDENTIAL FILES

The City maintains a personnel file for each employee. Files are retained for at least three years following separation from employment. A personnel file will contain only

information deemed necessary, relevant, or required by law. Personnel files are the property of the City, and access is restricted to protect employee privacy.

SECTION 38.02 NOTIFICATION OF CHANGES

Employees must promptly notify the City Administrator or designee of any changes to their contact or benefits information, including mailing address, telephone number, emergency contacts, and dependents' names and numbers.

SECTION 38.03 MEDICAL AND DISABILITY INFORMATION

Medical information about employees or applicants is maintained in separate confidential medical files. Access is limited to those with a legitimate business need or as required by law, subpoena, or court order. Supervisors and managers may be informed of necessary work restrictions or accommodations for employees with disabilities.

SECTION 38.04 EMPLOYEE ACCESS TO PERSONNEL FILES

A. Inspection. Current employees may inspect their personnel file within 30 days of a written request, at reasonable times and intervals. Former employees may inspect their file once per year. Requests must be submitted in writing to the City Administrator or designee. Inspections will occur in the presence of the City Administrator or designee, either at the employee's work location during non-work time or another agreed-upon location without loss of pay. No one inspecting a personnel file may add, remove, or alter any documents.

B. Copies. Employees and former employees may request copies of their personnel records in writing. The City will provide copies within 30 days of receiving the request and may charge a fee for the actual cost of copying.

C. Representative Access. Employees may authorize a representative to inspect their file by providing written authorization. The City Administrator or designee will notify the employee and/or representative of the date, time, and location of inspection.

D. Limitations on Access and Copying. Prior to inspection or copying, the City may redact the names of nonsupervisory employees to protect their privacy. To the extent permitted by law, access to or copies of the following categories of records will not be provided:

- Records related to the investigation of a potential criminal offense;
- Letters of reference;
- Ratings, reports, or records obtained prior to employment, prepared by identifiable examination committee members, or in connection with a promotional examination.

ARTICLE 39

MISCELLANEOUS

SECTION 39.01 TRAINING

A. Employee Training. To improve effectiveness and enhance employees' skills and expertise in carrying out their duties, the City Administrator shall be responsible for providing training programs as deemed necessary. When an employee is required to attend training, the City shall pay the cost of attendance in accordance with the City's adopted Travel Policy.

B. Ethics, Fiscal, and Financial Training for City Officials. City Officials and managers, including elected officers, the City Administrator, and Department Heads, must complete two hours of ethics training every two years. Newly appointed Officials must complete an initial ethics training within six months of commencing their service. City Officials must also complete two (2) hours fiscal and financial training and two (2) hours of sexual harassment prevention training every two years. The City shall maintain records of these trainings for at least five years and post on the City's website clear instructions and contact information for members of the public to request copies.

SECTION 39.02 AID FROM STATE OF CALIFORNIA

The City of Angels and the Angels Police Department declare their mutual intention to qualify to receive aid from the State of California under the provisions of Part 4, Title 4, Chapter 1 of the California Penal Code governing standards, training, and funding for local law enforcement officers.

SECTION 39.03 SAVING CLAUSE

If any article or section of these Personnel Rules, or any addendum or amendment thereto, is held to be invalid by operation of law or by a tribunal of competent jurisdiction, or if compliance or enforcement of any article, section, or provision is restrained by such tribunal or by the enactment of a superseding rule, regulation, law or order, that article, section, or provision shall be suspended immediately and shall have no force or effect.

The invalidation of any part or portion of these Rules shall not affect the validity of the remaining portions, unless the remaining portions are contingent upon the operation of the invalidated part or portion.

In the event of a conflict between a specific provision of a Memorandum of Understanding (MOU) and these Personnel Rules, the terms of the MOU shall prevail. In all other respects, these Personnel Rules shall remain in full force and effect.

CITY OF ANGELS

EMPLOYEE ACKNOWLEDGMENT OF PERSONNEL RULES

I, _____ (Employee Name) acknowledge that I have received, read, and understand the City of Angels Personnel Rules. I understand the Personnel Rules describe important information about the City's policies, procedures, expectations, and standards of conduct.

I understand that compliance with the Personnel Rules is a condition of my employment, and that failure to follow them may result in disciplinary action, up to and including termination.

I further acknowledge that:

1. The Personnel Rules do not constitute an employment contract and, for employees who are at-will, do not alter their at-will employment status.

2. The City may amend, revise, or rescind the Personnel Rules at any time. I acknowledge that I am responsible for familiarizing myself with and complying with any and all changes.

3. I am responsible for consulting my supervisor, Department Head, or the City Administrator if I have questions about the Personnel Rules or their application.

4. I understand that communications, files, and data on City-owned or City-provided devices or systems are not private and may be monitored, accessed, or disclosed as allowed by law.

5. I acknowledge that I am responsible for maintaining the confidentiality of City information to which I have access, including, as applicable, confidential personnel and other information protected by law or City policy.

By signing below, I acknowledge that I have received and reviewed the City of Angel's Personnel Rules and agree to abide by them.

Employee Name (Print):_____

Employee Signature:_____

Date:_____