PERSONNEL SYSTEM RULES AND REGULATIONS

REVISED AND ADOPTED
BY CITY COUNCIL

RESOLUTION NO. 2025-181
September 23, 2025

PERSONNEL SYSTEM RULES AND REGULATION

INDEX

Chapter 1: General Terms

1.1 GENERAL

Unless provided otherwise, these rules and policies apply to all City employees. To the extent an employee is covered by the terms of a collective bargaining agreement/Memorandum of Understanding or an employment agreement which is inconsistent with these rules, the collective bargaining agreement/Memorandum of Understanding or employment agreement will govern.

1.2 PURPOSE

These Personnel System Rules and Regulations ("Rules") are applicable to City employment and shall be interpreted uniformly in order to:

a. Obtain and retain the best qualified personnel available;

b. Assure that appointments and promotions shall be made according to merit and fitness to be ascertained, so far as practicable by competitive examination; and

c. Assure, through appeal provisions, that disciplinary actions or separations from City service be fair to employees and consistent with the best interest of the City.

1.3 ADMINISTRATION

Unless otherwise set forth herein, the City Manager shall be responsible for the administration of these Rules.

1.4 DISCLAIMER

These Rules do not represent a contract, nor should they be relied upon as binding promises made by the City. The City reserves the right to change, add to, or rescind any of the rules or policies after fulfilling any legally required meet and confer obligation with any City-recognized employee organizations, as well as the right to determine the intent, purpose, and effect of these Rules.

1.5 SEVERABILITY

If any section, subsection, sentence, clause, or phrase of these Rules is for any reason held illegal, invalid, or unconstitutional by decisions of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions.

1.6 EMPLOYMENT CONSTITUTES ACCEPTANCE OF THESE RULES

In accepting employment with the City, each employee agrees to be governed by and to comply with the policies, rules, regulations, and directives of the City as well as the department in which the employee is employed, including these Rules. Each employee will receive a copy of these Rules and are expected to read and be familiar with its contents and provisions and shall sign the "Acknowledgement of Receipt" form acknowledging acceptance.

All employees holding a position with the City on the effective date of these Rules shall thereafter be subject in all respect to the provisions herein except where excluded from coverage.

Chapter 2: Definition of Terms

2.1 DEFINITIONS

The following terms whenever used in these rules, shall be construed as follows:

"ADVANCEMENT" means a salary increase of one or more steps within the salary range established for a class.

"ALLOCATION" means the assignment of a single position to its proper class in accordance with the duties performed, and the authority and responsibilities exercised.

"APPOINTING AUTHORITY" means the authority granted by the City Council to the City Manager to make appointments to any position in City service except City Attorney.

"AT WILL EMPLOYEE" is an employee who has been so designated in these Rules, an employment agreement, or in an applicable collective bargaining agreement/Memorandum of Understanding. All probationary, emergency, and temporary or intermittent employees serve in an at will status. An at will employee is appointed and serves at the pleasure of the City Manager. All at will employees may be dismissed or subject to discipline with or without notice or cause. At will employees are not eligible for the disciplinary appeals procedures provided in these Rules.

"CERTIFICATION" means the referral of eligible candidates for appointment consideration from an appropriate eligible list to a Department Director who has a vacancy which has been approved by the City Manager to fill.

"CLASSIFICATION" OR "CLASS" means all positions sufficiently similar in duties, authority, and responsibility to permit grouping under a common title, with common standards of promotion, selection, transfer, demotion, and salary.

"CLASSIFICATION DESCRIPTION OR CLASS SPECIFICATION" means the written job description of a class or classification, prepared and maintained in the Human Relations Department, setting forth the typical tasks, minimum qualifications and other relevant standards and information.

"CITY" shall mean the City of Turlock, California.

"COMPENSATION" means the salary, wage, allowance, and all other forms of valuable consideration, earned by or paid to an employee by reason of service in any position.

"COMPETITIVE SERVICE" means all positions and employees which are not specifically exempted by the Personnel Ordinance in Title 2 Article 5, Section 2-4-506, of the Turlock Municipal Code.

"CONFIDENTIAL EMPLOYEE" means an employee who, in the course of the employee's duties is (1) privy to decisions of the City Council or management affecting employer-employee relations; (2) has access to or possesses information relating to the City's employer-employee relations; or (3) who has access to confidential employee and financial records and/or other confidential information not generally available to the public. These positions shall be so designated in the City's Classification Specification.

"CONTINUOUS SERVICE" means employment with the City without a break or interruption. In computing continuous service, approved leaves of absence shall not be considered as a break in service. Other absences in excess of 90 days in any twelve-month period shall be considered as a break in continuous service for the purpose of computing total years of service.

"DATE OF APPOINTMENT" means the first day of appointment to the competitive service or employment with the City.

"DATE OF SEPARATION OR TERMINATION" means the last day of officially recorded employment with the City.

"DEPARTMENT DIRECTOR" means an individual appointed by the City Manager to direct the operation of an established department. Department Directors are at will employees under the direction of the City Manager. Employees hired as Department Directors prior to September 22, 2025 are not at will.

"DEMOTION" means the movement of an employee from one class to another class having a lower maximum rate of pay. A demotion may be disciplinary or undertaken for non-disciplinary reasons.

"DESIGNEE" means an employee designated to undertake actions or activities at the request and on behalf of a superior.

"DISCIPLINARY ACTION" means action taken by a supervisor resulting in the dismissal, demotion, reduction in pay, suspension, or reprimand, either oral or written, of an employee as a consequence of improper conduct.

"DISMISSAL" means a disciplinary action involving the separation of an employee from City employment. Separation of an employee from City employment for non-disciplinary reasons, such as layoff or reorganization, shall not constitute dismissal.

"ELIGIBLE LIST" means an officially established list of candidates who have been examined and determined to be qualified to be appointed to a particular classification.

"ELIGIBLE" means a person whose name is on an eligible list because the person received a passing score in an examination process.

"EMERGENCY APPOINTMENT" means an appointment of temporary duration made solely to avert or assist during a civil disaster, or an imminent danger to persons or property.

"EMPLOYEE" means a person employed by the City and occupying an approved

classification. Employees are considered to be either regular or non-regular.

"EMPLOYEE REPRESENTATIVE" means a person or persons designated and authorized by an Exclusively Recognized Employee Organization to represent the membership of that organization.

"EVALUATION DATE" means the date on which an employee performance appraisal, i.e., evaluation, is due.

"EXAMINATION" means the process of measuring and evaluating the relative ability and fitness of applicants by job-related testing procedures consisting of one or more of the following methods: written test, oral examination, performance test, physical agility/fitness for duty tests, personal interview, and background evaluation.

"EXCLUSIVELY RECOGNIZED EMPLOYEE ORGANIZATION" means an employee organization, which has been formally acknowledged by the City as the sole employee organization representing the classifications and employees in an appropriate unit. An Exclusively Recognized Employee Organization has the exclusive right to meet and confer in good faith concerning statutorily required subjects pertaining to unit employees.

"EXEMPT EMPLOYEE" means an employee who is exempt from the minimum wage and overtime requirements of the Federal Fair Labor Standard Act ("FLSA"). To be considered "exempt", an employee must work in a bona fide executive, administrative, or professional capacity and be paid on a salary basis as required by the FLSA. These positions shall be so designated in the classification plan.

"EXTRA HELP" means employment which is generally for a short period of time to assist in high work load periods or to substitute in a regular employee's absence. Part-time and seasonal employees fall into this category.

"GRIEVANCE" means an alleged violation of a City rule, policy, or procedure.

"IMPASSE" means a deadlock in discussions between an exclusively recognized employee organization and the City Manager (or designee) over any matter concerning which they are required to meet and confer in good faith.

"LAY OFF" means the separation of employees from the active work force due to the lack of work or funds or the abolition of positions by the City for such reasons or due to organizational changes or business needs.

"LEAVE OF ABSENCE" means written permission to be absent from duty for a specified period of time. The employee with this permission has the right to return to the same classification at the expiration of such period.

"LIMITED TERM OR TEMPORARY EMPLOYEE" means an employee who has been appointed to a position that has been established for a limited term, funded for a limited term, or funded by a program which governs the eligibility of the employee to hold the position as a participant in the program.

"OPEN EXAMINATION" means an examination for a particular classification, open to all qualified applicants.

"MEDIATION" means effort by an impartial third party to assist in reconciling a dispute regarding wages, hours, and other terms and conditions of employment between representatives of the City and a recognized employee organization.

"MEET AND CONFER IN GOOD FAITH" means the mutual obligation of the City and an exclusively recognized employee organization to meet and confer promptly upon request by either party and to continue meeting for a reasonable period of time in order to freely exchange information, opinions, and proposals and to endeavor to reach agreement on matters within the scope of representation.

"MEMORANDUM OF UNDERSTANDING" means a written agreement between the City and a recognized employee organization as a result of meeting and conferring in good faith under the Meyers-Milias-Brown Act. Memoranda of Understanding are not considered binding on the City until ratified by the City Council.

"MUNICIPAL SERVICE" means the group of employees that are appointed to serve in full-time, allocated positions for the City of Turlock.

"PERFORMANCE EVALUATION" means a written evaluation of an employee's performance of their assigned duties which is conducted on at least an annual basis and placed in the employee's file.

"PERSONNEL OFFICER" means the City Manager or designee, such as the Human Relations Director.

"PERSONNEL ORDINANCE" means Article 5, Chapter 4, Title 2 of the Turlock Municipal Code which governs the personnel system for the City.

"POSITION" means a group of duties and responsibilities in the competitive service requiring the full-time or part-time employment of one person.

"PROBATIONARY PERIOD" means a period during which an employee is required to demonstrate fitness for the classification to which the employee is appointed. Probationary period may mean either the initial period of employment during which an employee serves at will and may be dismissed without cause; or, that period of employment upon promotion, during which an employee's performance during the first year of employment in a new position is being assessed. Unless specified otherwise, the probationary period is twelve (12) months from the employee's hire date, or twelve (12) months from the date of appointment to a different position. Probation may be extended in circumstances where an employee's absence for any reason has been of sufficient duration to impact assessment of the employee's fitness for the classification, or upon approval by the department head.

"PROMOTION" means the movement of an employee from one position to another having a higher maximum rate of pay.

"PROMOTIONAL EXAMINATION" means an examination for a particular classification in

which the admission to the examination is limited to qualified employees in the municipal service.

"PROMOTIONAL LIST" means an eligible list resulting from a promotional examination.

"RECLASSIFICATION" means a change in the classification placement of an employee by moving the employee to another classification on the basis of substantial changes in the kind, difficulty, or responsibility of duties performed in the employed position, or to correct an improper classification.

"REGULAR EMPLOYEE" means an employee in a full-time position in the competitive service who has successfully completed their probationary period.

"REGULAR RATE OF PAY" includes base pay plus incentives and specialty pays, and is the rate used to calculate overtime, as defined within the provisions of the Fair Labor Standards Act.

"REINSTATEMENT" means the re-employment, without examination, of a former regular employee within one (1) year from the date of resignation from the municipal service. Reinstatement must have the recommendation of the affected Department Director and approval by the City Manager.

"SALARY RANGE" means a range of pay which has five steps or increments of pay that are separated by five percent differentials.

"SCOPE OF REPRESENTATION" means all matters relating to employment conditions and employer-employee relations, including but not limited to, wages, hours, and other terms and conditions of employment, except, however, the scope of representation shall not include consideration of the merits, necessity, or organization of any services or activity allowed by law or executive order, or those matters reserved as management rights.

"SENIORITY" is the date of hire into a specific classification. Seniority shall be determined by the amount of time an employee has been employed by the City in a given classification less any breaks in continuous service. Certain types of leave, such as Family and Medical Leave, are not considered a break in service for purposes of seniority. If two (2) or more employees have the same length of service in the same classification, seniority shall be determined by overall employment within the City.

"SPECIAL PAY" means any premium pay relating to terms and conditions of employment which includes, but is not limited to, shift differential, overtime, standby, educational incentive pay, longevity pay, out-of-class pay, etc.

"STEP INCREASE" means a salary increase within the step increments of the salary range established for a classification. For example, an increase form Step A to Step B in a salary range is a step increase.

"SUPERVISORY EMPLOYEE" means an employee with the responsibility for assigning and directing the work of other employees and handling grievances, or effectively recommending such action if, in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. A supervisory employee

may have the responsibility to recommend hiring, rewarding, or disciplining employees under his/her charge. A supervisory employee is distinguished from a management employee, in that the latter has substantial responsibility for formulating and managing City policies.

"SUSPENSION" means the temporary removal from service of an employee with or without pay, for disciplinary reasons.

"TRANSFER" means the change of an employee from one position to another position in the same class or in a comparable class.

"WEEK" is defined as seven (7) consecutive days commencing at 12:01 a.m. Sunday and ending at midnight the following Saturday.

"WORKDAY/WORKWEEK" is defined as eight (8) hours of work performed, not including any unpaid no-work time, within a day. A standard "workweek" is defined as forty (40) hours of work performed, not including any unpaid non-work time, within a week. The definitions of standard workday and standard workweek, however, are not to be construed as a guarantee of any specific number of hours to be worked in any day or days to be worked in any week. Further, Public Safety employees have a workweek defined under the Fair Labor Standards Act.

"Y-RATE" means the temporary freezing of an employee's salary whose salary has been determined to exceed the appropriate level of compensation for the level of duties performed.

Chapter 3: Equal Employment Practices

3.1 COMMITMENT TO DIVERSITY

The City is committed to fostering a diverse workforce, and maintaining a workplace that is equitable and inclusive for all employees. The City recognizes that our employees, comprise a wide range of backgrounds, characteristics and experiences that contribute ultimately to the knowledge and expertise that is a valuable asset to the City.

The City is committed and determined to provide opportunity and advancement for all employees, regardless of their background or particular characteristics, and to ensuring that all individuals involved in City operations are treated with respect and dignity. Accordingly, the City expects that employees will treat their coworkers, supervisors and managers with the same dignity and respect. As such, pursuant to City policy, disrespect, inappropriate behavior or conduct toward others will not be tolerated and may subject an employee to disciplinary action, up to and including termination.

If you feel you have been mistreated, harassed, or discriminated or retaliated against in violation of City policy, you should notify one of the people in the complaint procedure below as soon as possible so that the City can take appropriate action.

3.2. DISCRIMINATION, HARASSMENT AND RETALIATION PREVENTION POLICY AND COMPLAINT PROCEDURE

3.2.1 Non- Discrimination/Equal Employment Opportunities

The City's policy is to make all employment decisions without regard to an individual's actual or perceived: race, religious creed (including religious dress and grooming practices), color, sex/gender (including pregnancy, childbirth, breastfeeding, etc.), sex stereotype, gender identity/gender expression/transgender, sexual orientation, national origin, ancestry, physical disability, mental disability, medical condition, genetic information/characteristics, marital status, registered domestic partner status, age (40 or over), military or veteran status, or any other basis protected by federal, state or local law or ordinance or regulation.

The City is an equal opportunity employer, and strictly prohibits discrimination, harassment, disrespectful/unprofessional conduct on any protected basis by any employee, including managers, supervisors and co-workers. The City also prohibits discrimination, harassment, disrespectful or unprofessional conduct based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics. This policy pertains to all aspects of employment terms and conditions for applicants, employees and unpaid interns including, but not limited to, recruitment, hiring, training, promotion, termination, compensation and benefits.

The City's policies also prohibit discrimination against an applicant or employee based on political opinions or affiliations, or activity related forming, joining, and participating in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations.

You have a right to redress for prohibited discrimination. If you believe you are being discriminated against on any basis protected by state, federal, or local law or ordinance, you should use the procedure outlined below to file a complaint and have it investigated.

3.2.2 Disability Accommodation

In compliance with applicable laws ensuring equal employment opportunities to qualified individuals with a disability, the City will make reasonable accommodations for the known physical or mental disabilities of otherwise qualified applicants, employees, or unpaid interns to the extent required by law, unless undue hardship, financial or otherwise, or a direct threat to health and safety would result..

Any applicant, employee or unpaid intern who requires an accommodation to perform the essential functions of his/her job or related to equal employment opportunities should contact the Human Relations Director and request an accommodation. Human Relations will communicate with the individual and engage in an interactive process to determine the nature of the issue and what, if any, reasonable accommodation(s) may be appropriate. In some cases, this interactive process may be triggered without a request from the individual, such as when the City receives notice from another source that a medical impairment may be impacting an employee's ability to perform the essential job functions. The City will work with the individual to identify potential reasonable accommodations that may be available. The City will consider the preference of the individual but retains discretion in the selection of a reasonable accommodation consistent with business needs. Individuals requesting accommodation must fully cooperate in the process and provide accurate and current medical information if needed in a timely

fashion. Failure to do so may result in waiver of the right to an accommodation. All medical information will be kept confidential and disseminated only in accordance with applicable law.

3.2.3 Religious Accommodation

The City will provide reasonable accommodation for religious beliefs, observances, and practices of employees, unpaid interns and applicants when a need for such accommodation is identified and reasonable accommodation is possible. A reasonable accommodation is one that eliminates the conflict between an employee's religious beliefs, observances, or practices and the employee's job requirements, without causing undue hardship to the City.

Any employee who perceives a conflict between job requirements and religious belief, observance, or practice should bring the conflict and his or her request for accommodation to the attention of Human Relations to initiate the accommodation process. Accommodation requests should be made in writing.

The City will not retaliate or otherwise discriminate against an employee or applicant who requests an accommodation in accordance with the policies on accommodation.

3.2.4. Prohibited Harassment Prevention

The City maintains and enforces a strict policy protecting applicants, employees, unpaid interns, volunteers and independent contractors against harassment because of the individuals actual or perceived: race, religious creed (including religious dress and grooming practices), color, sex/gender (including pregnancy, childbirth, breastfeeding or related medical conditions), sex stereotype, gender identity/gender expression/transgender (including whether or not you are transitioning or have transitioned), sexual orientation, national origin (including language use restrictions and possession of a driver's license issued to persons unable to prove their presence in the United States is authorized, ancestry, physical disability, mental disability, medical condition, genetic information/characteristics, marital status, registered domestic partner status, age (40 or over), military or veteran status, or any other basis protected by federal, state or local law or ordinance or regulation.

The City also prohibits discrimination, harassment, disrespectful or unprofessional conduct based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics. The City's policy prohibiting harassment applies to all persons involved in the operation of the City. The City prohibits harassment, disrespectful or unprofessional conduct by any employee of the City, including supervisors, managers and co-workers. The City's anti-harassment policy also applies to other persons involved in City operations, including elected officials, vendors, customers, independent contractors, unpaid interns, volunteers, persons providing services pursuant to a contract and other persons within the work environment.

Prohibited harassment may have occurred even if you have not lost a job or some other economic benefit. However, only harassment that unreasonably interferes with your work

performance or creates an intimidating, hostile or offensive work environment is unlawful. Prohibited harassment will not be tolerated, whether or not it rises to the level of unlawful conduct. Conduct that is prohibited under this policy includes, but is not limited to:

- Verbal conduct such as epithets, derogatory comments, slurs, or unwanted sexual advances, invitations, or comments.
- Visual conduct such as derogatory posters, photography, cartoons, drawings, emails, internet sites or gestures.
- Physical conduct such as unwanted touching, blocking normal movement, or interfering with work directed at you because of your sex or any other prohibited basis.
- Threats and demands to submit to sexual requests as a condition of employment or to avoid some other loss, and offers employment benefits in return for sexual favors. Communication via electronic media of any type that includes any conduct that is prohibited by state and/or federal law or by City policy.
- Other threats and demands based upon any other prohibited basis.
- Retaliation for opposing, reporting or threatening to report prohibited harassment, or for participating in an investigation, proceeding or hearing conducted by the City, Fair Employment and Housing Commission, the Equal Employment Opportunity Commission or similar agency.

You have a right to redress for prohibited harassment. If you believe you are being harassed on the job on any basis protected by state federal or local law or ordinance, you should use the procedure outlined below to file a complaint and have it investigated. Employees are required to report conduct prohibited by this policy whether or not they are personally involved.

3.2.5. Non-Retaliation

The City of Turlock is committed to providing a workplace conducive to open discussion of the City's business practices. The purpose of the policy is to reassure City employees that they can raise workplace concerns regarding alleged violations of City policy or local, State or Federal Law without retaliation. Our commitment to integrity includes a responsibility to foster an environment that allows individuals to report violations without the fear of retaliation or retribution. No one should be discouraged from using any available channel within the organization.

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

City employees are expected and encouraged to promptly raise questions and concerns regarding possible violations of City policy or local, State or Federal law with his/her immediate supervisor, Human Relations or the City Attorney's office. Promptly raising questions and concerns allows the opportunity for such concerns to be addressed quickly and can help prevent problems from occurring or escalating.

Complaints and concerns are accepted in person, by telephone, email and regular mail,

and can be anonymous. A complaint form and copy of this policy can be obtained at the Human Relations office or on the City's intranet under Human Relations. Employees are also free to file a complaint with the appropriate outside agency.

This prohibits retaliation against any employee because of the employee's opposition to a practice or conduct the employee reasonably and in good faith believes to be unlawful or because of the employee's lawfully protected participation in an investigation or proceeding.

It is the policy of the City to prohibit the taking of any adverse employment action (e.g. demotion, termination, altering work schedules or locations threats or intimidation) against those who in good faith report or participate in investigations into complaints of alleged violations of City policy or local, State or Federal law in retaliation for that reporting or participation. Protected activity includes but is not necessarily limited to:

1. Making or filing an internal complaint with the City regarding alleged violations of City policy, local, State or Federal law.
2. Providing informal notice to the City regarding alleged violations of City policy, local, State or Federal law.
3. Participating in investigations and/or in court/administrative hearings regarding alleged violations of City policy, local, State or Federal law.
4. Filing a complaint with a Federal or State enforcement or administrative agency

No employee of the City shall directly or indirectly use or attempt to use the authority or influence of such employee for the purpose of intimidating, threatening, coercing, directing or influencing any person with the intent of interfering with that person's duty to disclose alleged violations of City policy or local, State or Federal law.

Disciplinary action, up to and including termination, will be taken against an employee who is found to have violated this Non-Retaliation Policy, and any contractor who violates this policy will be subject to appropriate sanctions. However, employees who file reports or provide evidence which they know to be false or without a reasonable belief in the truth and accuracy of such information will not be protected by this Policy and may be subject to disciplinary action, including termination.

Any retaliatory adverse action because of such opposition or participation may be unlawful and will not be tolerated. If you believe you have been subjected to retaliation, please follow the complaint procedure outlined below.

3.3 COMPLAINT PROCEDURE – DISCRIMINATION, HARASSMENT & RETALIATION

3.3.1 Responsibilities

1. Except as set forth below, the City Manager is responsible for enforcement of the City Policy Against Harassment and Discrimination.
2. The Human Relations Director is responsible for ensuring that all complaints of harassment are investigated thoroughly and promptly, including presentation of

recommendations for any necessary action to the City Manager, Department Director, or Department Manager.

3. Every Department Director is responsible for informing all employees of the City Policy Against Harassment, Discrimination and Retaliation and for taking the steps necessary to set a positive example in the prevention of harassment.
4. Every Supervisor is responsible for taking immediate and appropriate corrective action upon the observation of any incident of harassment or upon receipt of an oral or written report of any occurrence of harassment.
5. All Supervisors, Managers, Department heads and Directors are required to report complaints or incidents of harassment, discrimination or retaliation to the Human Relations Director or his/her designee.
6. Every City Employee is responsible for reporting any act of harassment to the immediate Supervisor, Department Manager, Department Director, Human Relations Director or the City Manager.

3.3.2 Procedure

The City encourages employees to report all incidents believed to be prohibited discrimination, harassment or retaliation as soon as possible after the incident. You should provide a complaint, preferably in writing, to your immediate supervisor, or a manager, department head or director with whom you feel comfortable. You may also bring your complaint to the Human Relations Director. Complaint forms are available in the Human Relations Department or online. Your complaint should include the details of the incident or incidents, the names of the individuals involved and the names of any witnesses. Supervisors must refer all complaints to the Human Relations Director or the City Manager.

Supervisors and managers must refer all complaints under this policy to the Human Relations Director or the City Manager. Supervisors and managers are also required to report any behavior they observe which may be a violation of this policy. The City will undertake a thorough and objective investigation of the discrimination, harassment and/or retaliation allegations in a timely manner, as soon as is practicable under the circumstances. The investigation will be conducted by the Human Relations Director or other designated qualified City personnel, or a qualified designated outside investigator. The investigation will be documented and tracked for reasonable progress and closed in a timely fashion. The City will make reasonable conclusions regarding the allegations based on the evidence collected. Upon completion of the investigation, the City will communicate its conclusion as soon as practical. If the City determines that this policy has been violated, remedial action will be taken, commensurate with the severity of the offense, up to and including termination of employment. Employees should be aware that they can be held personally liable for the misconduct that constitutes unlawful harassment. Appropriate action will also be taken to deter any such conduct in the future.

The City expects all employees to fully cooperate with any investigation conducted by the City into a complaint of proscribed harassment, discrimination or retaliation, or regarding the alleged violation of any other City policies. The City will maintain confidentiality surrounding the investigation to the extent possible and to the extent permitted under

applicable federal and state law. However, the City cannot promise complete confidentiality. The City's obligation to investigate may require disclosure of certain information to individuals with a need to know.

The federal Equal Employment Opportunity Commission (EEOC) and the California Civil Rights Department (CRD) will accept and investigate charges of unlawful discrimination or harassment at no charge to the complaining party. Information may be located by visiting the agency website at www.eeoc.gov or www.calcivilrights.ca.gov/.

Chapter 4: Personnel Practices

4.1 CLASSIFICATION

4.1.1 Preparation of Plan

The Human Relations Director shall maintain a classification plan of all City employment positions according to similarity of authority, responsibility and duties, and according to similarity of required training, skills and experience, and shall submit that classification plan to the City Manager for approval.

Class specifications shall include:

a. Classification title and brief description.

b. A summary of typical duties and responsibilities assigned to the classification.

c. A statement of the training, experience, and other qualifications required of the class.

4.1.2 Adoption of Plan

The classification plan shall be approved in whole or in part, or may be modified by resolution of the City Council. The classification plan may be amended, and the City Council may create new classes, or abolish existing classes in the same manner.

4.1.3 Allocation of Positions

Following the adoption of the classification plan, the City Manager shall allocate every position in the competitive service as well as those positions that are exempt from competitive service to one of the classes established by the plan.

4.1.4 Reclassification

Any employee who believes that the duties of their position have substantially changed may notify their Department Director and request a review of the job duties and responsibilities. The Department Director shall consult with the Human Relations Director and request that Human Relations conduct a job audit if deemed appropriate.

The employee shall be notified in writing of the final determination within ninety (90) days of the request. If it is found that the duties of the employee's position have substantially

changed, the duties may be reassigned or the position shall be allocated by the City Manager to a more appropriate classification, whether new or already created.

Department heads or managers may recommend to the City Manager that an employee's position be reclassified if job duties and responsibilities have substantially changed. The City Manager may order the reclassification of the employee or position.

4.2 COMPENSATION

4.2.1 Preparation of Compensation Plan

The Human Relations Director shall maintain a compensation plan covering all classes of positions with designated rates of pay, and shall submit that plan to the City Manager.

In arriving at such salary ranges, consideration shall be given to prevailing rates of pay for comparable work in other public and private employment, including consideration of local conditions of work as well as basic pay; to current cost of living; to suggestions of Department Directors; and to the City's business needs, financial condition and policies, and such other sources of information deemed necessary. The City Manager shall thereafter make such further studies of the compensation plan as may be requested by the City Council, or as considered desirable.

4.2.2 Adoption of Compensation Plan

The City Manager shall submit the proposed Compensation Plan to the City Council. The Council shall adopt or amend and adopt the proposed plan in the same manner as the adoption of the classification plan. Thereafter, no position shall be assigned a salary higher than the maximum or lower than the minimum salary provided for that class of position, unless the salary schedule for the class is amended in the same manner as herein provided for its adoption.

4.2.3 Characteristics of Compensation Plan

1. Each salary range consists of a minimum step, a maximum step and three intervening steps.
2. The increase from one step to the next step in each range is five (5) percent.
3. Each range starts at the second step of the range below it and goes one step higher than the range below it. This does not pertain to sub-ranges.
4. In general, newly appointed employees shall generally be classified at the first step of the salary range for the particular classification to which the appointment is made. The City Manager has the discretion to approve the appointment of a new employee at a step higher than the first step in the range, upon the recommendation of the Department Head or Human Relations Director.

4.2.4 Administration of Compensation Plan

Salary increases within the established salary range shall not be automatic, but shall depend upon an overall satisfactory performance rating as reflected in a performance

evaluation signed by the Department Director and approved by the City Manager, as well as the City's business needs and financial condition.

The first step is the minimum rate and should normally be the hiring rate for the class. The City Manager may hire above this step in case of an unusually well-qualified person or in a tight labor market, or when such action, in the City Manager's opinion, clearly appears to be in the best interest of the City.

Employees will not normally be eligible for consideration of an increase to the second step until they have given fully satisfactory performance for a period of twelve (12) continuous months at the first step and passed their probationary period. Salary advancement to the third, fourth, and fifth step will be based on an overall performance evaluation rating of satisfactory or above in conjunction with normal salary review date.

4.2.5 Salary Review Date

An employee's salary review date shall be the date an employee completes 12 months of continuous, full-time service at a salary step, or sooner based on the discretion of the City Manager. The City Manager shall have discretion to approve upward salary movement greater than one (1) step when doing so is in the best interests of the City.

An employee's salary review date shall be changed under the following conditions:

a. Transfer. The salary review date of an employee transferred to a position of similar duties, responsibilities, and salary range shall be altered if the employee is required to serve a new probationary period.

b. Promotion. The salary review date of an employee promoted to a position which involves either an increase in responsibilities or duties and an increase in salary range shall be altered to coincide with the effective date of the promotion.

c. Reclassification. The salary review date for an employee reclassified to a position requiring performance of duties at a higher level of responsibility and pay will be changed to one (1) year from the effective date of the reclassification if the reclassification results in more than a five (5) percent raise. If the reclassification results in a five (5) percent increase or less, the employee's salary review date will remain the same.

d. Demotion. The salary review date of an employee demoted to a position which involves either a reduction in responsibilities or a change in duties and a reduction in salary range shall be altered to coincide with the effective date of such demotion.

e. Y-Rate. When the salary of an incumbent exceeds the top step of the salary range to which they have been demoted, their salary shall be frozen until the fifth step of the new classification equals or exceeds their present salary. At that time, they will become eligible for cost of living adjustments granted to incumbents of the classification or bargaining unit should their classification be a single position class. When the salary of the affected incumbent falls within the range of the lower classification, they will be placed on a salary step at least equal to their present salary and maintain their previous review date.

   The Y-Rate shall be established for one (1) year from the effective date of the

demotion. At the end of one (1) year, an incumbent whose salary continues to exceed the range of the new classification shall be placed on the fifth step established for the new classification.

f. Leave of Absence. The salary review date of an employee whose service is interrupted by a leave of absence without pay for whatever reason, for more than thirty (30) calendar days shall be adjusted by advancing the review date by the total number of such days. Provided, however, that the adjustment of the salary review date of an employee subject to military leave shall be consistent with the provisions of Section 395 of the Military and Veterans Code of the State of California.

g. Modified Duty. The salary review date of an employee whose service has included a period of more than thirty (30) calendar days in which he or she has worked in a modified capacity shall be adjusted by advancing the review date by the total number of such days.

4.3 RECRUITMENT

4.3.1 Announcement

All recruitments for classification vacancies within the City shall be publicized by such methods as the Personnel Officer or his/her designee deems appropriate, consistent with City standards. To the practical extent, recruiting methods shall be designed, to ensure that all segments of the community are aware of the forthcoming examination(s).

Announcements shall briefly specify the title and pay range of the position class; the nature of the work to be performed; qualifications necessary or desirable for the performance of the work in the class; the dates, time, place and manner of taking application and examinations; and other pertinent information. The announcement will also include a disclosure about whether the position is open to internal applicants only, or whether external applicants will be considered.

4.3.2 General Standards for Employment

Applicants for employment shall meet such standards of education, experience, skills, abilities and personal and physical characteristics as are required for acceptable performance of the duties of the positions to which appointments are to be made. No applicant shall be discriminated against on account of race, religion, color, creed, political beliefs, sex (including pregnancy, gender identity, gender expression, and sexual orientation or stereotype), genetic characteristics or information, physical or mental disability, medical condition, military and veteran status, marital status, national origin, age, or any other basis or characteristic protected by law.

4.3.3 Minimum Standards for Employment

All applicants shall meet the minimum standards prescribed by applicable class specifications at the time of appointment. Applicants who have been made a conditional job offer may be required to pass a medical examination administered by a licensed medical doctor, selected and paid by the City, to determine physical fitness for the position to which an appointment is to be made. The City reserves the right to make provisional

appointments in the absence of available eligible applicants.

4.3.4. Disqualified Applicants

The Personnel Officer may reject an application or subsequently refuse to certify an applicant who:

A. Does not possess the minimum qualifications established for the position;

B. Is physically or psychologically unfit for the satisfactory and safe performance of the duties of the position;

C. Has been dismissed for cause from public service;

D. Has used or attempted to use personal or political influence to further eligibility or appointment;

E. Is engaged in and would refuse to discontinue employment, activity, or enterprise which, if continued while a City employee, would be in direct conflict of interest with City duties;

F. Has practiced or attempted to practice any deception, fraud or omission of a material fact in the application or examination, or in securing eligibility for appointment;

G. Has been convicted of a criminal offense with a nexus to the workplace. The word "convicted" shall be construed to mean a conviction by a verdict, by plea of guilty or nolo contendere or upon a judgment of the court, a jury having been waived, without regard to subsequent disposition of the case by suspension of sentence, probation or otherwise.

H. Has been convicted of:

    1. Crimes against persons including:

        a. Murder or aggravated assault (Penal Code Sections 187 and 245)

        b. Rape (PCS 261)

        c. Kidnapping (PCS 209)

        d. Armed Robbery (PCS 211)

        e. Sex offenses as defined in Penal Section 285 (incest), 286 (sodomy), 288 (child molesting) and 647.6 (misdemeanor child molesting).

    2. Crimes against property including:

        a. Arson (Penal Code Section 451)

        b. Burglary (PCS 459)

        c. Receiving or selling stolen goods (PCS 484, 496)

        d. Forgery and issuing bad checks (PCS 470, 476a)

        e. Theft (PCS 487, 488)

        f. Embezzlement (PCS 504 et seq.)

        g. Crimes involving controlled substances included within the scope of Health and

Safety Code Section11350, 11351.5, 11352, 11353, 11354, 11355, 11378.5, and 11379.

Future recruitment could be affected depending upon the nature of the disqualification.

At any point in the recruitment and selection process, the Human Relations Director may refuse to declare an applicant an eligible candidate, or may withhold or withdraw from certification, prior to appointment by the City Manager, anyone who:

- Has failed to provide proof the candidate meets all of the requirements established in the announcement for the position for which the candidate applied,

- Has been convicted of a felony of such a nature as to have an adverse effect on the candidate's ability to perform the duties of the position,

- Has a history of dismissal from any position in public or private service for any cause which would be a cause for dismissal from City employment,

- Has practiced or attempted to practice any deception or fraud in his/her application, examination, or in securing eligibility, or is otherwise not qualified for employment.

4.3.5 Access To Criminal History Information

The City's Department of Human Relations reviews conviction records as one of the final steps in the hiring process. Applicants will be fingerprinted and those fingerprints will be sent to the California Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI). The City will review any conviction history the City receives to determine if there is a conflict with the specific position the applicant applied for. Arrest information is considered in limited circumstances. For the purpose of obtaining information concerning the foregoing, the Human Relations Director is authorized to have access to State Summary Criminal History Information pursuant to Penal Code Section 11105(b) (10) and to require, as a condition of employment, the fingerprinting of new employees.

FINGERPRINTING

The Human Relations Director shall establish and maintain a fingerprinting system on all new employees as a condition of employment. No person will be required to submit to fingerprinting prior to receiving a conditional job offer. Refusal on the part of the employee to be fingerprinted or failure to report for fingerprinting shall be cause for dismissal. Fingerprints will be maintained in a secure location within City Hall, and will not be furnished to any other employer or third party under any circumstances where such could be used to the detriment of the employee.

4.3.6 Employment of Relatives, Anti-Nepotism Policy, and Conflict of Interest Living Arrangements Relating to City Employment.

No person related to a full-time or part-time employee, elected or appointed City Officer, or contract employee by blood, or marriage, or quasi-married to the third degree of

relationship or in a domestic living arrangement shall be appointed or transferred into a department employing such relative in a direct conflict of interest position.

For the purpose of this section, a direct conflict of interest shall mean a situation in which the employee of the relative or person with whom they have entered into such a relationship would be in a position to affect the terms and conditions of one another's employment, including making decisions about work assignments, compensation, discipline, salary advancement, promotion or performance evaluation.

This policy does not apply to the Turlock Police or Fire Department, or its employees other than the Chiefs of the respective departments, who may not employ his or her relatives or domestic partners. Other employees of those departments are subject to the specific policies of the department, not Section 4.3.6.

A. Definitions. As used in this section:

1. "Relative" means spouse, child, step-child, parent, step-parent, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece, nephew, parent-in-law, brother-in-law, sister-in-law, or another individual related by blood, marriage, or quasi-marriage in the same household as a City employee.
2. "Domestic Living Arrangement" means a living arrangement which includes, but is not limited to, shared housing as roommates, tenants, co-tenants, or co-owners of real property, or domestic partners between opposite or the same sexes living in the same household with a City employee.
3. "Employee" means any person who is compensated for performing work and services rendered to the City of Turlock.

B. Application.

1. City-wide - Relatives or domestic partners of those listed below may not be employed anywhere in the City organization:
    a. City Council members and other elected City officials;
    b. Standing Board and Commission members;
    c. The City Manager and City Attorney;
    d. The Human Relations Director of the City.
2. Within Departments - The employment of relatives is prohibited within a Department when they:
    a. work on the same shift at the same work site - the affected Department Director will determine whether an assignment of a relative as described above can be accommodated by appointment to an alternate shift or work site based on department size and variety of functional areas of responsibility; **and**
    b. share a supervisorial/subordinate relationship; **or**
    c. are related, as defined hereinabove, to a confidential employee of the City.

3. Marriage, Quasi-Marriage or Roommates Within Departments - When two employees of the same Department get married, or are living in the same household in a quasi-marital arrangement, or as room-mates, and their positions place them in a conflict of interest relationship as defined above one of the following must occur:

    a. The Human Relations Department will attempt to arrange a transfer to a similar position in another Department or reorganize duties within the same department so that a non-conflict position exists. Usually the employee in the most junior classification will make the transition. There can be no guarantee that a new position will be within the same classification or at the same salary level;

    b. Notwithstanding the foregoing, newly married, quasi-married or roommate employees may continue to work in the same Department when so requested by the Department Director and the request is approved by the City Manager or his designee. However, the following conditions will apply. They may not (i) report to the same supervisor, (ii) be supervised by their spouse, quasi-spouse, domestic partner or roommate, or (iii) work the same shift at the same work site as their spouse, quasi-spouse, domestic partner or roommate;

    c. One of the spouses, quasi-spouses, domestic partner or roommate must be separated from City employment if a transfer is not available or approval for retention is not authorized. If one of the spouses, quasi-spouses, domestic partners, or roommates does not voluntarily resign, the one who is most junior as it relates to total years of service with the City of Turlock will be discharged."

C. City Manager Authority.

The City Manager has the authority and discretion to waive any portion of Section 4.3.6 on an individual and case-by-case basis when they determine that doing so is in the best interests of the City, and provided that any such waiver does not result in a conflict of interest under the law.

4.3.7 Examination Preparation

The Human Relations Director shall prepare or have prepared any tests that are deemed necessary for a valid and equitable determination of the fitness of applicants for the positions to which appointments are to be made. Examinations shall be conducted for all appointments and promotions so far as practicable, in the judgement of the City Manager or Human Relations Director. Examinations will be conducted only as allowed by law.

Such tests may include, but shall not be limited to, the use of achievement and aptitude tests, other written tests, investigation of character, performance tests, evaluation of daily work performance, work samples or any combination of these which will, in the opinion of the Human Relations Director, test fairly the qualification of candidates. Physical and medical tests may be given as part of any examination.

At appropriate phases in the hiring process, examinations may include an investigation of character, personality, education, experience, criminal history, credit bureau, drug & alcohol and any tests of intelligence, capacity, technical knowledge, manual skill, or job-

related physical fitness that the Human Relations Director deems appropriate.

The Human Relations Director shall designate the procedure, time, place, and type of examination, the conditions under which it may be conducted, and the individual or competent agency who will conduct the examination. The City will make every reasonable effort to accommodate disabled applicants in the administration of employment tests.

The City will provide a reasonable accommodation for applicants and employees with a physical or mental disability, unless doing so would pose an undue hardship or direct threat to the health or safety of the individual or others. Requests for accommodation will be evaluated on a case-by-case basis. The City will engage in the interactive process with the applicant or employee to address the request. This process may include, but is not limited to, providing medical documentation meetings with specialists, and identifying restrictions and possible accommodations, in accordance with City's policy set forth in section 3.2.1 "Disability Accommodation."

4.3.8 Types of Recruitment Examinations

Examinations for recruitments shall be Open, Open-Promotional, Promotional, or Continuous, and may be Formal or Informal as defined herein:

a. Open Examinations shall be open to all qualified applicants.

b. Open-Promotional Examination shall be open to all qualified applicants. Certification of eligible applicants may be limited to include only city employees based on the request of the affected Department Director and concurrence by the City Manager.

c. Promotional Examinations shall be limited to qualified employees of the competitive service holding an allocated position.

d. Continuous Examinations may be administered periodically for a single classification. Names shall be placed on eligibility lists and shall remain on such lists as prescribed in this section.

e. Formal Examinations shall include a written test and may include oral, performance and physical tests to be given to applicants.

f. Informal Examinations shall include an appraisal of an applicant's training, experience and other pertinent characteristics and may include oral, performance and physical tests.

4.3.9 Grading of Examinations

The Human Relations Director shall establish the minimum passing score for each test and the lowest total score on an examination required to qualify the applicants to be considered for appointment. The final score of an applicant shall be based upon the scores of all the tests and evaluations included in the examination unless otherwise specified in the published selection process for each recruitment. Failure of the applicant to pass one part of the examination shall disqualify the applicant from taking other parts of the examination. Department directors have the discretion to establish a higher passing score than might be established by the Human Relations Director as a threshold for an applicant advancing in the selection process, when in the Director's discretion, a higher

passing score is necessary to maintain performance standard's in the Director's department.

4.4 CREATION OF ELIGIBLE LISTS

An eligible list shall be established at the conclusion of the examination process for a particular classification. Eligible lists shall be effective for a period of six (6) months from the date of the qualifying exam. Eligible lists may be extended at the request of an affected Department Director or the Personnel Officer for a period of no more than six (6) months. Eligible lists may be abolished prior to the six (6) month period if there are fewer than five (5) qualified or interested candidates for the position. Once an eligible list is created, except as stated herein, the list may not be changed or altered in any way.

4.4.1 Rule of Five

The Human Relations Director shall certify candidates for appointment consideration who have successfully tested and achieved placement on the eligibility list. Generally, the top five ranking active candidates on the eligibility list shall be certified to the Department Director for appointment consideration for one vacancy. One additional candidate will be certified for each additional vacancy that exists. The Department Director may appoint any of the candidates certified, regardless of rank.

A certification may be expanded to reach candidates with special qualifications i.e. bilingual abilities, special certificates or licenses or in order to promote appointments of candidates who are under represented in a particular classification. Expanded certifications may also be utilized when filling sworn public safety positions in the Police and Fire Departments due to the higher hiring standards that must be followed prior to final appointment consideration.

4.4.2 Re-Employment Lists

The names of probationary and regular employees who have been laid off due to a reduction in workforce shall be placed on appropriate re-employment lists in the order of their competence, from highest to lowest. Competence shall be based on past evaluations of employee and recommendations of the affected Department Director with concurrence of City Manager. Re-employment eligibility shall be for one year from the date of lay-off. Re-employment lists shall be used as a basis for reinstatement of former employees in accordance with the Personnel System Rules and Regulations.

4.4.3 Removal from Eligible Lists

An applicant may be removed from a given eligible list for any one of the following reasons:

a. Refusal to accept appointment to a position;

b. Appointment to a position;

c. Request of the applicant for removal from the list;

d. Eligible candidate fails to provide notification of a change in address;

e. Fails to attend a scheduled interview;

f. Declined an interview on two (2) occasions;

g. Substitution of a new eligible list;

h. Failure to continue to meet any of the minimum standards established for the position for which the eligible list was prepared;

i. Disqualification for reasons stated in the Personnel System Rules and Regulations Section 4.3.4.

4.5 APPOINTMENTS

4.5.1 Kinds of Appointments

All positions of employment in the service of the City are in the competitive service, except (a) The City Manager; (b) Elected officers; (c) Members of appointed boards, commissions, and committees; (d) Persons engaged under contract to supply expert, professional, technical, or any other services; (e) Volunteer personnel, such as volunteer fire fighters and police reserves; (f) the City Attorney; (g) Emergency employees who are hired to meet the immediate requirement of an emergency condition, such as an extraordinary fire, flood, or earthquake which threatens life or property; and (h) Employees other than those listed elsewhere in the Personnel Ordinance who are not full-time employees in permanent positions.

Appointments to compensated positions shall be Extra Help, Provisional/Acting, Probationary, Regular, or Emergency. The City Manager shall make all appointments after consultation with the respective Department Director. If a qualified applicant cannot be found for a particular position, the City Manager may create a similar position of lower class, and fill that position in accordance with these rules.

The City Manager may fill vacancies during suspensions or pending proceedings on separations and demotions.

4.5.2 Extra Help Appointments

In the absence of appropriate eligible lists, the City Manager may appoint an applicant meeting minimum training and experience requirements of the position to work on a full or part-time schedule for a limited duration. These appointments shall be made in accordance with California law.

In the absence of appropriate eligible lists, the City Manager may appoint a retired annuitant applicant meeting minimum training and experience requirements of the position to work on a full or part-time schedule for a limited duration or during the event of an emergency to prevent stoppage of public business. These appointments shall be made in accordance with California law, including any maximum hours limitations set forth by CalPERS rules and procedures.

4.5.3 Provisional/Acting Appointments

Upon the recommendation of the Department Director and Human Relations Director, the City Manager may approve provisional or acting appointments of probationary or permanent City employees to higher level positions pending regular appointment in accordance with these rules. Provisional/acting appointments shall be reviewed in six (6) month intervals, up to a maximum of eighteen (18) months. Time served on provisional/acting appointment may be credited to a probationary period when applicable, upon recommendation of the Department Director and approval by the City Manager.

4.5.4 Probationary Appointments

Probationary appointments are for the purpose of providing a work performance evaluation period prior to filling positions on a regular appointment basis. The City Manager shall make probationary appointments upon recommendation of the Department Director from the top applicants certified on the appropriate eligible lists. The appointee shall be subject to the following conditions and limitations:

a. The probationary period shall be twelve (12) months, unless otherwise specified in an applicable MOU or other agreement between the City and an Exclusively Recognized Employee Organization.
b. Employees may be dismissed during the probationary period at any time without right of appeal and with or without notice.
c. The City Manager, with the recommendation of a Department Director, may extend the probationary period as he or she deems necessary to evaluate the employee's performance.
d. If a probationary employee takes an unpaid leave of absence during the probationary period, his/her probationary period shall be extended by the amount of the unpaid leave of absence.

PROMOTION: An employee promoted to a different position will serve a new one year probationary period. An employee released during the probationary period from a position to which he has been promoted shall be reinstated to the position from which he was promoted, if a vacancy exists unless the reason for which the employee was released, in the opinion of the City Manager, renders such employee ineligible for the former position.

During a promotional probationary period, employees will be considered to be a regular employee, will accrue seniority, and shall be protected in disciplinary procedures as a regular employee.

Leaves of absence without pay shall extend a promotional probationary period by the same amount of time as the leave.

RECLASSIFICATION: An employee whose position has been reclassified may be required to serve a new probationary period. The Department Director will make a discretionary decision as to whether an employee, who has been reclassified from one job classification to another job classification, will serve a new probationary period or not. In the event an employee is a long term employee in good standing and has served in an out of class assignment that is subsequently reclassified, the director may or may not choose to require the employee serve a new twelve (12) month probationary period.

DEMOTION: An employee who is demoted to a position to which they had not previously attained regular status will serve a new probationary period.

TRANSFER: An employee transferred to the same or comparable position in another department may be required to serve a new probationary period.

The probationary period of an employee may be extended by the City Manager, upon recommendation of the Department Director, for not more than six (6) months.

4.5.5 Regular Appointment

Regular Appointments are for the purpose of providing a regular complement of full-time employees to discharge the duties and responsibilities assigned to the work force of the City. Regular appointments shall be made by the City Manager upon receiving a certification from the employee's Department Director that the employee has successfully completed the established probationary or training period for their classification.

4.5.6 Trainee Appointments

Regular full-time positions may be filled by trainee appointment from amongst those persons who the City anticipates can gain during the period of their trainee appointment, the minimum qualifications for regular appointment. A trainee who fails to so qualify will be terminated upon or before the expiration of the appointment. Duration of trainee appointments may be for up to a maximum of two (2) years, with the approval of the City Manager. Trainees will be compensated at least ten (10) percent less than the first step for the classification for which they are training. Trainees are at-will, and exempt from the competitive service.

Trainees are not eligible to file grievances or appeal disciplinary matters.

4.5.7 Emergency Appointment

To meet the immediate requirement of an emergency condition which threatens life, public health, safety, welfare or property, the City Manager may employ such persons as may be needed without regard to the Personnel System Rules and Regulations. Emergency appointments shall not be used in lieu of other methods of employment. Time spent under such employment shall not be credited toward a probationary period or be used in computing any privileges accrued while employed by the City. Emergency appointees shall be entitled to wages as determined by the City Manager, but shall not be entitled to any other benefits other than those required by law.

The appointment of retired annuitants shall be in accordance with CalPERS rules and procedures.

Emergency appointments shall be terminated as soon as the danger is alleviated.

4.6 PERFORMANCE EVALUATION

4.6.1. Annual Evaluation

Each employee shall receive an annual performance appraisal in conjunction with their review date that is completed by their immediate supervisor and approved by the Department Director and Human Relations Director prior to placement in the employee's personnel file. The performance evaluation must accompany all recommendations for step advancement. The performance evaluation will provide employees with job related information about their performance.

An employee is eligible for a step increase only if he or she has exhibited satisfactory performance during the evaluation period.

Chapter 5: Attendance and Time Off

5.1 CITY BUSINESS HOURS

All offices of the City, except those for which special regulations are required, shall be open for business on all days of the year except Saturdays, Sundays, and Holidays continuously from 8:00 a.m. until 5:00 p.m.

Departments for which necessity requires a different schedule from that generally applied, shall work according to regulations prepared by the respective Department Director and approved by the City Manager.

5.2 OVERTIME

Upon prior authorization of the Department Director or due to unusual emergencies, overtime or compensatory time off may be approved in units of not less than one-quarter hour, as determined by the Department Director, at the compensation rate of time and one half times an employee's regular rate of pay. Whenever possible, compensatory time shall be accrued instead of overtime for payment.

Overtime provisions shall be in compliance with the Fair Labor Standards Act.

This section does not apply to exempt management employees under the Fair Labor Standards Act.

5.3 ATTENDANCE

Employees shall be in attendance at their assigned workplace on time and ready to begin their duties each day they are scheduled to work. Each Department Director shall enforce attendance requirements and shall keep attendance records of employees under his or her supervision, which records shall be reported to the City Manager or designee in the form and on the dates he or she shall specify. An employee who will be absent from service must inform their supervisor as soon as the employee knows or reasonably should know the employee will be absent, but no later than (one) 1 hour before the shift starts. A late notification without sufficient excuse will be considered a violation of this policy. It is the preferred practice to use City phones or City email addresses to communicate absences or tardies, as the City has the ability to track and audit those communications. Use of other communication avenues should only happen when City methods of

communication are unavailable. An employee who engaged in an unauthorized absence shall be subject to disciplinary action and/or termination in accordance with applicable disciplinary procedures.

5.4 VACATIONS

Probationary and regular employees shall be entitled to accrue paid vacation leave. Temporary, part-time and seasonal employees shall not be entitled to paid vacation leave.

Vacation accrual amounts will be determined by applicable MOU's, Benefit Plans and Policies, or employment agreements.

An employee generally shall be required to have served the equivalent of one (1) year of continuous service in the City in order to be eligible for the employee's full annual vacation leave. After six (6) months of continuous service an employee may be permitted by the employee's Department Director to take vacation leave not to exceed the amount of vacation leave earned to that time.

The times during a calendar year at which an employee may take vacation shall be determined by the Department Director with due regard for the wishes of the employee and particular regard for the needs of the City. An employee shall be required to take at least one (1) calendar work week of earned vacation leave per year. An employee may, with Department Director approval, take 15 consecutive work days off of accrued vacation. Additional leave beyond this may be taken with the approval of the City Manager.

Holidays falling within an annual vacation leave shall not be charged as vacation leave.

Probationary and regular employees who terminate employment shall be paid in a lump sum for all accrued vacation leave earned, which is computed on the employee's base hourly rate of pay at the time of termination.

5.5 HOLIDAYS

Unless stated otherwise in a Memorandum of Understanding, a Schedule of Benefits, or an applicable employment agreement, all City employees, except Police and Fire employees, will observe the following legal holidays:

New Year's Day	January 1
Martin Luther King, Jr. Day	3rd Monday in January
President's Birthday	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	2nd Monday in October
Veterans Day	November 11
Thanksgiving Day	4th Thursday in November
Day after Thanksgiving	4th Friday in November
Christmas Day	December 25

Observance of other holidays may be granted by City Council only.

When a holiday falls on a Sunday, the following Monday shall be observed.

When a holiday falls on a Saturday, the preceding Friday shall be observed as a holiday.

Paid holidays shall be granted only to all regular and probationary employees. Police and Fire employees and other special situation employees shall be given compensatory time off as authorized by the Department Director concerned or as covered in their memorandums of understanding.

Temporary, part-time and seasonal employees shall not be entitled to paid holidays.

Full-time non-exempt employees must be on paid status the entire day before the holiday and the entire first scheduled work day after the holiday to be eligible to receive Holiday Pay. Non-exempt employees who have been suspended for disciplinary reasons for a period that includes or immediately precedes or follows a holiday are not eligible for Holiday Pay for that holiday. Non-exempt employees who have an unauthorized absence immediately preceding or following a holiday are not eligible for Holiday Pay for that holiday.

Full-time exempt employees are eligible for Holiday Pay if they are on paid status during the week in which the holiday occurs.

Under no circumstances will employees be entitled to more than two (2) times their straight time rate on any holiday.

5.6 SICK LEAVE

Unless otherwise provided in an applicable MOU, negotiated Benefit Plan or employment agreement, employees will be allowed to accrue and use sick leave as follows:

5.6.1 Employees Eligible for Sick Leave

Under the Healthy Workplaces, Healthy Families Act of 2014, all employees, including temporary and seasonal employees, are eligible to accrue paid sick leave once they have worked for the City for thirty (30) or more days within one (1) year of the commencement of their employment.

5.6.2 Sick Leave Accrual

Sick leave with pay shall start accruing from the date of hire at the rate of eight (8) hours for each calendar month of service, unless otherwise stated in a relevant Memorandum of Understanding or employment agreement.

In December of each year, each employee having at least four (4) years continuous employment with the City shall be paid for fifty (50) percent of their sick leave earned during the previous twelve (12) month period, less the amount of sick leave taken during the previous twelve (12) month period. The remaining fifty (50) percent of unused sick

leave shall be added to the employee's current accumulated total of unused sick leave. If an employee retires or dies while in City service, the employee's beneficiary shall be paid for twenty-five (25) percent of his or her unused sick leave. Employees terminated for cause shall not be eligible for any sick leave pay outs.

5.6.3 Use of Sick Leave

Sick leave is intended to provide income protection in the event of illness or injury, and may not be used for any other absence unless specifically approved by the employee's Department Director, or as provided by another City policy.

If an employee is absent because of illness, the employee must notify his or her Department Director or immediate supervisor as soon as possible, but at least one (1) hour prior to the time set for beginning his or her daily duties, unless the employee is unable to do so. If the use of sick leave is foreseeable, the employee must provide reasonable advance notification of the need to use sick leave. Requests may be made verbally or in writing.

An eligible employee may use his or her accrued and available annual sick leave for:

- The diagnosis, care, or treatment of an existing health condition of, or preventative care for, an employee;
- The diagnosis, care, or treatment of an existing health condition of, or preventative care for, an employee's family member; and

"Family Member" is defined as child (regardless of age or dependency status), parent, spouse, registered domestic partner, grandparent, grandchild, sibling, and parent of the employee's spouse or registered domestic partner. For purposes of this section, "parent" and "child" include biological, foster, adopted, step, or legal guardian relationships. A "child" also includes a child of a domestic partner.

Accumulated sick leave hours are to be used for absences due to illness. Other types of accrued leave may only be used for absences due to illness when all sick leave is exhausted and approval is granted by the Department Director.

5.6.4 Medical Certification

If an employee is ill for more than three (3) consecutive working days (two (2) consecutive working shifts in the case of Fire personnel employees assigned to a 48/96 schedule) for any one illness, the employee is required to furnish a doctor's certificate to the Human Relations Director. Employees demonstrating an above average use of sick leave or patterned sick leave use, may be required to provide a doctor's certificate.

5.7 LEAVES OF ABSENCE

5.7.1 In General

It is the City's policy to grant leaves of absence under certain circumstances to all eligible employees on a nondiscriminatory basis. Except as otherwise indicated, all leaves of

absence are available on an unpaid basis.

The City will grant leaves of absence as required by law and may grant leaves of absence to employees in certain other circumstances. It is important to request any leave in writing as far in advance as possible, to keep in touch with your supervisor and/or Human Relations during your leave, and to give prompt notice if there is any change in your return date. Some types of leave have specific request/notification and certification requirements and it is your responsibility to comply with any such requirements. If your leave expires and you have not contacted your supervisor or Human Relations, it will be assumed that you do not plan to return and you have terminated your employment. If you are unwilling or unable to return to work at the conclusion of any leave, your employment may be terminated.

The Personnel System Rules and Regulations contain only a summary of the leaves that may be available. Some types of leave have detailed requirements regarding eligibility, duration, benefits, etc. Leaves of absence are generally unpaid, but you may be eligible to utilize accrued sick leave or PTO, as set forth in the summary of the various leaves below. You should contact Human Relations prior to taking any leave for information about leave requirements and make sure you understand the requirements and ramifications of any leave.

It is understood that you will not obtain other employment (other than military duty pay) or apply for unemployment insurance while you are on a leave of absence. Acceptance of other employment (non-military) while on leave will be treated as a voluntary resignation from employment with the City.

The City may hold in abeyance or proceed with any counseling, performance review, or disciplinary action, including discharge, that was contemplated prior to any employee's request for or receipt of a leave of absence or that has come to the City's attention during the leave. If any action is held in abeyance during the leave of absence, the City reserves the right to proceed with the action upon the employee's return. Requesting or receiving a leave of absence in no way relieves employees of their obligation while on the job to perform their job responsibilities capably and up to the City's expectations and to observe all policies, rules, and procedures.

Subject to any applicable legal restrictions, requests for leaves of absence will be considered on the basis of the employee's length of service, performance, level of responsibility, the reason for the request, and the City's ability to obtain a satisfactory replacement during the time the employee is away from work.

5.8 RETURNING FROM A LEAVE OF ABSENCE/ABANDONMENT OF EMPLOYMENT

Unless otherwise required by law or City policy, when an employee is granted a leave of absence, an effort will be made to hold the employee's position open for the period of the approved leave. Due to business needs, however, there will be times when the position cannot be held open. Under such conditions, it will not be possible to guarantee reinstatement. If an employee's former position is unavailable when the employee is ready to return from an approved leave, the City will make every effort to place the employee in a comparable position for which the employee is qualified. If such a position is not available, the employee will be offered the next suitable position for which the employee is qualified, if such a position exists. An employee who does not accept a position offered by the City will be considered to have voluntarily terminated employment, effective the day

such refusal is made. This provision does not apply to any protected leave.

5.8.1 Failure to Return Promptly

An employee who accepts other employment, without prior approval, during a leave of absence, or who fails to return on the next regularly scheduled workday following the expiration of an approved leave, will be considered to have abandoned their employment and may be terminated.

5.8.2 Benefits During Leave

Unless otherwise required by law, as with pregnancy disability, FMLA and military leaves for example, no City-sponsored benefits are earned or accrued during an unpaid leave of absence. When an employee returns from a leave of absence of greater than thirty (30) days, seniority, as well as eligibility and accrual dates for benefits, will be adjusted forward to account for the period of leave.

5.9 FMLA/CFRA/PREGNANCY DISABILITY LEAVE

5.9.1 Purpose of Leaves

The purpose of this policy is to provide a uniform way to access information for those employees who wish to take leave under the Family Medical Leave Act (FMLA), the California Family Rights Act (CFRA) and/or the Pregnancy Disability Leave (PDL). Under FMLA and CFRA, employees who have worked for at least twelve (12) months and for 1,250 hours during that 12 month period may request family care and medical leave of up to twelve (12) workweeks during a twelve (12) month period. There is no minimum length of service requirement for PDL. Under PDL, employees may request leave for a reasonable period of time, not to exceed four (4) months, based on hours worked per week and duration of disability.

Leave may be requested for the following reasons:

FMLA	• Bonding time with newborn, including adoption and foster care • Care of a qualifying family member with a serious health condition • The employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of his/her position • To address domestic violence, sexual assault, or stalking and their effect • Incapacity due to pregnancy, prenatal care, or for a mother's own serious health condition following the birth of the child (CFR 825.120.4) • Military-related leaves including qualifying exigency leave and military caregiver leave **CFR 825.200**
CFRA	• Bonding time with newborn, including adoption and foster care • Care of child, parent, spouse, grandparent, grandchild, sibling, domestic partner, domestic partner's child, or a "designated person" with serious health condition

	• Serious health condition means an illness, injury, impairment, or physical or mental condition that involves either of the following:(A) Inpatient care in a hospital, hospice, or residential health care facility. (B) Continuing treatment or continuing supervision by a health care provider, including but not limited to treatment for substance abuse **CCR Title 2, Section 11092**
PDL	To allow a female employee disabled by pregnancy, childbirth, or related medical conditions to take a leave for a reasonable period of time not to exceed four months, based on the number of hours worked. **Gov Code 12945**

5.9.2 Definitions

1. **"12-Month Period"** – A "rolling" 12-month period measured backward from the date an employee uses any FMLA/CFRA leave.

2. **"Spouse"** – As defined or recognized under California state law for purposes of marriage.

3. **"Child"** – Son or daughter. For purposes of leave taken for birth or adoption, or to care for a family member with a serious health condition, son or daughter means a biological, adopted, or foster child, a stepchild, a legal ward, a child of a domestic partner, or a person to whom the employee stands in loco parentis.

4. **Parent** – a "parent" means the biological parent of an employee or an individual who stands or stood in loco parentis to an employee when the employee was a child. This term does not include parents-in-law.

5. "Designated person" means any individual related by blood or whose association with the employee is the equivalent of a family relationship. The designated person may be identified by the employee at the time the employee requests the leave. An employer may limit an employee to one designated person per 12-month period for family care and medical leave.

6. **"Disability for purposes of PDL"** - An employee is considered disabled under PDL if she is unable to perform one or more essential functions of her job due to her pregnancy or pregnancy-related health condition.

7. **"Serious Health Condition"** – Illness, injury, impairment or physical or mental condition which involves inpatient care or continuing treatment by a health care provider.

8. **"Continuing treatment"** -

   - Any period of incapacity due to pregnancy or prenatal care
   - Incapacity of more than 3 consecutive, full calendar days and
     - 2 or more treatments (1st within 7 days and 2nd within 30 days of incapacity)
     - At least 1 treatment within 7 days of the first day of incapacity and continuing treatment

- Chronic conditions
    - Periodic visits (at least twice a year) for treatment by a healthcare provider
    - Continues over an extended period of time; and
    - May cause episodic period of incapacity
- Conditions requiring multiple treatments

9. **"Intermittent Leave"** - Leave taken in separate blocks of time due to a single qualifying reason

10. **"Reduced Leave Schedule"** - A leave schedule that reduces an employee's usual number of working hours per workweek, or hours per workday. A reduced leave schedule is a change in the employee's schedule for a period of time, normally from full-time to part-time.

Note: Under CFRA, a disability due to pregnancy, birth, or related medical condition is not a "serious health condition". Also, under CFRA, leave may be taken for "treatment" for substance abuse. It is not necessary that the employee be admitted to a hospital or clinic in order to qualify, thus, an employee attending outpatient treatment sessions would qualify for protected leave.

5.9.3 Amount of Leave

FMLA	Except in the case of leave to care for a covered service member with a serious injury or illness, an eligible employee's FMLA leave entitlement is limited to a total of 12 (twelve) workweeks of leave during any 12-month period, as previously defined. An employee's entitlement to leave for the birth or placement of a child for adoption or foster care expires 12 months after the birth or placement. **CFR 825.200(a)**
CFRA	A covered employer is required to grant an eligible employee a maximum leave of 12 workweeks in a 12-month period. "12 workweeks" means the *equivalent* of 12 of the employee's normally scheduled workweeks. For eligible employees who work more or less than five days per week, or pursuant to an alternative work schedule, the number of working days that constitute 12 workweeks is calculated on a pro rata or proportional basis. **CCR Title 2, Section 7297.3, Subdivision C**
PDL	For a reasonable period of time not to exceed four months, based on the number of hours worked. **Gov Code 12945**

5.9.4 Intermittent and Reduced Schedule Leave

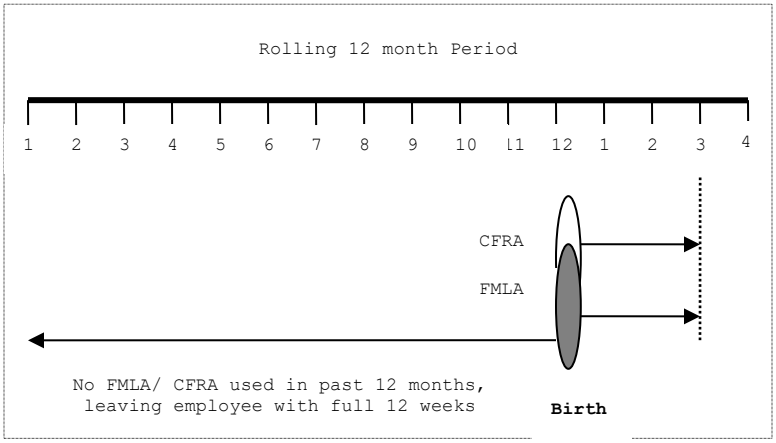
FMLA, CFRA and PDL leave may be taken on an intermittent or reduced schedule for any qualifying reason, when medically necessary. When leave is taken after the birth of a healthy child or placement of a healthy child for adoption or foster care, an employee may take leave intermittently or on a reduced leave schedule only if the employer agrees. The employer's agreement is not required, however, for FMLA or PDL leave during which the mother has a serious health condition in connection with the birth of her child or if the newborn child has a serious health condition. If an employee needs leave

intermittently or on a reduced leave schedule for planned medical treatment, then the employee must make a reasonable effort to schedule the treatment so as not to disrupt unduly the employer's operations.

If an employee needs intermittent leave or leave on a reduced leave schedule that is foreseeable based on planned medical treatment, or if the employer agrees to permit intermittent or reduced schedule leave for the birth of a child or for placement of a child for adoption or foster care, the employer may require the employee to transfer temporarily, during the period that the intermittent or reduced leave schedule is required, to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position.

5.9.5 Leaves Interaction

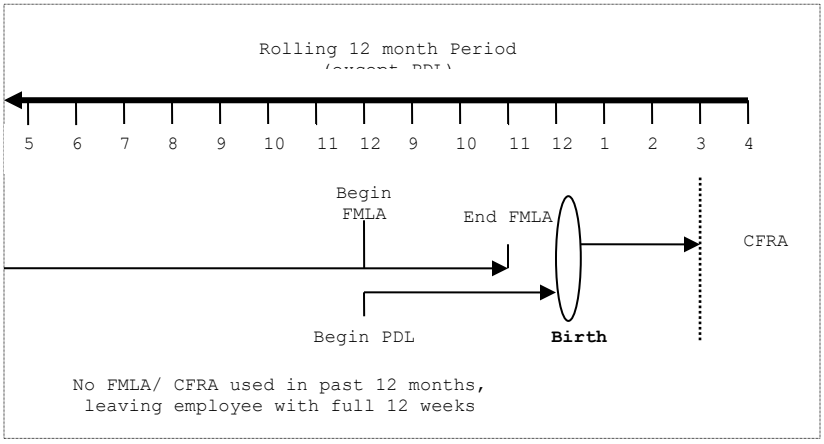
Timeline Examples:



Example 1: A male employee uses 12 weeks of leave due to the birth of a child.

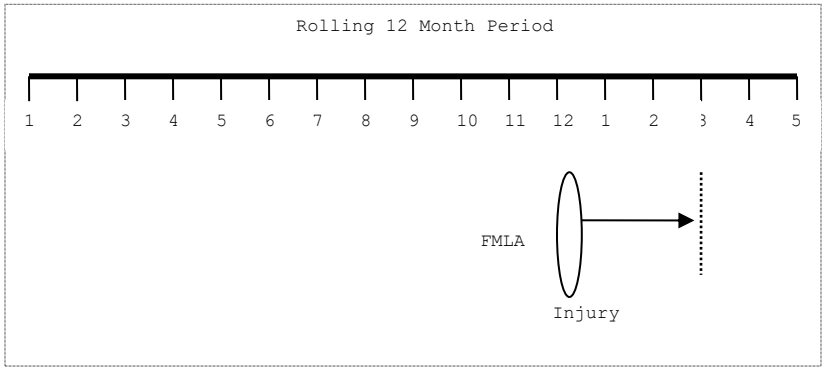
All leaves shall run concurrently, where appropriate. An employee is entitled to no more than twelve (12) total weeks of City-paid health benefits during any unpaid leave taken during a twelve (12) month period, as provided for by the FMLA law. *Benefits may be extended when an employee is using Pregnancy Disability Leave or California Family Rights Act Leave. An employee is entitled to City-paid health benefits for the duration of pregnancy disability leave (PDL) up to four months providing that the employee is eligible for employer provided medical benefits and is receiving them when she is placed on PDL. If the employee exhausts all PDL and is qualified for California Family Rights Act Leave (CFRA) then the employer is also required to maintain their contribution of medical benefits for the employee throughout the duration of CFRA (12 weeks).*

Therefore, an employer could potentially be required to maintain coverage for an employee disabled by pregnancy utilizing PDL for up to 4 months (i.e. 17 1/3 weeks) and an additional 12 weeks while using CFRA.

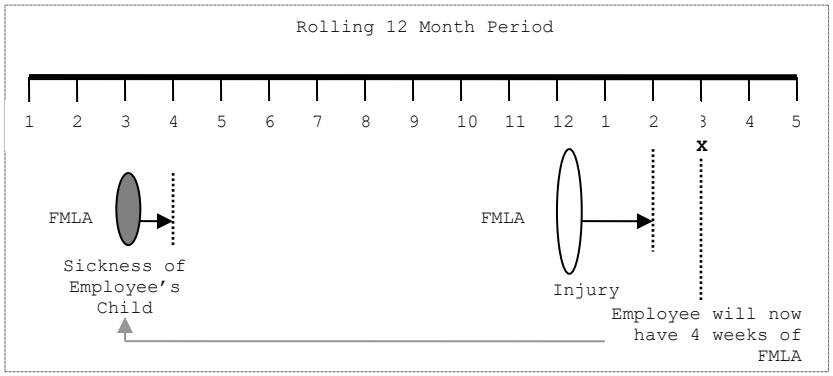


Example 2: A female employee is pregnant and unable to perform one or more of her essential job functions due to the pregnancy. As a result, beginning in month 5 of the pregnancy, the employee utilizes PDL which runs concurrently with FMLA. Once the child is born, the employee begins to use CFRA for the maximum 12 weeks, in order to bond with and care for the baby.

If an employee utilizes PDL leave, and if she is eligible for FMLA leave at the time she takes PDL leave, her FMLA leave shall run concurrently with her PDL leave. Once PDL ends (as explained above), if an eligible employee wishes additional leave to care for a newborn, she is entitled, under CFRA, to take up to twelve (12) additional weeks of leave. All leaves shall run concurrently, when appropriate.



Example 3: An employee is injured and incapable of performing one or more essential functions of his position as a result of the injury. The employee utilizes 12 weeks of FMLA leave in order to recover from the injury.



Example 4: An employee is injured and incapable of performing one or more essential functions of his position as a result of the injury.
9 months prior, the employee took 4 weeks of leave to care for his ill child.

5.9.6 When Both Employees Are City Employees

Under the CFRA, if both spouses or both parents are employed by the City, each parent is entitled to up to 12 weeks of leave to bond with the child/due to the birth of the employee's child.

If both spouses or both parents are employed by the City, leave shall not exceed a combined total for both employees of twelve (12) weeks of leave during a twelve (12) month period, for leave taken:

1. Under FMLA leave, to care for the employee's parent with a serious health condition; or
2. Under FMLA for the birth of the employee's son or daughter or to care for the child after the birth, or for placement of a son or daughter with the employee for adoption or foster care or to care for the child after placement. Any leave taken must conclude within one year of the birth or placement of the child.

NOTE: If one spouse is ineligible for FMLA leave, the other spouse would be entitled to a full 12 weeks of FMLA leave. CFRA may provide greater benefits.

5.9.7 Employee Benefits While on Leave

1. Leave under this policy is unpaid. However, in appropriate circumstances employees may substitute paid accrued leave where appropriate. While on leave, employees will continue to be covered by the City of Turlock's group health insurance (medical, dental vision and LTD) at the level and under the same conditions at which that coverage is provided while the employee is on the job. Employees may make the appropriate contributions for continued coverage under the non-health insurance benefits as noted above by payroll deductions or direct payments made to these plans. Employee contribution rates are subject to any change in rates that occurs while the employee is on leave. If an employee fails to return to work after his/her leave entitlement has been exhausted or expires, the City of Turlock shall have the right to recover its share of health plan premiums for the entire leave period, unless the employee does not return because of the continuation, recurrence, or onset of a serious health condition which would entitle the employee to leave, or because of circumstances beyond the employee's control. The City of Turlock shall have the right to recover premiums through deduction from any sums due to the employee from the City of Turlock (e.g. unpaid wages, vacation pay, etc.).

2. If an employee does not participate in the City of Turlock's group health insurance, but receives contributions from the plan, those contributions for medical, dental, and vision will continue while the employee is on family leave.

5.9.8 Medical Certification

1. For FMLA and CFRA, the Employer should request medical certification within <u>five (5)</u> business days after notice of the need for FMLA or CFRA leave. In all FMLA cases, including FMLA running concurrently with CFRA, employees must provide medical certification within 15 days.
    - If leave is for a child, parent or spouse, request must be accepted if properly filled out.
    - If leave is for individual, certification must state that the employee is incapable of performing at least one of their essential job functions.

- If certification is incomplete or insufficient, employer must advise the employee as to what additional information is needed, in writing.
  - Employer must provide employee with seven (7) days to cure insufficiency.
  - If insufficiencies are not cured in the new certification, employer may deny the FMLA leave.
- Medical certification is not required when an employee is taking leave for baby bonding.

For PDL, the medical certification should include:

- The date on which the employee become disabled due to pregnancy or the date of the medical advisability for the transfer or reasonable accommodation;
- The probable duration of the period(s) of disability or the period(s) for the advisability of the transfer or reasonable accommodation; and,
- A statement that, due to the disability, the employee is unable to work at all or to perform any one or more of the essential functions of her position without undue risk to herself, the successful completion of her pregnancy or to other persons or a statement that, due to her pregnancy, the transfer or reasonable accommodation is medically advisable.

2. If the City of Turlock has reason to doubt the validity of a certification for the employee's own serious health condition, the City of Turlock may require a medical opinion of a second health care provider chosen by the City of Turlock. If the second opinion is different from the first, the City of Turlock may require the opinion of a third provider jointly approved by the City of Turlock and the employee. The opinion of the third provider will be binding. To choose a third provider, the City of Turlock and the employee will each submit a list of three providers. The employee and the City of Turlock must agree on one of these providers. The second and third medical opinions will be at the expense of the City.

3. If an employee requests leave intermittently (a few days or hours at a time) or on a reduced work schedule to care for an immediate family member with a serious health condition, the employee must provide medical certification that such leave is medically necessary. "Medically necessary" means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced work schedule. If granted Intermittent leave, the employee must make a reasonable effort to schedule planned medical treatments so as not to disrupt unduly the employer's operations.

4. If additional leave is required upon the expiration of the time the health care provider estimates for the leave, the City may require the employee to obtain recertification in accordance with the initial certification procedure.

5.9.9 Employee Notice of Leave

1. Although the City of Turlock recognizes that emergencies arise which may require employees to request immediate leave, employees are required to give as much notice

as possible for their need for leave. If the leave is foreseeable, at least thirty (30) days notice is required. In addition, if an employee knows that he/she will need leave in the future, but does not know the exact date(s) (e.g. for the birth of a child or to take care of a newborn), the employee shall inform his/her supervisor as soon as possible that such leave will be needed.

2. When an employee gives less than 30 days advance notice, the employee must respond to a request from the employer to explain why it was not practicable to give thirty (30) days notice.

5.9.10 Reinstatement Upon Return from Leave

1. Upon expiration of leave and/or disability, an employee is entitled to be restored to the position of employment held when the leave commenced, or to an equivalent position with equivalent benefits, pay, and all other terms and conditions of employment, unless the assignment to the position has expired as provided in applicable MOU's, or the position has been eliminated. It is the intent of this policy that the employee's use of leave shall not adversely impact their salary, rank, seniority, pension, or other employee benefits.

FMLA	On return from FMLA leave, an employee is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An employee is entitled to such reinstatement even if the employee has been replaced or his or her position has been restructured to accommodate the employee's absence. **CFR 825.214**
CFRA	When granting an employee's request for CFRA leave, the employer shall guarantee that the employee will be reinstated to the same or a comparable position, unless legally excused from doing so. If the employee requests, the guarantee must be provided in writing. Under California law, family care and medical leave shall not be deemed to have been granted unless the employer provides the guarantee. **CCR Title 2, Section 7297.3, subdivision C**

2. As a condition of restoration of an employee whose leave was due to the employee's own serious health condition which made the employee unable to perform his/her job, the employee must obtain and present a fitness-for-duty certification (for FMLA) or return-to-work (for CFRA and PDL) from the health care provider that the employee is able to resume work. Failure to provide such certification will result in denial of restoration, until such verification is provided, or in termination.

FMLA	When requested by the employer pursuant to a uniformly applied policy for similarly-situated employees, the employee must provide medical certification, at the time the employee seeks reinstatement at the end of FMLA leave taken for the employee's serious health condition, that the employee is fit for duty and able to return to work if the employer has provided the required notice; the employer may delay restoration until the certification is provided. Unless the employee provides either a fitness-for-duty certification or a new medical certification for a serious health condition at the time FMLA leave is concluded, the employee may be terminated. **CFR 825.214**
CFRA	As a condition of the employee's return from leave, the employer may require that the employee obtain and submit a "return-to-work" release from his/her health care provider. The release must state that the employee is able to resume work. **CCR Title 2, Section 7297.4**

3. Employees still on probation at the time they began leave under PDL, FMLA, or CFRA may have the probationary period extended at the discretion of the Department Director. The Department Director shall consider factors such as the amount of probationary time remaining and performance of the employee prior to leave in making the decision.

5.9.11 Additional Leave Requests

If the employee wishes leave beyond that provided for by PDL, FMLA, and CFRA, the employee shall make a written request to the City Manager, through their Department Director, and provide an explanation of the need for the extended leave. Requests for additional leave will be reviewed on a case-by-case basis and granted at the sole discretion of the City Manager. An employee is entitled to no more than twelve (12) total weeks of City-paid health benefits during any unpaid leave taken during a twelve (12) month period, as provided for by the FMLA law.

Benefits may be extended when an employee is using Pregnancy Disability Leave. Then an employee is entitled to City-paid health benefits for the duration of pregnancy disability leave (PDL) up to four months.

Required Forms – To be submitted to Human Relations. Employees must fill out the following applicable forms in connection with leave under this policy:

1. "Request for Family or Medical Leave form" prepared by the City of Turlock to be eligible for leave;
2. Medical Certification – either for the employee's own serious health condition or for the serious health condition of a child, parent or spouse (not required for baby bonding);
3. Authorization for payroll deductions for benefit plan coverage continuation; and
4. Fitness for duty to return from leave form, if appropriate.

5.10 INJURY LEAVE

Any employee incurring an injury or disability in the municipal service shall be entitled to injury leave to the extent provided by the State Worker's Compensation and Insurance Act. Any employee on injury leave shall receive full salary to the extent that their earned vacation and sick leave time is available to be charged for the difference between the full salary and the compensation insurance payments received by the City. Provided, however that such full salary payments are subject to the following conditions:

a. Worker's Compensation insurance payments received by the employee, except payments received for permanent total or partial disability, shall be deposited in the City Treasury for the period the employee continued to receive full salary from the City; and,

b. Upon the expiration of available earned vacation leave and sick leave, payment of salary by the City shall be discontinued and compensation insurance payments applicable to continued compensation leave shall be and compensation insurance payments applicable to continued compensation leave shall be endorsed to the employee. Once an employee has exhausted their time on the books, continuation of benefits will cease.

Employees may elect to pay the premiums on insurance plans which they wish to continue coverage.

SAFETY EMPLOYEES – Safety employees who are injured as a result of performing their jobs, are covered under Section 4850 of the Labor Code as it relates to administration of Worker's Compensation benefits.

5.11 BEREAVEMENT LEAVE

Employees holding regular appointments in all departments shall be granted Bereavement for the first and second degree of consanguinity on the following basis:

1. If the service is within three hundred (300) miles of the City of Turlock, not to exceed four (4) working days.

2. If the service is more than three hundred (300) miles from Turlock, not to exceed six (6) working days.

The degrees of consanguinity shall be determined as follows:

1st Degree	2nd Degree
Spouse/Registered Domestic Partner	Grandmother/Grandfather
Mother/Father	Granddaughter/Grandson
Son/Daughter	Sister/Brother

Relationships noted above shall include in-laws and step relations.

Authorized Bereavement leave shall not be charged to sick leave.

Section 5.11 (a)

Under California law, an employee who has been employed by the City for 30 days or more is eligible to take up to five (5) days of unpaid bereavement leave. Leave under California law must be taken consistent with the bereavement policy at Section 5.11. This leave is not in addition to leave provided above under Section 5.11. California bereavement leave may be taken upon the death of a qualifying family member and must be taken within 30 days of the death. Leave need not be taken all at once.

Under California law, a qualifying family member is a spouse, child, parent, sibling, grandparent, grandchild, domestic partner, or parent-in-law of the employee. "Child" includes biological, adopted, or foster child, a stepchild, a legal ward, a child of a domestic partner, or a person to whom the employee stands in loco parentis.

If leave is taken for a qualifying member and service is within 300 miles from Turlock, the employee will be eligible for up to four (4) paid days of bereavement leave under Section 5.11 and one (1) unpaid day under this section. However, the employee may use accruals for the last unpaid day. Under California law, the qualifying employee may use vacation, personal leave, accrued and available sick leave, or compensatory time off that is otherwise available to the employee.

Upon request of the City, within 30 days of the first day of the leave, the employee shall provide documentation of the death of the family member.

Probationary employees who have worked less than 30 days for the City are not eligible for bereavement leave.

5.12 MILITARY LEAVE

Military leave shall be granted in accordance with Section 395 of the Military and Veterans Code as well as federal law. An employee requesting leave for this purpose shall provide the Department Director with a hard copy of the military orders specifying the dates, site, and purpose of mission. Within the limits of such orders, the Department Director may determine when the leave is to be taken and may modify the employee's work schedule to accommodate the request for leave. Employees on temporary military leave of absence shall receive compensation in accordance with California State law or Federal law, whichever provides the employee with the greater benefit.

Additionally, employees who work more than 20 hours per week and have a spouse in the Armed Forces, National Guard or Reserves who have been deployed during a period of military conflict are eligible for up to 10 unpaid days off when their spouse is on leave from (not returning from) military deployment.

Employees must request this leave in writing to [e.g., supervisor, Human Relations Director] within two business days of receiving official notice that their spouse will be on leave. Employees requesting this leave are required to attach to the leave request written documentation certifying the spouse will be on leave from deployment.

5.13 SPECIAL LEAVE WITH PAY

Special leave with pay may be granted by the City Council for an employee to participate in activities of benefit to the City.

5.14 SPECIAL LEAVE WITHOUT PAY

A maximum of six (6) months of Special Leave Without Pay may be granted to an employee by the City Manager whenever such leave is considered to be in the best interest of the City. In determining the City's interest in granting Special Leaves of Absence without pay, the City Manager will consider: the performance ratings of the employee requesting the leave, the reasons for the leave and the ability of the affected department to continue its provision of service without the employee.

5.15 JURY DUTY AND COURT WITNESS LEAVE

5.15.1 Jury Duty

Employees called for jury duty will be entitled to a leave of absence with pay. Any payment other than payment from the City, except travel pay, received by the employee shall be deposited with the City. Employees must notify their supervisor as soon as they receive

a jury summons. If an employee is required to report for jury duty during his/her working hours, he/she will be excused from work on the work day he/she performs jury service, provided he/she gives prior notification to your supervisor. If he/she reports for jury duty and are not selected as a juror, or if the court dismisses the proceedings early for the day, he/she must return to work as soon as practicable for the remainder of the work day.

5.15.2 Court Witness

A leave of absence with pay will be granted by a Department Director to employees who have been requested to serve as a court witness because of his or her employment with the City. This does not apply if an employee elects to serve as an expert witness. If an employee elects to serve as an expert witness, he or she may use accrued vacation or compensatory time off.

5.15.3 Criminal Proceedings/Victim's Rights

The City prohibits discrimination against an employee who is a victim of certain serious criminal offenses and wishes to take time off to appear in court to be heard at any proceeding, including any delinquency proceeding, involving a post-arrest release decision, plea, sentencing, or post-conviction release decision or any proceeding in which a right of the victim is at issue.

A "victim" means any employee who suffers direct or threatened physical, psychological or financial harm as a result of the commission or attempted commission of a serious criminal offense. The term "victim" also includes the employee's spouse, registered domestic partner, parent, child, sibling or guardian.

Before employees may take time off under this policy, they must provide the City with reasonable advance notice of their intention to take time off, unless the advance notice is not feasible. If an employee must take an unscheduled absence due to victimization from a serious criminal offense, the employee must provide the City with a certification within a reasonable time. The types of certification to account for an unscheduled absence include: a court order protecting or separating the employee from the perpetrator of one or more of the specified offenses, or other evidence from the court or prosecuting attorney that the employee has appeared in court; or documentation from a medical professional, domestic violence counselor or advocate for victims of sexual assault, health care provider or counselor that the employee was undergoing treatment for physical or mental injuries resulting in victimization from one of the specific serious criminal offenses.

Confidentiality of the situation, including an employee's request for the time off, will be maintained to the greatest extent possible.

Employees may use accrued leave, such as vacation time or sick leave, in order to receive compensation during the time taken off from work.

Confidentiality of the situation, including an employee's request for the time off, will be maintained to the greatest extent possible.

5.16 PARENTAL LEAVE FOR SCHOOL-RELATED ACTIVITIES

Employees who are parents, guardians, or custodial grandparents will be granted up to forty (40) hours per year to visit their child's school or licensed day care for the child's school activities. Time off will be without pay unless the employee elects to use accumulated vacation time or compensatory time, or unless paid time off is specifically provided by the applicable Memorandum of Understanding. The employee must give reasonable notice to his/her supervisor before participating in the school activity.

Employees who are the parent or custodial guardian of a child in kindergarten or grades one through 12 may take time off to attend a school conference involving the possible suspension of their child. To be eligible for leave, the child must be living with the employee, and the employee must provide advance notice that his or her appearance at the school has been requested.

The City may require employees to provide documentation, including a copy of the school's notice or some other certification stating that the employee's presence at the school is mandatory.

Employees wishing to take such leave may utilize their existing vacation time or other accrued paid time off.

5.17 DOMESTIC VIOLENCE OR SEXUAL ASSAULT LEAVE

Employees who are the victim of domestic violence or sexual assault may take leave in order to: seek medical attention for injuries caused by domestic violence or sexual assault; obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence or sexual assault; obtain psychological counseling related to an experience of domestic violence or sexual assault; and participate in safety planning and take other actions to increase safety from future domestic violence or sexual assault, including temporary or permanent relocation. Employees may also take leave in order to obtain or attempt to obtain relief to help ensure the health, safety, or welfare of themselves or their child, including but not limited to a temporary restraining order, restraining order or other injunctive relief.

Such time will be unpaid, unless the employee elects to use vacation time, compensatory time, paid sick leave or other available accrued paid leave.

Employees must give their supervisor reasonable advance notice of the intent to take time off, if Feasible, and provide certification that the employee has been a victim. This information will be kept confidential as allowable by law.

5.17.1 Accommodation for Victims of Domestic Violence, Sexual Assault or Stalking

The City will make reasonable accommodations for any employee who reports that he or she is the victim of domestic violence, sexual assault or stalking and requests that the City accommodate his or her safety while at work, unless providing the accommodation will impose an undue hardship on the City's business operations or violates the City's duty to provide a safe and healthy working environment for all employees.

Reasonable accommodations may include, but are not limited to: a transfer; reassignment; modified work schedule; change in work telephone number; change in work station; installed lock; assistance in documenting domestic violence, sexual assault or stalking that occurs at the workplace; safety procedures; or other adjustment to a job structure, workplace facility or work requirement in response to a domestic violence, sexual assault or stalking or referral to a victim assistance organization.

Employees may also be entitled to a leave of absence under the City's Domestic Violence, Sexual Assault or Stalking Victim Leave policy and should consult that policy and/or Human Relations for additional information.

The City may request that an employee provide a written statement signed by the employee (or an individual acting on behalf of the employee) certifying that the requested accommodation is for the employee's safety while at work. The City may also require an employee to provide a certification, such as police report, court order or documentation from a medical professional, that the employee is the victim of domestic violence, sexual assault or stalking and may request recertification every six months.

Employees must notify the City if their needs change or if they no longer need an accommodation.

5.18 BONE MARROW/ORGAN DONOR LEAVE

Eligible employees who undergo a medically necessary procedure to donate bone marrow to another person will be provided with five workdays off in any one-year period, without a loss in pay. For purposes of this policy, a "one-year period" is 12 consecutive months from the date the employee begins his or her leave. Employees may take leave in one or more periods, as long as the leave does not exceed five days in any one-year period.

Eligible employees who undergo a medically necessary procedure to donate an organ will be provided with up to 30 workdays off in any one-year period, and up to an additional 30 business days of unpaid leave in any one-year period for the purpose of donating an organ to another person without a loss in pay. For purposes of this policy, a "one-year period" is 12 consecutive months from the date the employee begins his or her leave. Employees may take leave in one or more periods, as long as the leave does not exceed 30 days in any one-year period.

Employees are eligible for leave if they have worked for the City for at least 90 continuous days prior to the start of their leave.

Employees who seek leave under this policy must provide verification from a physician detailing the purpose and length of leave, including the medical necessity for the donation.

Employees **must** use up to five days of earned but unused sick leave, vacation, or paid time off for bone marrow donation and up to two weeks of earned but unused sick time, vacation, or paid time off for organization donation unless otherwise provided in the applicable MOU. The remaining days of leave will be paid by the City to the extent required by law. Leave under this policy is also not considered a break in service for purposes of,

salary adjustments, sick leave, vacation, annual leave or seniority.

While on bone marrow donor leave, the City will maintain all group health insurance benefits as if the employee was still at work. In most circumstances, upon return from this leave, an employee will be reinstated to his or her original job or to an equivalent job with equivalent pay, benefits and other employment terms and conditions. However, an employee has no greater right to reinstatement than if he or she did not take a leave. For example, if an employee on bone marrow donor leave would have been laid off had he or she not taken a leave, or if the employee's job is eliminated during the leave and no equivalent or comparable job is available, then the employee would not be entitled to reinstatement.

The City will not retaliate or tolerate retaliation against any employee for requesting or taking bone marrow donor leave in accordance with this policy.

5.19 EMERGENCY RESPONDER LEAVE

The City will not terminate or discipline any employee who is a volunteer firefighter, reserve peace officer or emergency rescue personnel because the employee takes time off to perform emergency duty. In the event you need to take time off for this type of emergency duty, please alert your supervisor or Human Relations before leaving the City's premises.

A "volunteer firefighter" includes any person registered as a volunteer member of a regularly organized fire department of a city, county, city and county or district having official recognition of the government of the city, county or district in which the department is located; or a regularly organized fire department of an unincorporated town.

"Emergency rescue personnel" includes any volunteer or paid officers, employees, or members of a fire department or fire protection or firefighting agency who perform first aid and medical services, rescue procedures and transportation or other related activities necessary to insure the health or safety of a person in immediate danger. Such personnel include those who work for the: (1) federal or state government; (2) city, county, city and county, district or other public or municipal corporation or political subdivision of this state; (3) sheriff's department, police department or private fire department; or (4) disaster medical response entity sponsored or requested by the state.

All time off taken under this policy is unpaid, except that exempt employees will be paid when required under applicable law.

5.20 CIVIL AIR PATROL LEAVE

No employee with more than 90 days of service shall be disciplined for taking time off to perform emergency duty as a volunteer in the California Civil Air Patrol. If you are a Civil Air Patrol volunteer, please alert your supervisor that you may have to take time off for emergency duty. When taking time off for emergency duty, please alert your supervisor before doing so, giving as much advance notice as possible.

Up to 10 days of leave for duty may be taken each year. However, leave for a single emergency mission cannot exceed three days, unless the emergency is extended by the

entity in charge of the operation and the extension of leave is approved by the City.

Chapter 6: Workplace Violence Policy

6.1 POLICY

The City of Turlock is committed to providing a safe work environment that is free of violence, threats of violence, and/or threatening acts. Any violent or threatening conduct of any kind on City premises or involving City-related activities will not be tolerated (whether it is direct against a co-worker, manager/supervisor, volunteer or outside party). The City of Turlock will act quickly and firmly to investigate all incidents of workplace violence and take appropriate disciplinary action against offending employees. All reports will be taken seriously and investigated promptly and thoroughly. If deemed necessary, the City will prosecute those employees or non-employees (volunteers) who threaten, endanger, or intimidate others.

6.2 PURPOSE

The City of Turlock recognizes that workplace violence is a growing concern for both the employees and the employers. The purpose of this policy is to ensure a violence-free workplace and affirm the City's commitment to providing a safe and secure workplace. The City of Turlock will hold all managers, supervisors, and employees accountable should they commit acts of intimidation or violence at work. Further, this policy is designed to provide avenues of resolution and support for employees who experience violence at work; and will warn of the potential disciplinary consequences if they engage in violent behavior during the course of their employment.

6.3 DEFINITION OF WORKPLACE VIOLENCE

Workplace violence consists of violent or potentially violent verbal or physical acts which occur on an employer's premises and/or at other locations where employees are engaged in work- related activities. The City of Turlock defines workplace violence as follows:

1. **Act of Violence** means any assault, battery, or stalking with the intent or implied intent to harm a person or property.
2. **Threat of violence** means a statement or course of conduct that could cause a reasonable person to believe that he or she is under threat of death or bodily injury or that his/her property would be damaged.
3. **Intimidation or harassment** towards others means to torment persistently to where an individual becomes timid or fearful.

6.4 EXAMPLES OF PROHIBITED VIOLENT CONDUCT

Examples of workplace violence include, but are not limited to the following:

1. Threats– Violence in the workplace is not limited to physical acts. Verbal threats, whether or not such comments are accompanied by any physical component, undermine workplace safety and security.

2. Threatening, physically aggressive, or violent behavior– May include physically dominating or "bullying" someone, whether actually touching them or not such as looming over them, blocking their path etc.
3. Other behavior that suggests a propensity towards violence– May include belligerent speech, excessive arguing or swearing, destruction and/or defacement of City property or facilities, or a demonstrated pattern of refusal to follow City policies and procedures, or to maintain effective working relationships with City employees and others contacted in the course of work.
4. Carrying Weapons– With the exception of authorized police personnel, bringing weapons, firearms, or other potentially harmful devices of any kind on City premises, in City parking lots, into City vehicles, while conducting City business while involved in any City-related functions is prohibited.

A zero tolerance applies to any of the following which shall also be considered violent acts:

a. Striking, punching, slapping or assaulting another person.
b. Fighting or challenging another person to fight.
c. Grabbing, pinching or touching another person in an unwanted way.
d. Damaging/destruction of City property or property of others.
e. Using different means of communication to express anger or irritation in a form that can be considered threatening or bullying (Ex: letters, e-mails, phone calls/voicemails, text messages, blogs or social media sites)

6.5 REPORTING WORKPLACE VIOLENCE

All City of Turlock employees are responsible for communicating and implementing this policy. Any employee who has been a victim of an act or threat of violence, or who has witnessed or been made aware of such behavior or incidents in the workplace, shall be expected to immediately report all facts of the incident(s) and name(s) of the individuals involved.

No employee who, acting in good faith, initiates a complaint or reports and incident under this policy shall be subject to retaliation or harassment for doing so. To the greatest extent possible the City will maintain the confidentially of the reporting individual and of the investigation.

6.6 RETALIATION

Employees must feel comfortable in reporting potential actual violence in the workplace in order for the City to resolve these situations. Any retaliation against an employee for reporting violent or potentially violent behavior, or participating in a subsequent investigation, will not be tolerated. Any employee engaging in retaliatory behavior, which is found to be in violation of this policy, will be subject to disciplinary action in accordance with the City's Personnel Rules and Regulations.

6.7 RESPONSIBILITIES

1. Except as set forth below, the City Manager is responsible for enforcement of the City Policy Against violence in the workplace.
2. The Human Relations Director is responsible for ensuring that all complaints of violence are investigated thoroughly and promptly, including presentation of recommendations for any necessary action to the City Manager, Department Director, or Department Manager.
3. Every Department Director is responsible for informing all employees of the City Policy Against Violence in the Workplace and for taking the steps necessary to set a positive example in the prevention of violence.
4. Every Supervisor is responsible for taking immediate and appropriate corrective action upon the observation of any incident of violence or upon receipt of an oral or written report of any occurrence of violence in the workplace.
5. Every City Employee is responsible for reporting any act of violence to the immediate Supervisor, Department Manager, Department Director, Human Relations Director or the City Manager.

6.8 COMPLAINT RESOLUTION PROCEDURES

City employees shall report any act of violence to their immediate Supervisor, Department Manager or Department Director. The Human Relations Director will investigate and attempt resolution of the violence complaints in accordance with the City's Complaint Procedure.

Chapter 7: Disciplinary Procedures

Unless provided otherwise, these disciplinary procedures apply to all City employees. To the extent an employee is covered by the terms of a Memorandum of Understanding or an employment agreement which is inconsistent with these procedures, the Memorandum of Understanding or employment agreement will govern.

7.1 DISCIPLINE AND CORRECTIVE ACTION OF REGULAR EMPLOYEES OF THE COMPETITIVE SERVICE

7.1.1 Purpose

The purpose of this procedure is to provide employees subject to disciplinary action with all rights to which they are entitled to by law; to provide an orderly procedure for pre-action notice, response, implementation, and appeal; and to correct deficiencies in employee performance and to assure improvement to meet job standards.

These procedures do not apply to at-will employees, probationary employees, or temporary employees, who may be terminated for no reason or any reason not prohibited by law. To the extent an employee is covered by the terms of a Memorandum of Understanding or an employment agreement which is inconsistent with this procedure, the Memorandum of Understanding or employment agreement will govern.

7.1.2 Employee Representation

An employee may have a representative at all stages of the disciplinary or corrective process provided that the representative is not a party to the action.

7.1.3 Corrective Action/Discipline

Corrective action may consist of:

- An oral warning;
- A written reprimand.

Discipline may consist of:

- A suspension without pay for up to thirty (30) days;
- A reduction in pay (to a lower salary step in a given range);
- A demotion to a lower classification; and/or
- Termination.

7.1.4 Administrative Leave

An employee may be placed on paid administrative leave pending investigation of facts possibly giving rise to the potential need for discipline.

7.1.5 Causes for Discipline

Each of the following, includes, but shall not be limited to, causes for correction, or discipline up to and including termination. In any case, this section shall not alter the nature of employment for any employee who serves in an "at-will" capacity.

A. Omission or willful misrepresentation of material fact or other fraud in securing employment;

B. Incompetence;

C. Inefficiency;

D. Inexcusable neglect of duties;

E. Insubordination;

F. Dishonesty;

G. Improper use of drugs, including (1) intoxication on duty, (2) use of illegal drugs while on duty, (3) incapacity to perform duties caused by drug use. The terms "drugs" shall mean controlled substances as defined in Division 10 (commencing with Section 11000) of the California Health and Safety Code, and shall also mean alcohol, prescription drugs that impair ability to work, or any other mind-altering substances;

H. Unexcused absence from duty, including but not limited to, participation in unlawful strikes or other job actions, such as sick-ins;

I. Conviction of a felony or conviction of a misdemeanor for a crime with a nexus to the workplace that prevents an employee from sufficiently performing his or her job duties;

J. Discourteous treatment of the public or other employees;

K. Willful disobedience;

L. Misuse of City property;

M. Inconsistent, incompatible or conflicting employment, activity or enterprise;

N. Violation of an established departmental rule;

O. Other failure of good behavior either during or outside of duty hours which is of such a nature that it causes discredit to the employee's department or employment;

P. Excessive Absenteeism.

7.1.6 Notice of Proposed Disciplinary Action

Prior to the imposition of discipline consisting of suspension without pay, reduction in pay, demotion, or termination, a regular employee shall be provided a written notice or "Skelly letter" by the Department Director proposing to implement discipline which contains:

- Notice of the proposed action;
- The reasons for the proposed action;
- A copy of the charges and any materials upon which the proposed action is based;
- Notice that the employee is entitled to an opportunity to respond to the charges orally or in writing, or both, personally or with a representative who may be an attorney;
- The date and time of the response or "Skelly" meeting, which shall be held in no less than seven (7) calendar days after service of the Notice, during which the employee and his or her representative shall have an opportunity to refute the charges, present facts that may not be known, or offer alternatives to the proposed action;
- Notice that if the employee fails to attend the response meeting, the employee shall be deemed to have waived all rights to said meeting and from appeal to any action taken.

7.1.7 Response Meeting

At the time and place set for the response or "Skelly" meeting giving the employee the opportunity to respond, the employee may respond orally and/or in writing, personally, or with a representative to the City Manager or their designee, who shall serve as the "Skelly Officer".

Neither party shall be entitled to call witnesses or take testimony.

At the meeting, the Skelly Officer may consider information contained in the charges and recommendations, as well as information presented by the employee or his or her representative.

At the conclusion of the response meeting or within ten (10) business days, the City Manager or their designee shall issue a written order, implementing or determining not to implement the proposed disciplinary action. The City Manager may implement an action that is or lesser severity than what was initially proposed. If longer than ten business days is needed for the City Manager to issue a written order, the employee and his or her representative will be notified of the need for more time.

7.1.8 Implementation of Discipline

When the discipline is imposed by the City Manager, a copy of the order shall be served upon the employee either personally, or by registered certified mail, return receipt requested, at the last known address on file with the City. The order shall include:

1. A statement of the discipline imposed;
2. Effective date of the discipline;
3. A statement of the causes for the discipline;
4. A statement of the specific facts or omissions upon which the discipline is based;
5. A statement advising the employee of his or her rights to appeal the disciplinary action, if any. This statement shall include the manner and time within which an appeal must be taken, and the required content of the appeal notice.

Disciplinary action consisting of a suspension without pay, reduction in pay, demotion, or termination may be appealed by a regular employee pursuant to the Personnel System Rules and Regulations Section 7.1.9.

7.1.9 Disciplinary Appeal Procedure

After service of an order of disciplinary action consisting of a suspension without pay, reduction in pay, demotion, or termination as specified in this Section, a regular employee or his or her representative may appeal the discipline to the City Council, which may choose to assign an advisory hearing officer. A written request for an appeal must be served on the City Manager within ten (10) business days following the date of the order of discipline.

7.1.10 Selection of Hearing Officer

If the City Council chooses to assign the hearing to an advisory hearing officer, the City shall select a hearing officer from a non-profit organization or governmental agency with whom the City has contracted to conduct hearings pursuant to this Section, such as the California State Mediation & Conciliation Service. No hearing officer shall be compensated or evaluated, directly or indirectly, based upon the outcome of any hearing.

7.1.11 Appeal Hearing and Decision

The appeal hearing shall be an evidentiary hearing with due process rights including the right to present witnesses, present evidence, cross examine opposing witnesses, the right to counsel and findings to support the decision. However, the formal rules of evidence shall not apply, and the City Council or hearing officer shall be entitled to rely upon any

evidence that reasonable persons would commonly rely upon in the course of the conduct of their business.

Within thirty (30) days of the conclusion of the hearing, the City Council or hearing officer shall render a written decision. The decision of the City Council or hearing officer shall be provided to both parties.

7.1.12 City Council

Any decision of a hearing officer shall be advised by the City Council. Upon review of the decision, the City Council may affirm, modify, reverse, or otherwise resolve the disciplinary action. In accordance with Section 2-4-504 of the Municipal Code, the City Council may choose to hear the appeal directly and render the decision itself. The decision of the City Council shall be final subject only to judicial review pursuant to Code of Civil Procedure Section 1094.5.

Chapter 8: GRIEVANCES

Unless provided otherwise, these grievance procedures apply to all City employees. To the extent an employee is covered by the terms of a Memorandum of Understanding or an employment agreement which is inconsistent with these procedures, the Memorandum of Understanding or employment agreement will govern.

8.1 GRIEVANCES

A grievance is defined as an alleged violation of a City rule, policy, or procedure.

8.2 FIRST STEP – INFORMAL PROCEDURE

An employee or their representative shall seek adjustment of any grievance initially with their immediate supervisor within ten (10) working days of the event which is the subject of the grievance.

8.3 SECOND STEP – DEPARTMENT DIRECTOR

Should the immediate supervisor be unable to make a satisfactory adjustment to the grievance, or be a party to the grievance, the employee or their representative may seek adjustment through the Department Director within ten (10) working days of the immediate supervisor's response. The grievance shall be submitted to the Department Director in writing and with the following information:

a. Nature of the grievance.

b. Date when the incident occurred.

c. Description of the incident.

d. Rule, policy, or procedure violated.

e. Specific remedy sought by the Grievant(s).

8.4 THIRD STEP – CITY MANAGER

Should the Department Director be unable to make a satisfactory adjustment to the grievance, or be a party to the grievance, the employee or his representative may seek adjustment through the City Manager within ten (10) working days of the Department Director's response. The City Manager shall investigate the concern, and may call on independent consultants as they consider necessary, and shall state their decision to the employee and their Department Director in writing, within ten (10) working days after receiving the grievance. The decision of the City Manager shall be final and binding on all parties.

Chapter 9: Layoffs

Unless provided otherwise, these layoff procedures apply to all City employees. To the extent an employee is covered by the terms of a Memorandum of Understanding or an employment agreement which is inconsistent with these procedures, the Memorandum of Understanding or employment agreement will govern.

9.1 LAYOFFS/REDUCTIONS IN WORKFORCE

The City Manager may lay off an employee in the municipal service upon two (2) weeks written notice because of material change in duties, reorganization, or shortage of work or funds.

9.2 SENIORITY

Seniority for purposes of layoff shall be determined by continuous service within the classification subject to reduction. A tie in seniority for a classification subject to layoff shall be broken by the Department Director. The Department Director shall consider past performance and qualifications, as reflected in official documentation in the employee's personnel file in determining the most senior employee.

9.3 BUMPING RIGHTS

A senior employee may bump/displace a junior employee serving in the same classification, or in a lower classification that the senior employee previously served in. A senior employee may also bump/displace a junior employee serving in a lower classification within the same class of positions that the senior employee serves in.

9.4 REEMPLOYMENT

Employees subject to layoff shall be placed on a reemployment list based on their seniority ranking, and for a period of one (1) year. The City shall notify employees on the reemployment list of any vacancies that occur within classification(s) previously held by the employee, and offer reemployment in reverse order of layoff.

Chapter 10: Miscellaneous Policies

10.1 EMPLOYEE CONDUCT

10.1.1 Political Activity

Employees may not pose for campaign materials nor participate in any other political activities during working hours or in City uniforms or while wearing other apparel or badges indicating their City employment. Employees may not participate in political activities of any kind while on City-owned or City-Controlled property, other than property that the City makes available to the general public for the use of political purposes such as a public place or City sidewalk. City employees shall not use City resources to support or oppose a candidate for any elective office, use City resources to support or oppose a recall effort, support or oppose any initiative, referendum or ballot measure, or engage in political activities during working hours and/or while on City property. Violation of these rules can result in disciplinary action.

10.1.2 Solicitation of Contributions

No appointed or elected City Official, employee or candidate for City office shall in any way solicit or receive contributions or services while on the job for any political purpose, from any city employee or applicant, or appointive official.

10.1.3 Acceptance of Gifts

Gifts to the City shall be accepted by City Council motion.

Elected and appointed City officials and employees shall not accept any tip, special gift of value, or other consideration because of services rendered in their official capacity as city officers or employees.

10.1.4 Use of City Equipment

City vehicles and equipment are to be used for City business only.

Exceptions may be authorized, in writing, by the City Manager.

10.1.5 Financial Affairs

Employees shall arrange their personal financial affairs so that creditor and collection agencies need not call on City offices in making collections.

When garnishment or wage attachment is required on a City employee, the City shall charge an administrative fee which represents the time and materials required to process the same.

10.1.6 Outside Employment

Full-time employees may not carry on concurrently with their municipal service, any private

business or undertaking, attention to which affects the time or quality of their work or which tends to discredit the City government, or which may result in a conflict of interest with their duties with the City.

Outside work or private business or undertaking of full-time employees is permitted only upon recommendation of the Department Director and approval of the City Manager.

10.2 TRANSFER, PROMOTION, DEMOTION, AND REINSTATEMENT

10.2.1 Transfer

After written notice to the City Manager, an employee may be transferred by the Department Director at any time from one position to another position in the same or comparable class. If the transfer involves a change from the jurisdiction of one Department Director to another, both must consent thereto unless the City Manager orders the transfer for purposes of economy or efficiency. No person shall be transferred to a position for which they do not possess the minimum qualifications. Employees who transfer into another department or like classification may be required to serve a new probationary period as a condition of transfer.

10.2.2 Promotion

The City Manager, after consulting with the Department Director concerned, shall determine whether vacancies in the municipal service shall be filled by promotion from within the municipal service, or by open competition, whichever he or she considers to be in the best interest of the service.

10.2.3 Demotion

The City Manager, after consulting with the Department Director concerned, may demote an employee whose ability to perform their required duties falls below standard, or for a disciplinary purpose or due to a re-organization which results in a lesser level of responsibility to be performed by the incumbent. No employee shall be demoted to a position for which he or she does not possess the minimum qualifications. Written notice of the demotion shall be given to the employee two (2) weeks before the effective date of the demotion.

10.2.4 Reinstatement

Upon recommendation of the affected Department Director and the approval of the City Manager, an employee who has resigned with a good record may be reinstated to their former position, if vacant, or to a vacant position in the same or comparable class within one (1) year from the date of their resignation.

10.2.5 Resignation

An employee may resign from municipal service in good standing by giving two (2) weeks written notice to their Department Director. Written notice shall state the effective date and the reasons for leaving. Failure to do so may be cause for denying future employment by

the City. A resignation in good standing does not include resigning in lieu of termination.

The resignation shall be forwarded to Human Relations, with the Department Director's statement as to the employee's performance and other pertinent information concerning the resignation. Letters of resignation are deemed accepted upon verbal or written notice to the employee.

If an employee is absent from their job for any period of time without proper authorization, they may be subject to discipline. If an employee is absent from their job without proper authorization for more than five (5) consecutive working days, or if an employee fails to return from an approved leave, the employee's absence will be deemed an "automatic resignation."

10.3 DESKS, LOCKERS, STORAGE, AND OTHER PERSONAL INSPECTIONS

Unless otherwise prohibited by federal, state, local law or MOU/Schedule of Benefits, the City reserves the right to open and enter, upon reasonable suspicion and with or without the employee's permission any office, desk, locker, file cabinet, or other storage location on the City premises or work sites (including the City parking areas) and to inspect vehicles or any containers brought into the workplace or work site.

Although an employee may be assigned an office, desk, vehicle, locker, file cabinet, or other storage area or device by the City, such assignment shall not create an expectation of privacy in the use of such items or areas. These items remain the property of the City and may be searched at any time

10.4 MEDIA CONTACT POLICY

The City Manager or their designee is the designated point of contact for the City for all media contact, as the City Manager is the official spokesperson for the City. Any contact by the media to an employee of the City regarding the City shall be immediately reported to the City Manager. Unless approved by the City Manager, no employee shall issue a statement or communicate with the media on behalf of the City.

10.5 PHONE POLICY

The personal use of City phones should be limited to break and lunch times unless it is an emergency. Long distance use of the City landline for personal use is prohibited unless specifically authorized by the employee's supervisor or City Manager.

10.6 ADMINISTRATIVE INVESTIGATIONS

The City has the right to conduct administrative investigations of its employees, observing all applicable legal protections to said employees. The existence of an investigative policy established within a department of the City does not reduce the City's right to conduct its own investigation of possible misconduct.

10.7 TRAINING OF EMPLOYEES

10.7.1 Responsibility For Training

The City Manager, upon consulting the Department Director concerned, shall be responsible for the training programs for employees. Upon budget approval by the City Council and prior written authorization by the Department Director that a particular course of study is beneficial to his department, an employee shall be reimbursed his tuition charges upon satisfactory completion of a course.

Successful completion of special training courses may be considered in making advancements and promotions. Evidence of such activity shall be filed by the employee with the Department Director, who shall transmit such information to the City Manager.

10.7.2 Authorization For Training And Conferences

Authorization may be granted by the Department Director and the City Manager for employees to attend professional conferences and meetings, or to participate in some form of activity or training, in the interest of the City.

Reimbursement of expenses incurred shall be made in accordance with the established financial procedures of the City within limits prescribed by the City Council.

10.7.3 Personnel Records

The City Manager shall maintain a file for each employee. This file shall contain a copy of every personnel transaction affecting the status of said employee. Personnel files of individual employees are confidential information and shall be used or exhibited only for administrative purposes or in connection with official proceedings before the City Council. However, any employee may examine his own file at any reasonable time. No information of any kind shall be placed in the individual employee personnel file without simultaneous notification of its complete content to the employee concerned.

10.8 LACTATION BREAK POLICY

10.8.1 Lactation Break

The City accommodates lactating employees by providing a reasonable amount of break time to any employee who desires to express breast milk for the employee’s child, subject to exception allowed under applicable law. If possible, the break time for expressing breast milk shall run concurrently with any break time already provided to the employee. Any break time provided to express breast milk that does not run concurrently with break time already provided to the employee shall be unpaid pursuant to Labor Code section 1030.

10.8.2 Lactation Break Location

The City will provide employees who need a lactation accommodation with the use of a vacant room or other private location that is located close to the employee's work area. Employees with private offices should use their offices to express breast milk. The location will meet the following requirements:

- Be safe, clean, and free of toxic or hazardous materials;
- Contain a surface to place a breast pump and other personal items;
- Contain seating; and
- Have access to electricity or alternative devices (including, but not limited to extension cords or charging stations) needed to operate an electric or battery-powered breast pump.

If the City is unable to provide employee with a permanent lactation location because of operational, financial or space limitations, the City will provide a location based on the following requirements:

- It will not be a bathroom;
- It will be in close proximity to the employee's work area;
- It will be in private, shielded from view, and free from intrusion while the employee expresses milk;
- It will otherwise meet the requirements of California state law concerning lactation accommodation.

The City will also provide the lactating employee access to a sink with running water and a refrigerator suitable for storing breast milk close to the employee's workspace. If a refrigerator cannot be provided, the City shall provide another cooling device such as an employer-provided cooler.

10.8.3 Requesting Lactation Accommodation

Employees who desire a lactation accommodation should contact their supervisor or Human Relations Director in writing to request such accommodation. The employee's supervisor or the Human Relations Director must respond to the employee's accommodation request in writing indicating the approval or denial of the break request. Employees have a right to file a complaint with the labor commissioner for any violation of rights provided under Chapter 3.8 of the California Labor Code regarding lactation accommodations.

APPENDIX A

Discrimination or Harassment Complaint Form

HARASSMENT AND DISCRIMINATION COMPLAINT FORM

Date Received: _____

EMPLOYEE NAME (Complainant) _____
Please type or print

1. List Employee(s) alleged to have exhibited harassing and/or discriminatory behavior.

_____

_____

2. Describe incident(s), which support your complaint. Include location, dates, times and witnesses to the incident(s). (Attach additional pages if necessary).

_____

_____

_____

_____

3. In your own words describe why you feel these incidents represent harassment and/or discrimination as described in the City Policy Against Harassment and Discrimination.

_____

_____

_____

_____

_____ _____
Complainant Signature Date