

**CITY OF DUARTE
PERSONNEL RULES AND REGULATIONS
TABLE OF CONTENTS**

Introduction.....	1
1. Equal Employment Opportunity.....	1
2. Applicability of Rules and Regulations.....	1
3. Authority to Interpret and Delegate.....	1-2
4. Recruitment.....	2-4
A. Announcements	
B. Application Forms	
C. Disqualification	
D. Physical Requirements	
E. Employment Eligibility Verification	
F. Selection	
G. Vacant Positions	
H. Criminal Conduct – Ineligibility for Employment	
5. Nepotism.....	4
6. Examination.....	5-6
A. General Nature	
B. Examinations	
C. Subjects and Methods	
i. Specialty	
ii. Education	
iii. Physical or Medical	
iv. Personal Interview	
D. Conduct of the Examination	
E. Scoring Examinations and Qualifying Scores	
7. Appointments.....	6-7
A. Appointments	
B. Temporary and Interim Appointments	
C. Emergency Appointments	
D. Salary Upon Appointment to a Position in an Acting Capacity	
8. Reports and Records.....	7
9. Position Classification.....	8-9
A. Classification	

	B.	Salary Range	
	C.	Job Description	
	D.	Work Status	
		i.	Full-time
		ii.	Regular part-time (three-quarter and half-time)
		iii.	Hourly
	E.	New Positions	
	F.	Reclassification	
10.		Employee Training.....	9
11.		Vacancies	9
12.		Promotions.....	9
13.		Transfers.....	9
14.		Expense Reimbursement	9-14
	A.	Eligible Expenses	
	B.	Unreimbursable Expenses	
	C.	Review and Approval Authority	
	D.	Advances	
	E.	Meals and business meetings	
	F.	Travel	
		i.	Airfare
		ii.	Automobile
		iii.	Car Rental
		iv.	Taxis/Shuttles
		v.	Lodging
		vi.	Conferences/meetings
		vii.	Other Lodging
		viii.	Internet
		ix.	Other
		x.	All expenses
	G.	Local Mileage	
	H.	Telecommunications Expenses	
	I.	Other	
	J.	Filing Expense Reports	
15.		Compensation System.....	14-15
	A.	Salary Steps	
	B.	Compensation	
	C.	Performance Review	
	D.	Merit Salary Increase	
	E.	Time Sheets	

16.	Probation	15
	A. Objective of Probation	
	B. Definition of Probation	
	C. Probation Extension	
	D. Probationary Period	
	E. Rejection from Promotional Probation	
17.	Employee Discipline	15-23
	A. Basis for Discipline	
	B. Types of Discipline	
	i. Dismissal	
	ii. Demotion	
	iii. Reduction in Step	
	iv. Suspension	
	v. Written Reprimand	
	C. Procedure for Discipline	
	i. Disciplinary Action	
	ii. Employee's Response	
	iii. Final Response	
	iv. Appeals of Disciplinary Action	
18.	Grievances.....	23-25
	A. Definition	
	B. Procedure	
19.	Substance Abuse Policy	25-30
	A. Policy	
	B. City Responsibilities	
	C. Employee Responsibilities	
	D. Definitions	
	i. Reasonable Suspicion	
	ii. Illegal Drugs	
	iii. Legal Drugs	
	iv. Under the Influence	
	E. Testing	
	F. Testing Procedure	
	G. Pre-employment Drug Testing	
	H. Confidentiality	
	I. Exceptions	
20.	Workers Compensation	30
	A. Notification of Injury or Illness	
	B. Compensation	
	C. Reporting Absences	
	D. Safety	

21.	Attendance.....	30-32
	A. Tardiness	
	B. Lunch Break	
	C. Work Breaks	
	D. General Absences	
	E. Unauthorized Absences	
	F. Outside Employment	
	G. Political Activities	
	H. Emergency Staffing	
	I. Contract to City	
22.	Leaves	32-35
	A. Leaves of Absence	
	i. Written Request	
	ii. Compensation in Leave without Pay Status	
	iii. Extensions	
	iv. Return to Work	
	v. Satisfactory Services	
	B. Military Leave of Absence	
	C. Jury Duty	
	D. Family and Medical Care Leave	
	i. Reasons for Leave	
	ii. Employees Eligible for Leave	
	iii. Employee Benefits While on Leave	
	iv. Use of Paid Accrued Leaves	
	v. Medical Certification	
	vi. Employee Notice of Leave	
	vii. Reinstatement	
	E. Subpoenaed Absence	
23.	Reinstatement.....	36
24.	Code of Ethics	36-39
	A. Policy	
	B. Responsibilities of Public Office	
	C. Dedicated Service	
	D. Fair and Equal Treatment	
	i. Interest in Appointments	
	ii. Use of Public Property	
	iii. Obligations to Citizens	
	E. Conflict of Interest	
	i. Incompatible Employment	
	ii. Disclosure of Confidential Information	
	iii. Gifts and Favors	
	iv. Representing Private Interests Before City Agencies or Courts	
	v. Contracts with the City of Duarte	

	vi.	Disclosure of Interest in Matters	
	F.	Political Activity	
	G.	Compliance with State Law	
	H.	Applicability of Code	
	I.	Sanctions	
25.		Policy Against Discrimination and Harassment	39-47
	A.	Purpose	
	B.	Policy	
	C.	Prohibited Conduct	
		i. Discrimination	
		ii. Harassment	
		iii. Sexual Harassment	
		a) Verbal Harassment	
		b) Physical Harassment	
		c) Visual Forms of Harassment	
		d) Sexual Conduct	
		e) Retaliation	
	D.	Reporting Discrimination of Harassment	
	E.	Anonymous Complaints	
	F.	The City's Response to Complaints of Discrimination or Harassment	
		i. Supervisor's Role	
		ii. Investigation Process	
	G.	Disciplinary Action	
	H.	Legal Remedy	
	I.	Responsibilities	
26.		Separation from Service	47
	A.	Layoffs	
	B.	Resignation	
27.		Use of City Equipment or Supplies	47-53
	A.	Notification of Hazard, Defect, or Accident	
	B.	Abuse of Supplies or Equipment	
	C.	Authorized Use	
	D.	Use of City Supplies or Equipment	
	E.	Use by Non-Employees	
	F.	Use of City Telephones	
		i. Telephone Calls	
		ii. Cellular Telephone Calls	
	G.	Computer Software and Hardware Policy	
		i. Policy	
		ii. Acceptable Software for City Use	
		iii. Other Software	
		iv. Ownership and Privacy	
		v. License Responsibilities	

- vi. Audits
 - vii. Penalties Imposed by Law
 - H. Use of Internet and City Email
 - i. Purpose
 - ii. Privacy
 - iii. Acceptable Uses
 - iv. Unacceptable Uses
 - v. Copyrighted Material
 - vi. Public Domain Material
 - vii. Internet E-mail and Text/Instant Messaging
 - viii. Public Records
 - ix. Regulation and Enforcement
 - x. Consent Form
 - xi. Liability
 - I. Electronic Mail Policy
 - i. General
 - ii. Privacy
 - iii. Uses that are Acceptable
 - iv. Uses that are Unacceptable

28. Use of Private Equipment and Supplies 53

29. Use of Private Automobiles 54

- A. Insurance Required
- B. Assumption of Liability
- C. Misuse of Private Automobiles

30. Pull Notice Program..... 54

31. Personal Business on City Time..... 54

32. Housekeeping..... 54

33. Dress and Grooming..... 54-55

34. Smoking..... 55

35. General Provisions 55

- A. Violation of Rules
- B. Amendment and Revision of Rules

City of Duarte Personnel Rules and Regulations

Introduction

These rules, regulations, and procedures set forth basic guidelines for the management and administration of personnel employed by the City of Duarte (the "City"). Other pertinent documents include current memoranda of understanding ("MOUs") with employee bargaining units, compensation resolutions, and any Department rules, regulations, and procedures. Copies of such documents are available from the City's Human Resources Office.

Section 1. Equal Employment Opportunity

Equal employment opportunity shall be accorded to all persons regardless of their race, color, national origin, religion, sex, age, disability, medical condition, sexual orientation, marital status, or political opinions and affiliations. All persons shall receive equal treatment in matters affecting recruitment, hiring, promotion, discipline, compensation, assignments, benefits, training, layoff, and recall practices and any other matters affecting employment.

The City has established a program with a goal of equality of opportunity in all personnel actions. Special recruitment efforts among minorities, women, and disadvantaged individuals do not conflict with the performance system and assure equality of opportunity in employment with the City.

Section 2. Applicability of Rules and Regulations

The provisions of these rules and regulations will apply to all offices, positions, and employments in the service of the City, except for the following: elected officers; members of appointed boards, commissions, or committees; the City Manager; the City Attorney and any assistants or deputies to the City Attorney; persons engaged under contract to supply expert, professional, or technical services for a definite period of time; volunteer personnel who receive no regular compensation from the City; and emergency employees who are hired to meet the immediate requirements of an emergency condition. These positions shall serve at the pleasure of the appointing authority.

Section 3. Authority to Interpret and Delegate

The City Manager is authorized to issue written guidelines to implement and enforce these rules and regulations, and to make adjustments to avoid or eliminate inequities resulting from its application. Such guidelines shall have the City's best interests as their paramount concern, and shall be consistent with applicable state and federal guidelines. The City Manager may delegate any of the powers and duties conferred

upon him/her as the Personnel Officer to any other officer or employee of the City or may recommend that such powers and duties shall be performed under contract.

Section 4. Recruitment

- A. Announcements. All examinations for openings in the City's service will be published by posting announcements in City Hall and in such places as the Human Resources Manager deems advisable. The announcements will specify the title and pay range of the class for which the examination is announced; the nature of the work to be performed; the objectives the positions are expected to accomplish; qualifications desirable for the performance of the work of the class; the dates, times, place, and manner of making application; the closing date for receiving applications; the minimum requirements for the position; and other pertinent information. Additional recruitment methods may be utilized as necessary to ensure that the employment needs of the City are met.

- B. Application Forms. Applications will be made on forms provided by the Human Resources Manager. Such forms will require information covering the training, experience, and other pertinent information.

- C. Disqualification. The Human Resources Manager may reject any application indicating that the applicant does not possess the minimum qualifications for the position or is not properly completed. Applications will also be rejected if the applicant is physically unable to perform the position's duties for which he/she seeks appointment; has been convicted of a crime which would impede his/her ability to perform the job for which he/she is applying; is not legally permitted to work within the United States; is addicted to the habitual use of controlled substances; has made any false statements of any material fact; has practiced, or attempted to practice, any deception or fraud in his/her application; has not signed his/her application under penalty of perjury; has not applied for the position in a timely manner; or other reasons which would indicate that the applicant is unfit for the position. All applications will become the property of the City.

- D. Physical Requirements. The City requires that all appointees be in such physical and mental condition to perform the essential duties of their jobs and may require medical and/or psychological evaluation prior to reporting to work. No person shall be appointed to any position for which he/she cannot physically or mentally perform the essential duties of the job adequately or without hazard to the employee or others.

The Americans with Disabilities Act ("ADA") requires accommodations for those individuals protected under the ADA. Because these accommodations must be determined on an individual, case-by-case basis, the provisions of these rules may be disregarded in order for the City to avoid discrimination relative to hiring,

promotion, granting permanency, transfer, layoff, reassignment, termination, rehire, rates of pay, job classification, seniority, leaves, fringe benefits, training opportunities, hours of work or other terms and conditions of employment.

The City has the legal obligation to meet with the individual employee to be accommodated before any adjustment is made in working conditions. Any accommodation provided to an individual protected by the ADA shall not establish a past practice, nor shall it be cited or used as evidence of a past practice in the grievance/arbitration procedure.

Within the limitations indicated, the City's policy shall be to make such efforts as are consistent with the provisions of these rules and regulations to place persons covered by the ADA in such positions as are available in the City service where their disabilities will not materially affect their performance of duties.

- E. Employment Eligibility Verification. In compliance with regulations of the United States Department of Justice and the Immigration and Naturalization Service, the City requires that each person hired by the City complete Section I of the Employment Eligibility Verification Form I-9 to verify that the person is eligible for employment in the United States.
- F. Selection. The final selection of the successful applicant will be made by the City Manager.
- G. Vacant Positions. Current employees may participate in recruitments for any vacant or newly created City position.
- H. Criminal Conduct - Ineligibility for Employment. Conviction, including pleas of nolo contendere, of a felony or misdemeanor may result in disqualification of an applicant for employment. The appointing authority, however, may disregard the conviction if mitigating circumstances exist. In making the determination, the appointing authority will consider the following factors: the classification, including sensitivity, to which the person is applying, and whether the classification is unrelated to the conviction; the nature and seriousness of the offense; the circumstances surrounding the conviction; the length of time elapsed since the conviction; the age of the person at the time of conviction; the presence or absence of rehabilitation; and contributing social or environmental conditions
- I. As part of the review of an application, the City Manager, or his/her designee, is empowered to obtain summary criminal history information and local summary criminal history information, as defined in Sections 11105 and 13300 of the California Penal Code, for the sole purpose of determining whether or not an applicant has been convicted of a crime which would impede his/her ability to perform the job for which he/she is applying.

Only the City Manager, appropriate department heads, the City Attorney, and the Human Resources Manager are authorized to have access to the "State Summary Criminal History Information" as provided for in Section 11105 of the Penal Code of the State of California.

Section 5. Nepotism

An applicant may not be denied the right to file an application and to compete in the examination process. However, after examination, if the applicant is successful, the following provisions shall apply.

- A. No applicant will be selected for, trained for, or retained in any position involving the direct or indirect supervision of or by any relative. For the purposes of this subsection, "relative" means a parent, spouse, child, sibling, first cousin, aunt/uncle, nephew/niece, grandparent, or grandchild. All relationships qualify, whether biological, step, adopted, in-law, legal (e.g. legal guardian or dependent), or other parallel relationship; marital relationships should be understood to include domestic partnerships.
- B. Persons related to either the City Manager or Assistant City Manager, pursuant to the definitions established in Section A (above), will not be eligible for employment in any department with the City of Duarte.
- C. Persons related to any City department head, as a parent, spouse, child, or sibling (whether biological, step, adopted, in-law, legal [e.g. legal guardian or dependent], or other parallel relationship; marital relationships should be understood to include domestic partnerships), will not be eligible for employment in any department with the City.
- D. When two employees of the City become married (or enter into a domestic partnership) and create a situation in which they perform joint duties, share responsibility or authority, report to the same immediate supervisor, or supervise each other, then every attempt will be made to offer a transfer to another department. In the event a transfer to another department is not accepted and/or unavailable, the employees shall make the decision as to which one shall resign. In the event that neither employee resigns, the least senior employee shall be terminated.
- E. Persons may not concurrently serve as a City employee and an elected official or appointed commissioner.

Section 6. Examination

- A. General Nature. The selection techniques used in the examination process will be impartial and of a practical nature and will relate to those subjects that, in the opinion of the Human Resources Manager, with the advice of the appropriate department head, fairly measure the relative capacities of the persons examined to perform the duties and responsibilities of the position to which they have applied.
- B. Examinations. Examinations will be competitive and consist of such recognized personnel selection techniques as achievement tests, aptitude tests, performance tests, physical agility tests, evaluation of skills and background through personal interviews, evaluation of daily work performance, work samples, or any combination thereof.
- C. Subjects and Methods. Examinations may be formal, informal, written, oral, practical demonstrations, or any combination thereof, or any other form which will test fairly the qualification of applicants and may consist of one or more of the following parts:
- i. Specialty. This part will constitute that portion of the examination dealing with the duties of the position, and must be designed to test the ability of an individual to perform said duties and objectives.
 - ii. Education. This part may consist of spelling, composition, civics, City information, or any or all of these, as well as other subjects to test the basic training necessary for performing the duties of the position and advancement in the service. Verification of educational background may be requested by providing copies of degrees, transcripts and or certifications prior to appointment of the position.
 - iii. Physical or Medical. A physical, medical, and/or psychiatric examination may be required of any applicant.
 - iv. Personal Interview. The applicant may be questioned as to the duties of the position, training, experience, nature of work performed, and other reasonable questions to determine fitness for the position. Personality and professionalism may be counted as factors in an examination.
- D. Conduct of the Examination. The Human Resources Manager, or his/her designee, will be responsible for the coordination and/or administration of examinations.
- E. Scoring Examinations and Qualifying Scores. In all examinations, further consideration will be based on all factors in the examination including educational

requirements, experience, and other qualifying elements as shown in the application of the candidate, or other verified information.

Section 7. Appointments

- A. Appointments. After interview and investigation, the City Manager shall make appointments from among those qualified and will immediately notify the Human Resources Manager of the person or persons appointed. The Human Resources Manager, or his/her designee, will thereupon notify the person appointed, and if the applicant accepts the appointment and presents him/herself for duty within such period of time, as the appointing power will prescribe, he/she will be deemed to have been appointed; otherwise, he/she will be deemed to have declined the appointment.

- B. Temporary and Interim Appointments. A temporary appointment of a person meeting the minimum qualifications for the position may be made by the City Manager, or his/her designee. No credit will be allowed for time of service, for meeting any qualifications, or in the giving of any test, or the establishment of any employment or promotional lists for service rendered under a temporary appointment.

- C. Emergency Appointments. To meet the immediate requirements of an emergency condition, the City Manager, or any persons so designated by the City Manager, may employ such persons as may be needed for the duration of the emergency without regard to the personnel regulations or rules affecting appointments. As soon as possible, such employment will be reported to the Human Resources Manager. Emergencies are defined as fire, flood, earthquake, or other public calamity, which threatens life or property.

- D. Salary Upon Appointment to a Position in an Acting Capacity. Whenever the needs of the City require an employee to temporarily perform the duties of a higher classification than that in which the employee is currently employed for a period of more than twelve (12) consecutive working days, the employee shall receive the salary rate of the higher class in which he/she is performing the required duties. In such cases, the employee shall be paid at an appropriate step of the salary schedule of the higher classification which will assure an increase of not less than 5% greater than the salary of his/her current position, but in no case shall such salary exceed the top salary step of the higher classification. The higher salary rate payable shall commence on the thirteenth working day following the temporary reassignment to the performance of duties of the higher classification. The requirement for the performance of duties of the higher classification shall be placed in writing by the City Manager, or his/her designee, following recommendation by the affected department head. No employee shall be required to perform any of the duties of a higher classification unless that employee is deemed to possess the minimum qualification of the

higher classification by the City Manager, or his/her designee, as recommended by the affected department head.

The employee assigned to perform the duties of a higher classification shall not serve for more than ninety (90) working days in a higher classification whenever a vacancy exists (or it is apparent that a vacancy will be present) without the announcement by the City Manager, or his/her designee, of an approved examination as otherwise provided in the rules and regulations. In no case shall an employee serve more than six (6) months in a higher classification without successfully passing the examination.

A person appointed in an acting capacity shall be eligible to receive performance increases in his/her permanent position during the acting appointment but shall not be entitled to performance increases in the position which he/she holds in an acting capacity. If successful in being promoted, the period of time of service in the higher classification shall be credited for the promoted employee toward the required period of probation for the higher classification as otherwise required in these rules.

The City Manager, or his/her designee, shall obtain the employee's written consent for the temporary performance of any of the duties of the higher classification beyond a period of twelve (12) working days, prior to an employee assuming or continuing the duties and compensation of a higher classification, which consent shall clearly state that it is understood that a reduction of salary shall be effected to his/her original salary rate upon the expiration of the need for the performance of the duties of the higher classification. In no instance shall the salary rate of the higher classification extend beyond the six (6) months period as hereinabove set forth, unless otherwise promoted in accordance with these rules and regulations.

Section 8. Reports and Records (shall not include pre-employment or medical records information)

A personal history folder shall be kept for each employee. Such records shall not be opened to public inspection. The personnel history folders shall be maintained by the Human Resources Manager, and shall contain a record of date of employment, promotions, performance reviews, disciplinary actions and such other information as the City Manager, or his/her designee, shall prescribe. All performance related entries to personnel history folders shall be brought to the attention of the employee. Each employee shall have the right to review the contents of his/her personnel history file from time to time. Said review shall take place in the presence of the Human Resources Manager or his/her designee.

Section 9. Position Classification

- A. Classification. Every person employed by the City will be assigned a job classification.
- B. Salary Range. Each job classification will carry with it a salary range approved by the City Council through a resolution or memorandum of understanding with bargaining units.
- C. Job Description. For each job classification, there will be a written job description containing the supervisory relationship, general nature of duties to be performed, essential examples of duties to be performed, and minimum qualifications required of applicants for the position.
- D. Work Status. There are three levels of work status: full-time, regular part-time, and hourly. They are defined as follows:
 - i. Full-time. Employees who regularly work 40 hours per week or more are considered full-time employees.
 - ii. Regular part-time. Employees, who work an average of at least 20 hours per week, or more than 1,000 hours per year, but less than an average of 40 hours per week, are considered regular part-time employees. *Three-quarter time employees* are those who work an average of 30-39 hours per week. *Half-time employees* are those who work an average of 20-29 hours per week.
 - iii. Hourly. Employees, who work an average of less than 20 hours per week, or fewer than 1,000 hours per year, are considered hourly employees. Hourly employees are hired by, and serve at the will of, the City Manager. They may be terminated from employment at any time, without cause.
- E. New Positions. Requests for new positions will be submitted first to the Human Resources Manager. Each request for a position will include a proposed job title and grade, a statement of purpose, duties and responsibilities, and a detailed justification as to the necessity of the position. The Human Resources Manager will review all requests and make a recommendation to the City Manager, after consultation with the respective department head, on the appropriate title, classification, and pay grade of all new positions.
- F. Reclassification. Requests for reclassification must be submitted to the Human Resources Manager through the budget process or in written form. A reclassification is a change to a different class within the classification plan or the establishment of a new class on the basis of a substantial change in duties performed in such position. These requests should include the present and

proposed title, grade, and salary, as well as the proposed method of financing, and statement of justification. The Human Resources Manager will review all requests for reclassification and recommend approval or disapproval to the City Manager.

Section 10. Employee Training

Responsibility for developing training programs for employees will be assumed by the City Manager, Human Resources Manager, and department heads. Such training may include lecture courses, demonstrations, assignments of reading matter, etc. These will be made available for the purpose of improving effectiveness and broadening the knowledge of municipal employees in the performance of their respective duties.

Dues and related expenses for individual memberships in organizations are payable and/or reimbursable only when such memberships provide a specific benefit to the City, and with prior approval of the City Manager, or his/her designee.

Section 11. Vacancies

All vacant positions, other than temporary or interim vacancies, will be filled by open recruitment, closed recruitment, re-employment, transfer, demotion, promotion, or lateral transfer, at the discretion of the City Manager.

Section 12. Promotions

Insofar as practical and consistent with the best interests of the City, upon recommendation of the appropriate department head, an existing, well-qualified employee may be considered for promotion by the City Manager.

Employees promoted to a new position will start at the salary step determined appropriate by the City Manager and will serve a six-month probationary period. The date of promotion will become the employee's new anniversary date for performance review and merit salary increase purposes. Employees receiving promotions will be reviewed after six months, one year, and annually thereafter.

Section 13. Transfer

An employee may be transferred by the City Manager at any time from one position to another position within the same or comparable class.

Section 14. Expense Reimbursement

Employees will be reimbursed for qualified expenses incurred while conducting City business. All expenditures must be reasonable, actual, authorized, and necessary for the substantial benefit to the City. Such benefits include: the opportunity to discuss the

community's concerns with government officials; participating in regional, state and national organizations whose activities affect the City; attending educational seminars designed to improve individuals' skills and information levels; and promoting public service at City sponsored events.

A. Eligible Expenses. City funds, equipment, supplies (including letterhead), and staff time must only be used for authorized City business. Expenses incurred in connection with the following types of activities generally constitute authorized expenses, as long as the other requirements of this policy are met:

- i. Communicating with representatives of regional, state and national government on City adopted policy positions;
- ii. Attending educational seminars designed to improve individuals' skill and information levels;
- iii. Participating in regional, state and national organizations whose activities affect the City's interests;
- iv. Attending City events;
- v. Implementing a City-approved strategy for attracting or retaining businesses to the City; and
- vi. All other expenditures require prior approval by the City Manager.

B. Unreimbursable Expenses. Any questions regarding the propriety of a particular type of expense should be resolved by the City Manager before the expense is incurred. Examples of personal expenses that the City will not reimburse include, but are not limited to:

- i. The personal portion of any trip;
- ii. Political or charitable contributions or events;
- iii. Family expenses, including partner's expenses when accompanying individual on agency-related business, as well as children- or pet-related expenses;
- iv. Entertainment expenses, including theater, movies (either in-room or at the theater), sporting events (including gym, massage and/or golf related expenses), or other cultural events;
- v. Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline; and
- vi. Personal losses incurred while on City business.

C. Review and Approval Authority. The City Manager or his/her designee is responsible for the specific review of all advance and expense reimbursement requests to assure adherence to this Policy. As a result, all expense reimbursement forms must first be submitted to the employee's department head or his/her designee for review. After review, statements will be submitted to the City Manager or his/her designee for final approval.

- D. Advances. Individuals attending meetings or traveling on official City business may request the advance of funds for conference registration, meals, lodging, travel expenses, and other reimbursable expenses. Requests for advances must be received in writing by the City Manager a minimum of seven (7) working days prior to the date needed. The City Manager may waive the time constraint if deemed necessary. The request for the advance should be submitted in writing on an Advance Expense Request form and include the following information: the purpose of the expenditure(s); the benefits of such expenditure to the residents of City; the anticipated amount of the expenditure(s) (for example, hotel rates, meal costs, and transportation expenses); and the dates of the expenditure(s).

An expense report and receipts documenting how the advance was used in compliance with this policy, along with any unused advance, must be returned to the City within thirty (30) days of the individual's return. Inability to provide such documentation within 30 days of an expense being incurred or return from travel will result in the expense being borne by the individual.

- E. Meals and Business Meetings. Reimbursable meals or business meeting expenses must be incurred under conditions conducive to, and during, substantially City-related discussion. Whenever meals are hosted for an event or conference, or otherwise made available, no other individual meal expenses are reimbursable. Meals merely incidental to activities occurring in or about the City are not reimbursable.

Meal reimbursement shall be based on the actual charge established for each meal by the particular meeting or conference. If no set amount is established, reimbursement shall be made for reasonable expenses, and itemized receipts are required. The maximum allowable meal and beverage reimbursement is \$12.00 per person for breakfast, \$18.00 per person for lunch, and \$35.00 per person for dinner (\$65 daily total). The City will not pay for alcohol expenses.

- F. Travel. The City will reimburse individuals for all reasonable, actual, and necessary expenses while traveling on approved City business pursuant to the specific criteria below. In general, the most economical mode and class of transportation reasonably consistent with scheduling needs and cargo space requirements must be used, using the most direct and time-efficient route.

- i. Airfare. Airfares that are equal or less than those available through the Enhanced Local Government Airfare Program offered through the League of California Cities (www.cacities.org), the California State Association of Counties (www.csac.counties.org) and the State of California are presumed to be the most economical and reasonable for purposes of reimbursement under this policy.

- ii. Automobile. When two or more persons attend the same function and utilize their personal automobile(s), they are expected, whenever practicable, to pool transportation. Automobile mileage is reimbursed at Internal Revenue Service rates presently in effect (see www.irs.gov) or allowable airfare, whichever is less. These rates are designed to compensate the driver for gasoline, insurance, maintenance, and other expenses associated with operating the vehicle. This amount does not include bridge and road tolls, which are also reimbursable with receipts. Please note that mileage reimbursement does not apply to car rentals.
- iii. Car Rental. Rental rates that are equal or less than those available through the State of California's website (www.catravelmart.com) shall be considered the most economical and reasonable for purposes of reimbursement under this policy. Mileage reimbursement rates will not be paid for rental vehicles; only the cost of car rental and any receipted fuel expenses.
- iv. Taxis/Shuttles. Taxi or shuttle fares may be reimbursed, including a 15% gratuity per fare, when the cost of such fares is equal or less than the cost of car rentals, gasoline and parking combined, or when such transportation is necessary for time-efficiency.
- v. Lodging. The reasonable cost of accommodations incurred on an approved trip is reimbursable. If the event is fifty (50) miles or less from the City, no overnight accommodations will be allowed without prior City Manager approval.
- vi. Conferences/Meetings. If such lodging is in connection with a conference, lodging expenses must not exceed the group rate published by the conference sponsor for the meeting in question if such rates are available at the time of booking. If the group rate is not available, see next section.
- vii. Other Lodging. Travelers must request government rates, when available. A listing of hotels offering government rates in different areas is available at <http://www.catravelmart.com/lodguideframes.htm>. Lodging rates that are equal or less to government rates are presumed to be reasonable and hence reimbursable for purposes of this policy. In the event that government rates are not available at a given time or in a given area, lodging rates that do not exceed \$250 per night are presumed reasonable and hence reimbursable.
- viii. Internet. Individuals will be reimbursed for Internet access connection and/or usage fees away from home, not to exceed \$15.00 per day, if Internet access is necessary for City-related business.

- ix. Other. Baggage handling fees up to the industry standard cost per bag and gratuities of up to 15 percent will be reimbursed. Expenses which qualify to receive reimbursement from another agency are not reimbursable.
 - x. All Expenses – Must be itemized, explained fully, and supported with receipts for amounts in excess of ten dollars (\$10.00). Amounts of less than ten dollars can be submitted without a receipt, but with a written explanation.
- F. Local Mileage. Automobile mileage is reimbursed at Internal Revenue Service rates presently in effect (see www.irs.gov) or allowable airfare, whichever is less. These rates are adjusted by the IRS on a regular basis and are designed to compensate the driver for gasoline, insurance, maintenance, and other expenses associated with operating the vehicle. A clear description of mileage incurred on City business must be submitted for reimbursement.
- G. Telecommunications Expenses. City staff (with department head approval) will be reimbursed for actual telephone and fax expenses incurred on City business. Telephone bills should identify which calls were made on City business. For cellular calls the bills should identify which calls were made on City business. If the cellular calls are within the minutes of the individual's plan, the individual can identify the percentage of calls made on City business and apply this percentage to the cellular bill.
- H. Other. All other expenses must be itemized and explained as to the cost/benefit relationship to the specific events, functions, or meetings. Reimbursement of overnight travel expenses for spouses/guests is not authorized under any circumstances. Please note that using City funds, cash advances or other lines of credit for expenses not qualified under this policy is strictly prohibited, even when those funds are reimbursed. For example, City funds are not to be used for the advance payment of airline tickets for a spouse even when later reimbursed to the City.
- I. Filing Expense Reports. All cash advance expenditures and expense reimbursement requests must be submitted on an expense report form provided by the City. This form shall include the following advisory: *All expenses reported on this form must comply with the City's policies relating to expenses and use of public resources. The information submitted on this form is a public record. Penalties for misusing public resources and violating the City's policies include loss of reimbursement privileges, restitution, civil and criminal penalties as well as additional income tax liability.*

City Expense Report forms, required to support any requests for cash advance expenditures or expense reimbursements, shall be submitted by the individuals

within 30 days of an expense being incurred or return from travel (whichever is later), accompanied by receipts documenting each expense. Only those expenses approved by the City Manager shall be included in the next warrant register for payment.

All supporting receipts must be documented to identify the amount, place, purpose, participants, and benefit to the City and must be attached to the Expense Report. Absent a receipt, a complete explanation must be attached to the Expense Report of such undocumented expenses. Inability to provide such documentation or to submit a Expense Report within 30 days of an expense being incurred or return from travel will result in the expense being borne by the individual.

A complete reconciliation of any prepaid and advanced funds must be provided, together with a repayment to the City of any unused advance funds. Before a cash advance is allowed, any previous cash advance must be accounted for, either with cash or receipts totaling said cash advance.

Section 15. Compensation System

- A. Salary Steps. Each salary range will be divided into seven steps.
- B. Compensation. Successful applicants for employment will start at the beginning of the salary range, unless a higher salary within the approved range is authorized by the City Manager. Only employees who begin their employment at the beginning of the salary range will be eligible for a salary review at their six-month review.
- C. Performance Review. Each full-time and regular part-time employee will receive performance reviews at least annually, or more frequently, as prescribed by the City Manager or department heads.
- D. Merit Salary Increase. A merit increase will be granted if an employee has made satisfactory progress in performance since his or her previous review. This progress is based on the department head's assessment, with final approval by the City Manager.

Merit increases for full-time and regular part-time employees who begin their employment at Step A will be as follows:

Step B	After six months continuous service in Step A
Step C	After six months continuous service in Step B
Step D	After 1 year continuous service in Step C
Step E	After 1 year continuous service in Step D
Step F	After 1 year continuous service in Step E
Step G	After 1 year continuous service in Step F

Full-time and regular part-time employees who begin their employment higher than Step A will be eligible for their first salary review at one year of continuous service.

- E. Time Sheets. Time sheets must be turned in to the Human Resources Office according to a schedule established by the City Manager, or his/her designee. Those turned in late may not be processed until the following pay period.

Section 16. Probation

- A. Objective of Probation. A probationary period shall be utilized to closely observe a new employee's work; for securing the most effective adjustment of a new employee to their position; and for rejecting new employees when their performance does not meet the required standards of work. Only full-time and regular part-time employees shall serve probationary periods, and all newly hired employees will serve a minimum one-year probationary period. Employees promoted from a full-time or regular part-time position into a higher level full-time or regular part-time position shall serve a six-month promotional probationary period.
- B. Definition of Probation. When initially hired into a full-time or regular part-time position, every person hired by the City shall be considered probationary until either granted regular status by the City Manager, upon recommendation of the department head, or by default at the conclusion of one year.
- C. Probation Extension. An employee's probationary period may be extended by a maximum of six months past the end of the initial probationary period by the City Manager.
- D. Probationary Period. Probationary employees do not have property or vested rights to their position with the City. During the probationary period, an employee may be rejected at any time by the City Manager without cause and without the right of appeal. Notification of rejection in writing shall be served on the probationer and a copy shall be filed with the Human Resources Office.
- E. Rejection from Promotional Probation. Any employee rejected during the probationary period following a promotional appointment shall be reinstated to the position from which he/she was promoted unless charges are filed and he/she is discharged in the manner provided in these rules for positions in the competitive service.

Section 17. Employee Discipline

- A. Basis for Discipline. The tenure of employees covered by these rules, excluding at-will employees, will be based on reasonable standards of personal conduct

and job performance. Failure to meet such standards will be grounds for appropriate disciplinary action, which will be commensurate with the seriousness of the offense and with due consideration to the employee's performance record. Disciplinary action may be based upon any sufficient cause including, but not limited to, the following:

- i. Fraud in securing employment or making a materially false statement on an application for employment or on any supporting documents furnished with or made a part of any application.
- ii. Dishonesty, related in any way to employment matters.
- iii. Incompetence, such as failure to comply with the minimum standards for an employee's position for a significant period of time.
- iv. Neglect of duty such as failure to perform the duties required of an employee's position.
- v. Willful disobedience and insubordination, such as a willful failure to submit to duly appointed and acting supervision or to conform to duly established orders or directions of persons in a supervisory position.
- vi. Any violation of the City's Alcohol & Drug Abuse Policy.
- vii. Absence from the job during working hours without permission from the employee's supervisor or department head.
- viii. Violations of rules, regulations, or orders established by the employee's supervisor or department head.
- ix. Conviction of a misdemeanor or felony.
- x. Discourtesy to the public or fellow employees.
- xi. Misuse or abuse of City property or equipment.
- xii. Substandard job performance.
- xiii. Discrimination and/or harassment of employees or applicants based on race, religion, creed, color, national origin, ancestry, physical or mental disability, medical condition, pregnancy, veteran status, sexual orientation, marital status, sex or age over 40 years.
- xiv. Willful failure or refusal to properly perform assigned duties.

- xv. Carelessness in the performance of assigned duties.
- xvi. Having one's privilege to operate a motor vehicle on the public highway in the State of California suspended or revoked by the Department of Motor Vehicles.
- xvii. Inattention to duty, indolence, carelessness or negligence in the care and handling of City property.
- xviii. Abuse of sick leave, repeated tardiness, or excessive absenteeism of any kind.
- xix. Acceptance from any source of any emolument, reward, gift or other form of remuneration in addition to the employee's regular compensation, as a personal benefit to the employee for actions performed in the normal course of the employee's assigned duties.
- xx. Refusal or failure to report to work in an emergency.
- xxi. Falsification of any City report or record, or of any report or record required to be filed by the employee.
- xxii. Political activities precluded by State or Federal law.
- xxiii. Use of City tools or equipment for private, personal, unauthorized, or inappropriate purposes.
- xxiv. Other acts which are incompatible with service to the public.

B. Types of Discipline. The following procedures shall be followed when, in the judgment of the department head, an employee has committed an act or omission that justified the disciplinary action indicated. Except for written warnings/reprimands, the department head (or his/her designee), acting in conjunction with the Human Resources Manager, shall advise employees of contemplated disciplinary actions in writing and allow the employee an opportunity to respond to such charges prior to taking action. The types of disciplinary actions which may be taken, in order of severity, are:

- i. Dismissal. The discharge of an employee from municipal service on the initiative of the City Manager. A department head shall advise the Human Resources Manager, or his/her designee, in writing of his/her intention to dismiss an employee prior to taking such action. In dismissing an employee, the department head shall make a written notice and shall give a copy of said notice of dismissal to the employee and forward a copy to

the Human Resources Manager for review and retention in the employee's personal history file.

- ii. Demotion. Demotion without consent as a disciplinary action shall be a reduction in classification to a lower classification with a corresponding reduction in salary.
- iii. Reduction in Step. Reduction in step is the incremental reduction in pay within the salary range. Reduction in pay will become effective on the first day of the pay period following the effective date of the disciplinary action. Reduction may be made on a permanent or temporary basis.
- iv. Suspension. Any person in City service will be subject to disciplinary suspension without pay.
- v. Written Reprimand. Written reprimands should be prepared in conjunction with the Human Resources Manager and with the knowledge of the City Manager. When a written reprimand is given, the immediate supervisor will give the employee a copy and forward a copy to the Human Resources Manager for retention in the employee's official personnel file. A written reprimand will contain a description of the events which necessitated the action, specific expectations for change by the employee, and notice of further action in the event that a change by the employee does not occur. An employee shall have the right to attach a written rebuttal.

C. Procedure for Discipline.

- i. Disciplinary Action. For disciplinary action more severe than a written reprimand, the department head will advise the employee and the City Manager in writing of his or her intent to take disciplinary action. This advice will appear in the form of a Notice of Intent, and will include the following information:
 - a) The disciplinary action intended.
 - b) The grounds upon which the disciplinary action is based.
 - c) The specific acts or omissions that constitute the basis for the disciplinary action.
 - d) Notice of the employee's right to respond to the charges either in writing, or at a meeting with the department head.

- e) Copies of all materials considered in the Notice of Intent to take disciplinary action.
 - f) The employee's right to review and copy anything contained in his or her personnel file.
 - g) Notice that failure to respond in the time frame specified will constitute a waiver of the right to respond.
- ii. Employee's Response. An employee will be given the opportunity to respond to the Notice of Intent orally, and/or in writing, both, or not respond at all. If the employee chooses to respond orally to the department head, a meeting will be scheduled. At this time, the employee will be given a full opportunity to respond to the Notice of Intent, and will have the right to representation. This is not intended to be an adversarial hearing. The employee need not be accorded the opportunity to cross-examine City witnesses, or to present a formal case in opposition to the proposed discipline; however, the limited nature of this response does not obviate the department head's responsibility to initiate further investigation, if the employee's version of the facts raises doubts as to the accuracy of the department's information. An employee may elect not to respond, thereby waiving any further pre-disciplinary response.
- iii. Final Response. If, after receiving a response to the Notice of Intent, or the expiration of the employee's right to respond, the department head decides to proceed with the disciplinary action, a final notice will be given to the employee containing the following information:
- a) The disciplinary action proposed.
 - b) The grounds upon which the disciplinary action is based.
 - c) The specific acts or omissions that constitute the basis for the disciplinary action.
 - d) Notice of the employee's right to appeal the department head's decision to the City Manager.
 - e) Copies of all materials upon which the disciplinary action is based.
 - f) Notice of the employee's right to review and copy anything contained in his or her personnel file.
 - g) Notice that failure to file an appeal within a specified time frame will constitute a waiver of the right to appeal.

- iv. Appeals of Disciplinary Action. Any regular employee shall have the right to appeal the following disciplinary actions: a suspension without pay in excess of forty (40) hours, reduction in pay, non-probationary demotion, and/or termination. The appeal process shall not be applicable to those positions that may be deemed exempt or to probationary appointments. The appeal process shall not be applicable to any other forms of discipline and/or grievances. An employee desiring to appeal the appointing authority's decision shall have ten (10) calendar days after receipt of the response to file an appeal. The employee's request for appeal must be addressed to the City Manager and received in the City Manager's office so that it is date stamped by the City Manager's office within the 10-day period.

If, within the 10-day appeal period, the employee involved does not file said appeal, unless good cause for the failure is shown, the action of the appointing authority shall be considered conclusive and shall take effect as prescribed. If within the 10-day appeal period, the employee involved files such notice of appeal by giving written notice of appeal to the City Manager, an appeal hearing shall be established as follows:

- a) The California State Mediation and Conciliation Service shall be requested to submit a list of seven (7) persons qualified to act as hearing officers to the City and the employee. Within ten (10) days following receipt of the list of hearing officers, the parties shall meet to select the hearing officer. The parties shall alternately strike one (1) name from the list of hearing officers (the right to strike the first name to be determined by lot) until one (1) name remains, and that person shall be the hearing officer.
- b) Where practicable, the date for a hearing shall not be less than 20 calendar days, or more than 60 calendar days, from the date of the filing of the appeal with the City Manager. The parties may stipulate to a longer or shorter period of time in which to hear the appeal. All interested parties shall be notified in writing of the date, time, and place of hearing.
- c) All hearings shall be private provided, however, that the hearing officer shall, at the request of the employee, open the hearing to the public.
- d) Subpoenas and subpoenas duces tecum pertaining to a hearing shall be issued at the request of either party, not less than 7 calendar days, prior to the commencement of such hearing. After the commencement of such hearing, subpoenas shall be issued only at the discretion of the hearing officer.

- e) The hearing need not be conducted in accordance with technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted, if it is the sort of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rules that might make improper admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions, and irrelevant and unduly repetitious evidence shall be excluded. The hearing officer shall not be bound by technical rules of evidence. The hearing officer shall rule on the admission or exclusion of evidence.

- f) Each party shall have these rights: to be represented by legal counsel or other person of his/her choice; to call and examine witnesses; to introduce evidence; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him/her to testify; and to rebut the evidence against him/her. If the employee does not testify in his/her own behalf, he/she may be called and examined as if under cross-examination. Oral evidence shall be taken only on oath or affirmation. A court reporter will be engaged to record the hearing, unless the parties (City, hearing officer, employee/employee representative) mutually agree that same is not necessary.

- g) The hearing shall proceed in the following order, unless the hearing officer, for special reason, otherwise directs:
 - 1) The party imposing discipline shall be permitted to make an opening statement;
 - 2) The appealing party shall then be permitted to make an opening statement;
 - 3) The party imposing disciplinary action shall produce the evidence on his/her part; the City bears the burden of proof and burden of producing evidence;
 - 4) The party appealing from such disciplinary action may then open his/her defense and offer his/her evidence in support thereof; the employee bears the burden of proof and the burden of producing evidence for any affirmative defenses asserted;

- 5) The parties may then, in order, respectively offer rebutting evidence only, unless the hearing officer for good reason, permits them to offer evidence upon their original case; and
 - 6) Closing arguments shall be permitted and written briefs may be permitted at the discretion of the hearing officer.
- h) The hearing officer shall determine relevancy, weight, and credibility of testimony and evidence. He/she shall base his/her findings on the preponderance of evidence. During the examination of a witness, all other witnesses, except the parties, shall be excluded from the hearing unless the hearing officer, in his/her discretion, for good cause, otherwise directs. No still photographs, moving pictures, or television pictures shall be taken in the hearing chamber during a hearing. The hearing officer, prior to or during a hearing, may grant a continuance for any reason he/she believes to be important to reaching a fair and proper decision. The hearing officer shall render his/her judgment as soon after the conclusion of the hearing as possible and in no event later than 30 days after conducting the hearing. His/her decision shall set forth which charges, if any, are sustained and the reasons therefore. The opinion shall set forth findings of fact and conclusions.
- i) The hearing officer may recommend sustaining or rejecting any or all of the charges filed against the employee. He/she may recommend sustaining, rejecting, or modifying the disciplinary action invoked against the employee. He/she may not recommend for discipline more stringent than that issued by the department head.
- j) The hearing officer's opinion and recommendation shall be filed with the City Manager, with a copy sent to the charged employee, and shall set forth his/her findings and recommendations. In a termination case, if dismissal is not the hearing officer's recommendation, the opinion shall set forth the date the employee is recommended to be reinstated and/or other recommended action. The reinstatement date, if appropriate, may be any time on or after the date of disciplinary action.
- k) Within thirty (30) days of the receipt of the hearing officer's findings and recommendation, and transcript (which is optional only by the mutual consent of the City and the employee), whichever date is later, the City Manager shall adopt, amend, modify or reject the recommended findings, conclusions, and/or opinions of the hearing officer. Prior to making a decision which modifies or rejects the recommendation of the hearing officer, the City Manager shall order

and read the transcript of the Third Party Advisory Process. Prior to making a decision which supports the hearing officer, the City Manager may order and read the transcript at his/her option. The City Manager shall not conduct a de novo hearing. The City Manager may, at his/her option, allow limited oral arguments and/or may request and review written statements from either side. The decision of the City Manager shall be final and conclusive. Copies of the City Manager's decision, including the hearing officer's recommendation(s) shall be filed where appropriate, including the employee's personnel file, unless no discipline is upheld by the City Manager.

- l) Each party shall bear equally the cost of facilities, fees, and expenses of the hearing officer, including the court reporter and transcripts. Each party shall bear its own witness and attorney fees. If either party unilaterally cancels or postpones a scheduled hearing, thereby resulting in a fee charged by the hearing officer or court reporter, then the party responsible for the cancellation or postponement shall be solely responsible for payment of that fee. This process shall not apply to mutual settlements by the parties, which result in an arbitration fee.

- m) In the case of dismissal prescribed by the City Manager, the time of such dismissal shall be effective from the first day after such delivery of said decision or shall relate back to and be effective as of the date the employee was disciplined pending hearing before and decision by the City Manager, whichever is applicable. If discipline imposed resulted in loss of pay, and the decision results in reduction or elimination of loss of pay, the pay loss shall be restored to the employee based on the number of standard work hours lost computed at his/her then base hourly rate.

- n) The provisions of Section 1094.6 of the Code of Civil Procedure shall be applicable to proceedings under this Section.

Section 18. Grievances

- A. **Definition.** A "grievance" is a formal, written allegation by a grievant (full-time or regular part-time employee) that he/she has been adversely affected by an existing violation, misinterpretation or misapplication of the specific provisions of the Memorandum of Understanding and/or provisions of the Personnel Rules and Regulations. Other matters for which a special method of review is provided by law, ordinance, resolution, or by administrative regulations and procedures of the City, are not within the scope of this procedure. This procedure is not to be used in lieu of the Disciplinary and Appeals Procedure set forth in Section 17 of the

Personnel Rules, Regulations, and Procedures, or relevant section of the Memorandum of Understanding.

- B. Procedure. Every effort shall be made to resolve a grievance through discussion between the employee and his/her immediate supervisor. It is the spirit and intent of this procedure that all grievances are settled quickly and fairly without subsequent discrimination against employees who may seek to adjust a grievance. Every effort should be made to find an acceptable solution at the lowest level of supervision.
- i. Within eight (8) workdays after a grievant knew, or by reasonable diligence should have known, of the condition upon which a grievance may be based, the grievant shall attempt to resolve it by an informal conference with the grievant's immediate supervisor.
 - ii. If the problem cannot be resolved between the employee and the supervisor, the employee may, within four (4) workdays from the date of receiving the answer from his/her supervisor, request an interview with the division manager, if one exists, in order to discuss the grievance.
 - iii. If the division manager and employee cannot reach a solution to the grievance, the employee may, within four (4) workdays from the date of receiving the answer from the division manager, request, in writing, an interview with the department head.
 - iv. The division manager and/or department head shall render his/her decision in writing within eight (8) workdays of receiving the appeal. If the department head and employee are unable to arrive at a satisfactory solution, the employee may, within eight (8) workdays from the date of the decision by the department head, submit a written appeal to the City Manager.
 - v. The City Manager shall review the grievance and respond to the employee within twenty (20) workdays of receiving the appeal. The City Manager may request additional time, if necessary. The response shall be in writing and will be considered an expression of management's viewpoint, and shall be the final administrative review.
 - vi. Should the employee or the Union fail to meet the deadlines as listed in this procedure, then the grievance shall be deemed withdrawn by the employee or the Union.
 - vii. The employee may request the assistance of another person of his/her own choosing in preparing and presenting his/her appeal at any level of review. In the event the employee desires the presence of a

representative who is an employee of the City, he/she shall make such request through the supervisor and the supervisor shall make the necessary arrangements for the employee representative to be present.

- viii. The employee and/or his/her representative may use a reasonable amount of work time as determined by the appropriate supervisor or department head in presenting the appeal. However, no employee shall absent himself/herself without first being excused by his/her supervisor.
- ix. No employee shall be required to be represented by an employee organization in processing a grievance.
- x. Employees shall be assured freedom from reprisal for using the grievance procedures by both the City and the employee organization.
- xi. The settlement terms of a grievance which is processed by an employee individually or by an informally recognized employee organization shall not conflict with the express provisions of a Memorandum of Understanding between the City and the formally recognized employee organization for such unit, if any.
- xii. A group grievance may be filed when one (1) set of circumstances or occurrences affects more than one (1) employee in the same manner or to the same extent. The group may file one (1) document, which all members of the group have read and signed. Members of the group shall be limited to those who have signed the grievance. The resolution of a group grievance may not be consistent among all employees in the group grievance due to differences in the circumstances or occurrences that brought about the grievance.

A group grievance affecting all members of an employee organization may be brought by the employee organization itself. In such case the procedure shall be commenced directly at the City Manager level within eight (8) workdays after authorized representatives of the employee organization knew or by reasonable diligence should have known of the condition giving rise to the grievance and shall be subject to all applicable time limitations and the provisions set forth above.

Section 19. Substance Abuse Policy

- A. **Policy.** It is the policy of the City to strictly prohibit the possession, consumption, sale, purchase, distribution, manufacture, or being under the influence of alcohol or drugs on City property, in City buildings, in City vehicles or in personal vehicles being used for City business. This policy applies to all employees. Violation of this policy may be grounds for discipline, up to and including

termination. Both the City and its employees have responsibilities in the implementation of this policy with the goal of eliminating substance abuse in the workplace.

B. City Responsibilities.

- i. It is the City's responsibility to fairly and equitably administer this substance abuse policy without prejudice or discrimination in an effort to maintain a workplace free from the effects of substance abuse.
- ii. It is the City's responsibility to adequately train department heads and supervisors to recognize the attributes, symptoms, and/or characteristics associated with substance abuse.
- iii. The City will provide information to all employees as to the dangers and penalties associated with substance abuse, as well as information regarding counseling services, which are available.
- iv. The City will maintain an Employee Assistance Program (EAP) where employees may voluntarily seek confidential counseling and other rehabilitative services. In addition, the City may consider EAP referral as part of any disciplinary action involving substance abuse.
- v. Confidentiality will be maintained to the highest degree possible in the administration of this substance abuse policy so as to protect the privacy of the individuals involved.
- vi. When there is reasonable suspicion that an employee may have illegal drugs or alcohol in his/her possession, it is the City's responsibility to conduct a search of all City property, such as desks, lockers, file cabinets, etc., as well as personal possessions on City premises, such as briefcases, purses, personal vehicles, etc. Such search will be conducted at the direction of the City Manager or his/her designee in the presence of the involved employee without advance notice.
- vii. The City Manager shall be notified when there is reasonable suspicion to believe that an employee may have illegal drugs in his/her possession or in an area not jointly or fully controlled by the City. Such information may be provided to appropriate law enforcement agencies by the City Manager or his/her designee.

C. Employee Responsibilities.

- i. It is the responsibility of all City employees to cooperate in efforts to protect the life, personal safety, and property of co-workers and fellow

citizens. Employees shall, therefore, take all reasonable steps to abide by and cooperate in the implementation, administration and enforcement of this policy.

- ii. No employee shall possess, consume, sell, purchase, distribute, manufacture, or be under the influence of alcohol or illegal drugs on City property, in City buildings, in City vehicles, or in personal vehicles being used for City business.
- iii. No employee shall report for duty while under the influence of any substance, legal or illegal, which impairs the employee's work performance or ability to use City property or equipment safely.
- iv. Prior to beginning work, an employee is responsible for notifying his/her supervisor if the employee is taking any medications or drugs, prescription or non-prescription, which may interfere with the safe and effective performance of duties or operation of City equipment. In the event there is a question regarding an employee's ability to safely perform assigned duties while using such drugs, clearance from a physician may be required.
- v. An employee will immediately cooperate and consent to an alcohol and/or drug screening test when, with reasonable suspicion, the employee is requested to do so by his/her department head or supervisor. Refusal to submit immediately to such a test when requested may be considered insubordinate conduct and shall be grounds for discipline, up to and including termination.
- vi. No employee shall store any illegal drug or alcohol in a locker, desk, automobile, or other repository on City premises.
- vii. An employee must notify the Human Resources Manager within five (5) days of any conviction (including pleas of "no contest") for violating any state or federal criminal drug law by an action committed in the workplace.

D. Definitions.

- i. "Reasonable Suspicion" means a belief, based on objective and articulable facts, sufficient to lead a reasonable and prudent supervisor to suspect that the employee's ability to perform his/her job safely is reduced and the employee may be under the influence of drugs and/or alcohol. For example, any of the following, alone or in combination, may constitute reasonable suspicion:
 - a) Slurred speech
 - b) Alcohol odor on breath

- c) Unsteady walking or movement
 - d) An accident involving City property
 - e) Physical altercation
 - f) Verbal altercation
 - g) Unusual behavior
 - h) Possession of alcohol or drug
 - i) Information obtained from a reliable person with personal knowledge (a person providing such information based on a good faith belief shall not be subject to retaliation/ retribution)
- ii. "Illegal Drugs" means drugs/controlled substances as specified in the California Uniform Controlled Substance Act (Division 10, of the California Health & Safety Code), which are not legally obtained. Examples include, but are not limited to, cocaine, marijuana, amphetamines, and PCP.
 - iii. "Legal Drugs" means physician prescribed controlled substances or over-the-counter drugs which are legally obtained and used for the specific purpose and in the manner for which they were prescribed.
 - iv. "Under the Influence" means a drug or alcohol is present in the employee's system.
- E. Testing. When reasonable suspicion has been established by a supervisor or department head that an employee is under the influence of drugs or alcohol, the employee will be escorted to the medical facility as promptly as possible for drug or alcohol testing. The supervisor should, if possible, ask a co-worker or another supervisor to corroborate the employee's behavior before escorting the employee for the examination. When possible, concurrence should be obtained from the appropriate department head prior to testing being conducted. An employee may, at his/her option, have a representative present during the testing. The right to representation shall not delay the testing process. All procedures will be conducted in accordance with the recommendations of the National Institute on Drug Abuse (NIDA). These guidelines were established to safeguard the accuracy and integrity of test results and the privacy of individuals who are tested.
- F. Testing Procedure.
- i. Prior to collecting a urine specimen, the employee to be tested will be required to sign a consent form authorizing the test. Failure or refusal to sign the consent form may be considered insubordinate conduct and grounds for discipline, up to and including termination.
 - ii. Procedures for collecting urine specimens shall allow individual privacy unless there is reason to believe that a particular individual may alter or

substitute the specimen to be provided. Procedures in place at the collection facility will impede efforts to tamper with the integrity of the specimen.

- iii. Collection site personnel will follow strict chain of custody controls to ensure that the specimen is delivered to the testing laboratory without loss of the integrity of the specimen.
- iv. Specimens will initially be screened by using the radio immunoassay (RIA) method for the detection of the most commonly abused illicit and prescription drugs that affect physical/mental performance. All of these drugs are controlled substances under State and Federal laws. Upon a positive initial test result, a confirmatory test will be conducted using the Gas Chromatography/Mass Spectrometry (GC/MS) method. Drugs, which will be scored, and the levels of detection are as follows:

	Screening Level (ng/ml)	Confirmatory Level (ng/ml)
Marijuana	100	15
Cocaine	300	150
Opiates	300	300
PCP	25	235
Amphetamines	1000	500

- v. In those cases where the second screening confirms the presence of a drug(s) in the specimen, the specimen will be retained in a secure place at the laboratory for six months to allow for further testing in case of a dispute.
- G. Pre-employment Drug Testing. Applicants for full-time or part-time employment with the City may be required to submit to the drug testing procedures as described herein. Job flyers for all positions will indicate if pre-employment drug testing will be conducted. If a drug screen is positive at the time of the pre-employment examination, the applicant must provide, within 24 hours of a request, bona fide verification of a valid prescription for the drug identified by the drug screen. If the applicant fails to provide acceptable verification, the applicant may be disqualified. Applicants who test positive for the presence of an illegal substance will not be considered for employment.
- H. Confidentiality. The result of tests will be disclosed to the Human Resources Manager, the City Manager, the affected department head and/or immediate supervisor, and to the tested employee upon request.
- I. Exceptions. From time to time there may be special events, social occasions or celebrations during which the consumption of alcoholic beverages would not be

considered inappropriate behavior, and such consumption may be authorized by the City Manager's prior consent. However, at no time shall such consumption be to a degree that an employee's work performance or ability to safely use City property or equipment is impaired.

Section 20. Worker's Compensation

As required by State law, each employee will be covered for Worker's Compensation Insurance.

- A. Notification of Injury or Illness. The employee will report to their immediate supervisor any work-related injury immediately. All relevant information concerning the injury/accident will be given in a timely fashion to the Human Resources Office and to the appropriate department head. It will be the department head's responsibility to ensure prompt medical attention according to procedures approved by the City Manager.
- B. Compensation. The first two doctor's appointments required during the course of a work injury will be compensated as regular time. Additional work time lost by full-time and regular part-time employees due to work-related illnesses or injuries will be fully compensated to the extent that the employee has accumulated adequate sick leave, vacation, floating holidays, administrative leave, or compensatory time off. When such time is exhausted, the employee will be entitled to no further compensation, other than worker's compensation benefits and/or disability insurance benefits in effect at the time of occurrence or the work-related illness or injury.
- C. Reporting Absences. The employee will keep his/her department head informed on a timely basis of his or her progress as evidenced by a written verification of disability and the expected date of return.
- D. Safety. The City Manager will insure that department heads make reasonable and necessary efforts to minimize the risk of work-related injury or illness.

Section 21. Attendance

- A. Tardiness. It is the responsibility of the employee to arrive at work on or before the assigned time each day. If for some reason beyond the control of the employee, he/she is unable to come to work on time, arrangements in advance with the department head must be made at the earliest possible time. In no case will repeated tardiness be tolerated.
- B. Lunch Breaks. Lunch breaks should be 60 minutes in duration, and will be scheduled by the department head based upon the needs of the department.

- C. Work Breaks. Full-time employees are required to work 40 hours per week unless otherwise prescribed by the City Manager. In addition to lunch breaks, work breaks are to be a maximum of 10 minutes in the a.m. and 10 minutes in the p.m. and should not be taken within two hours of an employee's start or end times. All breaks are to be scheduled by the respective department head depending upon the needs of the department. Field personnel are required to take work breaks at the job site or at the closest practical location approved by their immediate supervisor.
- D. General Absences. Pre-authorized vacations, floating holidays, authorized compensated time off, leaves of absence, bona fide illness or injury, or bereavement are the only types of absences permitted. All others will be considered a violation of these rules and regulations.
- E. Unauthorized Absences. Unauthorized absences will be deemed to be an absence without pay and may be grounds for disciplinary action up to and including termination from employment.
- F. Outside Employment. During the workday, employees are expected to devote full attention to their prescribed duties. City employees may engage in outside employment under the following circumstances:
- i. On an annual basis, they must notify, and receive approval from, their immediate supervisor.
 - ii. The outside employment does not conflict with, or is not incompatible or inconsistent with, their City responsibilities.
 - iii. It does not lessen their effectiveness as City employees.
 - iv. It does not take advantage of City time, facilities, equipment, supplies, or prestige.
 - v. It does not create, or appear to create, a conflict of interest.
- G. Political Activities. All political activities of City employees will be governed by the appropriate provisions of the Government Code.
- H. Emergency Staffing. All City employees holding full-time or regular part-time positions, in addition to their regular duties, shall be assigned emergency responsibilities to be performed in the event of a natural or war caused disaster. In the event of a major disaster, off-duty employees are under an obligation to contact their supervisors for possible assignment. If the employee is at home, he/she should ensure that family and property are safe before reporting to work.

If employees are unable to contact their supervisors, they should report to work to determine possible need for an emergency assignment.

Any employee called to work by the City in response to an emergency shall be compensated, with the exception of department heads. All other employees will be compensated as negotiated. In the event of a City emergency situation, all employees who are contacted to return to work on an overtime basis, unless physically incapacitated, must do so. Any employee who is contacted to come back to work due to a City emergency, and fails to do so, may be subject to disciplinary action.

- I. Contract To City. No City employee shall, in addition to his/her regular employment with the City, work for the City as a contractor (reference Government Code 1090).

Section 22. Leaves

- A. Leaves of Absence. An unpaid leave of absence for a period not to exceed 180 days may be considered because of illness or disability, to take a course of study increasing the employee's usefulness on return to City service, or for acceptable personal reasons.
 - i. Written Request. Employees requesting a leave of absence must submit their request in writing to the City Manager through their department head, listing in detail the reasons and the dates requested. The City Manager may require such additional information or verification as is deemed appropriate in arriving at a decision.
 - ii. Compensation in Leave without Pay Status. During the leave of absence, an employee will not be compensated beyond their already accrued sick leave, vacation, floating holiday, or compensated time off, nor will the employee accrue leave while in unpaid status.
 - iii. Extensions. Extensions of leaves of absence will not be granted unless, in the judgment of the City Manager, the City would benefit by such extensions, or the particular circumstances would justify the extension.
 - iv. Return to Work. Employees should contact the City a minimum of 30 days in advance of the day they plan to return to work. Failure of an employee to return to work at the conclusion of the leave will be considered resignation from City employment.
 - v. Satisfactory Services. Leaves of absence will be granted only to employees who have achieved regular employment status and who have maintained a satisfactory performance level.

- B. Military Leave of Absence. Military leave shall be granted pursuant to state and federal law.
- C. Jury Duty. It will be the general rule to excuse full-time and regular part-time employees of the City from the regular responsibilities of their positions for up to twelve working days when called for jury duty. (Generally, this means 120 hours for full-time employees, 90 hours for three-quarter-time employees, and 60 hours for half-time employees; exceptions are at the discretion of the City Manager or his/her designee.) However, if, in the opinion of the City, the absence of the employee would result in an undue disruption of work programs, the City may direct the employee to request an exemption or postponement of jury duty. The time spent off the job by the employee while actually serving on jury duty under the supervision of the court will be compensated for on a straight time basis, limited to the employee's normal workday schedule. An employee excused from jury duty prior to the completion of his or her normal workday must return to work. All per diem reimbursement paid the employee by the court will be signed over to the City. Failure to provide court verification of jury duty attendance or reimbursement of the court per diem to the City will be cause for the City to not compensate the employee for jury duty and may lead to disciplinary action. Any compensation paid to the employee while on jury duty may be deducted from future earnings if the employee fails to provide court verification or reimbursement of the court per diem.
- D. Family and Medical Care Leave. In accordance with the Federal Family and Medical Leave Act, and the California Family Rights Act, the City will provide family and medical care leave for eligible employees as follows:
- i. Reasons for Leave. Leave is only permitted for the following reasons:
- a) The birth of a child or to care for a newborn of an employee.
 - b) The placement of a child with an employee in connection with the adoption or foster care of a child.
 - c) Leave to care for a child, parent, or spouse that has a serious health condition.
 - d) Leave due to a serious health condition that makes the employee unable to perform the functions of his or her position.
 - e) Qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation," including:

- 1) short-notice deployment (seven or less calendar days prior to the date of deployment);
 - 2) military events and related activities (in advance of and during deployment, including family support or assistance programs and informational briefings);
 - 3) childcare and school activities (e.g., to arrange for alternative childcare, provide childcare on an urgent, immediate-need basis or to attend meetings at a school or daycare facility);
 - 4) financial and legal arrangements (e.g., to prepare and execute powers of attorney, enroll for military health care or to prepare a will or living trust);
 - 5) counseling (non-medical, for oneself, the servicemember or a child);
 - 6) rest and recuperation (up to five days for each);
 - 7) post-deployment activities (to attend ceremonies and briefings for a period of 90 days or to address issues arising from the servicemember's death); and
 - 8) additional activities agreed to by the employer and employee.
- f) A spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 workweeks of leave during a 12-month period to care for the servicemember. The leave shall only be available during a single 12-month period.
- ii. Employees Eligible for Leave. An employee is eligible for leave if the employee:
- a) Has been employed for at least 12 months; and
 - b) Has worked at least 1,250 hours during the 12-month period immediately preceding the commencement of leave.
- iii. Employee Benefits While on Leave. While on leave, employees will continue to be covered by the City's group health insurance(s) to the same extent that coverage is provided while the employee is on the job. Employees will not continue to receive other employee benefits. However, employees may make contributions for continued coverage under other benefits by payroll deduction or direct payment. If, for reasons within an employee's control, an employee fails to return to work after his or her leave entitlement is exhausted, the City will have the right to recover its share of health premiums for the entire leave period. The City shall have the right to recover premiums through deduction from any sums due the employee.

- iv. Use of Paid Accrued Leaves. Leave under this policy is unpaid. An employee must exhaust all accrued leaves, except for sick leave, in connection with leave granted under this policy. The exhaustion of accrued leave will run concurrently with the leave granted under this policy. If an employee requests leave for his or her own serious health condition, in addition to exhausting accrued leave, the employee must also exhaust accrued sick leave.

 - v. Medical Certification. Employees who request leave for their own serious health condition, or to care for a child, parent, or spouse who has a serious health condition, must provide written certification from the health care provider of the individual requiring care. If the leave is requested because of the employee's own serious health condition, the certification must include a statement that the employee is unable to perform the essential functions of his or her job. If the City has reason to doubt the validity of a certification, it may require a medical opinion from a second health care provider of its own choosing. If the second opinion is different from the first, the City may require the opinion of a third provider, jointly approved by the City and the employee. The opinion of the third provider will be binding.

 - vi. Employee Notice of Leave. While the City recognizes that emergencies may arise that cause employees to request immediate leave, employees are required to give as much notice as possible. If leave is foreseeable, at least 30 days notice is required. In addition, if an employee knows that leave will be needed in the future, but does not know the exact date, the employee will inform his or her supervisor as soon as possible that leave will be needed. If the City determines that an employee's notice is inadequate, a grant of leave may be delayed until the City can, in its discretion, adequately cover for the position with a substitute.

 - vii. Reinstatement. Upon expiration of leave, an employee is entitled to be restored to the position of employment held when the leave commenced, or to an equivalent position. An employee whose leave is based on the employee's own serious health condition must obtain and present a fitness-for-duty certification from his or her health care provider. Failure to provide such certification may result in denial of restoration.
- E. Subpoenaed Absence. An employee who is subpoenaed to appear in court as a witness, may receive his or her regular pay during their absence if, serving as a witness is deemed to be in the public's best interest by the City Manager. Regular work time will not be granted for personal matters.

Section 23. Reinstatement

With the approval of the City Manager and appropriate department head, an employee who has resigned with a good record may be reinstated, within six months, to his or her former position, if vacant, or to a vacant position in the same or comparable class. Upon reinstatement, all benefits will be restored to the employee at the same level as were earned at the time of resignation. Benefits for which the employee was compensated, such as accrued sick leave and vacation, may be replaced by the employee.

Section 24. Code of Ethics

- A. Policy. The proper operation of democratic government requires that public officials and employees be independent, impartial, and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structures; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, a Code of Ethics is established for all officials and employees, whether elected or appointed, paid or unpaid. The purpose of this Code is to establish ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the City and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the City. The provisions and purpose of this Code and such rules and regulations as may be established are hereby declared to be in the best interests of the City.
- B. Responsibilities of Public Office. Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of the State of California and to carry out impartially the laws of the nation, state, and City and thus to foster respect for all government. They are bound to observe in their official acts the highest standards of morality and discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern.
- C. Dedicated Service. All officials and employees of the City should strive to achieve the political objectives expressed by the electorate and develop programs to attain those objectives. Appointive officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority. Officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.

D. Fair and Equal Treatment.

- i. Interest in Appointments. Canvassing of members of the City Council, directly or indirectly, in order to obtain preferential consideration in connection with any appointment to the municipal service shall disqualify the candidate for appointment except with reference to positions filled by appointment by the Council.
- ii. Use of Public Property. No official or employee shall request or permit the use of City-owned vehicles, equipment, materials, or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such official or employee in the conduct of official business.
- iii. Obligations to Citizens. No official or employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

E. Conflict of Interest. No public official or employee, whether paid or unpaid, shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of their official duties in the public interest or would tend to impair their independence of judgment or action in the performance of their official duties. Personal as distinguished from financial interest includes an interest arising from blood or marriage relationships or close business or political association.

- i. Incompatible Employment. No public official or employee shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of their official duties or would tend to impair their independence of judgment or action in the performance of their official duties.
- ii. Disclosure of Confidential Information. No public official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government, or affairs of the City. Nor shall he/she use such information to advance the financial or other private interest of himself/herself or others.
- iii. Gifts and Favors. No public official or employee shall accept any valuable gift, whether in the form of service, loan, thing, or promise, from any person, firm or corporation which to their knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the City; nor shall any such official or employee (1) accept any gift, favor, or thing of value that may tend to influence him/her in the discharge of their duties, or (2) grant in the discharge of their duties any improper favor, service, or thing of value.

- iv. Representing Private Interests Before City Agencies or Courts. No public official or employee whose salary is paid in whole or in part by the City shall appear in behalf of private interests before any agency of the City. They shall not represent private interests in any action or proceeding against the interests of the City in any litigation to which the City is party.
 - v. Contracts with the City. Any public official or employee who has a substantial or controlling financial interest in any business entity, transaction, or contract with the City, or in the sale of real state, materials, supplies, or services to the City, shall make known to the proper authority such interest in any matter on which they may be called to act in their official capacity. They shall refrain from voting upon or otherwise participating in the transaction or the making of such contract or sale. A public official or employee shall not be deemed interested in any contract or purchase or sale of land or other thing of value unless such contract or sale is approved, awarded, entered into, or authorized by them in their official capacity.
 - vi. Disclosure of Interest in Matters. A public official who has a financial or other private interest in any matter coming before the council shall disclose on the records of the council or other appropriate authority the nature and extent of such interest and shall refrain from discussion and voting on such item.
- E. Political Activity.
- i. No public official or employee shall use the prestige of his/her position in behalf of any political party.
 - ii. No public official or employee shall engage in political activities prohibited by the laws of the State of California, as interpreted and limited by applicable court decisions.
 - iii. No official or employee, whether elected or appointed, shall promise an appointment to any municipal position as a reward for any political activity.
- G. Compliance with State Law. Public officials and employees of the City shall comply with applicable provisions of state law relative to conflicts or interest and generally regulating the conduct of public officials and employees.
- H. Applicability of Code. When a public official or employee has any doubt as to the applicability of a provision of this code to a particular situation, they should apply to the City Manager's office for an advisory opinion and be guided by that opinion when given. The public official or employee shall have the opportunity to present their interpretation of the facts at issue and of the applicable provision(s) of the

code before such advisory decision is made. The City Manager shall, where appropriate, request and receive the advice of the City Attorney before rendering their opinion. This code shall be operative in all instances covered by its provisions except when superceded by an applicable law and legal action is mandatory, or when the application of law is discretionary but determined to be more appropriate or desirable.

- I. Sanctions. Violation of any provisions of this Code should raise conscientious questions for the public official or employee concerned as to whether voluntary resignation or other action is indicated to promote the best interest of the City. Violation may constitute a cause for suspension, removal from office or employment, or other disciplinary action.

Section 25. Policy Against Discrimination and Harassment

- A. Purpose. The City is committed to providing a work environment that is free from discrimination and harassment. In keeping with this commitment, the City maintains a strict policy prohibiting discrimination and harassment, including sexual harassment. The purpose of this Policy is to define and forbid discriminatory and/or harassing conduct, to prohibit the condoning or perpetuating of such conduct and to provide an efficient means for reporting and resolving complaints of discrimination and/or harassment. State and federal law expressly prohibit discrimination and/or harassment of employees or applicants based on race, religion, creed, color, national origin, ancestry, physical or mental disability, medical condition, pregnancy, veteran status, sexual orientation, marital status, sex or age over 40 years.

Discrimination and/or harassment are misconduct that can decrease work productivity, decrease morale, and cause emotional and physical damage. Incidents of discrimination and/or harassment can result in serious economic implications such as high turnover, ineffective use of time during working hours, costly salaries paid for nonproductive work hours, and employee absences due to hearings and meetings related to discrimination and/or harassment complaints.

- B. Policy. The City's policy strictly prohibits unlawful discrimination and harassment on the basis of race, religion, creed, color, sex, sexual orientation, national origin, ancestry, physical or mental disability, medical condition, pregnancy, childbirth, veteran status, marital status or age over 40 years. The City considers discrimination and/or harassment a serious offense and is firmly committed to the philosophy that every employee has the right to work in an environment free from discriminatory intimidation, ridicule, and insult, and to be treated with courtesy, dignity and respect. Every employee is expected to adhere to a standard of conduct that is respectful to all persons within the work environment.

In keeping with this commitment, the City maintains and follows a strict policy prohibiting unlawful discrimination and harassment, in any form, including verbal, physical and visual harassment, coercion, and/or reprisal. This policy applies to all employees, including non-supervisory personnel, supervisors, management, elected and appointed officials, vendors, and visitors. The City does not tolerate any discrimination, sexual or other harassment of employees at the work place or in any work-related situation by anyone. If, after a prompt and thorough investigation, it is determined that an employee has engaged in discrimination and/or sexual or other harassment, that employee will be disciplined, up to and including termination.

C. Prohibited Conduct. The City's Discrimination and Harassment Policy prohibits the following types of conduct:

- i. Discrimination. Discrimination is any action or conduct by which an employee is treated differently or less favorably than other employees similarly situated to him/her for the sole reason that he/she is a member of a legally protected category, such as race, religion, creed, color, national origin, ancestry, physical or mental disability, medical condition, pregnancy, childbirth, veteran status, sexual orientation, marital status, sex, or age over 40 years. For example, it would be discrimination for an individual to be denied employment or terminated from employment because that individual has a disability or is 40 years of age or older.
- ii. Harassment. Unlawful harassment is any verbal or physical conduct based on an employee's membership in a protected category, such as race, religion, creed, color, national origin, ancestry, physical or mental disability, medical condition, sex, sexual orientation or age over 40 years, that is sufficiently severe or pervasive so as to affect an employee's work performance negatively and/or alter the conditions of employment and create an intimidating, hostile or otherwise offensive working environment.
- iii. Sexual Harassment. Sexual harassment is defined as follows: Any action that constitutes an unwelcome sexual advance or request for sexual favors, or any verbal or physical conduct of sexual nature that is (i) related to or conditional to the receipt of employee benefits, including, but not limited to, hiring and advancement, (ii) related to or forms the basis for employment decisions affecting the employee, or (iii) sufficiently severe or pervasive so as to affect an employee's work performance negatively and/or alter the conditions of employment and create an intimidating, hostile or otherwise offensive working environment. Examples of the type of conduct that can constitute unlawful harassment or sexual harassment include, but are not limited to, the following:

- a) Verbal harassment – For example: epithets, derogatory comments or slurs, graphic commentaries about an individual's body or other suggestive comments made on the basis of a legally protected category, such as race, religion, creed, color, national origin, ancestry, physical or mental disability, medical condition, pregnancy, childbirth, veteran status, marital status, sex, sexual orientation, or age over 40 years.

- b) Physical harassment – For example: assault, impeding or blocking movement, interference with normal work movement, massages, sitting on laps, or unwanted touching of any type based upon a legally protected category, such as race, religion, creed, color, national origin, ancestry, physical or mental disability, medical condition, pregnancy, childbirth, veteran status, marital status, sex, sexual orientation, or age over 40 years.

- c) Visual forms of harassment – For example: leering, making derogatory gestures, derogatory posters, notices, bulletins, cartoons, drawings, e-mails, faxes or other depictions based upon a legally protected category, such as race, religion, creed, color, national origin, ancestry, physical or mental disability, medical condition, pregnancy, childbirth, veteran status, marital status, sex, sexual orientation, or age over 40 years.

- d) Sexual conduct – For example: unwelcome sexual advances, request for sexual favors, propositions, and other verbal or physical conduct of a sexual nature which is made a condition of an employment benefit or unreasonably interferes with an individual's work performance and creates an offensive work environment.

- e) Retaliation – Taking adverse employment action against any employee for having reported or threatened to report unlawful discrimination or harassment on the basis of a legally protected category, such as race, religion, creed, color, national origin, ancestry, physical or mental disability, medical condition, pregnancy, childbirth, veteran status, sexual orientation, marital status, sex, or age over 40 years.

If you have any questions regarding these definitions of discrimination, harassment, and/or sexual harassment, if you are uncertain what constitutes discrimination, harassment, or sexual harassment or, if you are uncertain as to what constitutes prohibited conduct under the City's Policy, contact your supervisor, the Human Resources Manager, the City Manager, or other management official.

- D. Reporting Discrimination or Harassment. If you believe any comments, gestures or action of a co-worker, supervisor, elected or appointed official, vendor or visitor are discriminatory, harassing or offensive, you should immediately communicate to that person such behavior is unwelcome. However, if you do not feel able to do so (for example, in the case where the alleged harasser is a supervisor or elected official) you should immediately advise the Human Resources Manager or the City Manager. Failure to do so does not prevent you from filing a complaint nor does it in any way exonerate the discriminating party or harasser.

City management is readily available and receptive to complaints of discrimination, sexual or other harassment. If you feel that you are being discriminated against or harassed by another employee, by a vendor, by a visitor or otherwise, you should immediately report the facts of the incident or incidents and the name(s) of the individual(s) involved to your immediate supervisor. If you do not feel that the matter can be discussed with your immediate supervisor, you should contact the Human Resources Manager and arrange for a meeting to discuss your complaint. If you do not feel that the matter can be discussed with the Human Resources Manager, you should contact the City Manager. You may also leave an anonymous voice mail for the Human Resources Manager or City Manager. It is recommended that complaints be made no later than 15 working days after the incident. In addition, a written and signed statement of the complaint should be submitted to your supervisor, the Human Resources Manager, or the City Manager within 10 days of the initial report. Employees in need of assistance in filing the complaint will be provided such.

Complaints must include the following information:

- i. The employee's name, department and position title.
- ii. The name of the person or persons committing the harassment, including their title(s) if known.
- iii. The specific nature of the harassment, how long it has gone on, and any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against the victim as a result of the harassment (if applicable), or any other threats made against the victim as a result of the harassment.
- iv. Witnesses to the harassment.
- v. Whether the victim previously has reported such harassment and, if, when, and to whom.

Your notification to the City is essential. You may be assured that you will not be penalized in any way for reporting discrimination, sexual harassment or other harassment problems. This would be considered retaliation and it is unlawful for an employer to retaliate against employees who oppose practices prohibited by the state and federal law, file complaints, or otherwise participate in an investigation, proceeding or hearing conducted by the Department of Fair Employment and Housing or the Equal Employment Opportunity Commission. Similarly, the City will not tolerate any employees who interfere with its own internal investigations and its own internal complaint procedure.

Employees are reminded that the City protects employees from discrimination and sexual or other harassment by non-employees (e.g., vendors, visitors). Any employee who is the victim of any harassment by a non-employee or observes this conduct toward another City employee should report such harassment to his/her immediate supervisor, and appropriate action will be taken. Likewise, employees who observe or are advised about the discrimination, sexual or other harassment of another employee are encouraged to follow these reporting procedures.

The City cannot resolve discrimination or sexual or other harassment problem unless it knows about it. Therefore, it is your responsibility to bring those kinds of problems to the attention of the City so that the necessary steps can be taken to correct the problem, and we encourage you to do so.

- E. Anonymous Complaints. Any employee who wishes to make a complaint of discrimination or sexual harassment or other harassment, but is uncomfortable disclosing his/her identity, may do so by following the above complaint procedure and filing the complaint anonymously with the Human Resources Manager or City Manager. Employees should know, however, that anonymity in the complaint procedure may inhibit the City's ability to complete a thorough investigation.

- F. The City's Response to Complaints of Discrimination or Harassment. All complaints of discrimination, sexual or other harassment that are reported to management will be investigated immediately, thoroughly, objectively, completely and as confidentially as possible. The City, as part of its investigation, will make every attempt to interview all individuals with information relative to the complaint.
 - i. Supervisor's Role. It is the responsibility of all supervisors to establish and maintain a working environment which is free from discriminatory intimidation, ridicule and insult. Council members, elected and appointed officials are also considered to be supervisors for purposes of this policy.

- a) Supervisors are responsible for reporting discrimination and harassment incidents to the Human Resources Manager or the City Manager where the supervisor knows or should have known of the incident by nature of his/her position. The supervisor should also notify the appropriate department head. This notification does not alleviate the supervisor's responsibility to address the complaint.
- b) Upon notification of a harassment complaint, the supervisor will inform the complainant of his/her right to initiate a complaint and authorize the investigation of the complaint and supervise and/or investigate the complaint.
- c) All complaints will be handled in a timely and confidential manner. In no event will information be released to anyone who is not involved with the investigation, nor will anyone involved be permitted to discuss the subject outside the investigation.
- d) Reasonable steps will be taken to protect the victim and other potential victims from further discrimination or harassment or from any retaliation as a result of communicating the complaint. Appropriate sanctions will be imposed on any individual subjecting any party involved in this process to retaliation.
- e) The supervisor, as well as the department, may be held civilly/personally liable if swift corrective action is not taken. Any supervisor who fails to take corrective action can and will be disciplined.

ii. Investigation Process.

- a) A supervisor must take immediate and appropriate corrective action when he/she knows, or should have known, that harassment has occurred. Effective action must be taken to stop any further discrimination or harassment and to alleviate any effects of the harassment.
- b) The complainant must be informed of his/her rights regarding confidentiality and/or privacy in these matters. Any investigation related to a complaint under this policy will be conducted with as much confidentiality as possible and with respect for the rights of all individuals involved. Information related to the investigation will be provided on a "need to know" basis only. The complainant's identity, however, will be disclosed if the investigation reveals the potential for formal disciplinary action or criminal prosecution. The purpose of this provision is to protect the confidentiality of the employee who files a complaint, to encourage the reporting of any

incidents of harassment, and to protect the reputation of any employee wrongly charged with harassment.

It is important for the complaining party and the alleged harasser to understand that it is a violation of this policy to discuss any investigation with other employees or to conduct your own investigation at anytime. If you have any information to assist the City, you are to contact the person conducting the investigation. Failure to follow this policy may subject you to discipline, as the confidential nature of the complaint and the investigation is vital in protecting the privacy right of all parties involved.

- c) It is the supervisor's obligation to document all incidents, and action taken thereafter, involving allegations of harassment or discrimination. All such incidents must be reported to the Human Resources Manager or the City Manager by the supervisor. An investigation will be conducted whether or not an involved party elects to pursue a complaint.
- d) Factual information must be gathered through the investigation to determining whether the alleged conduct constitutes harassment or discrimination.
- e) The City retains the right to use the services of an outside investigator to obtain the facts regarding the incident(s). The investigation will be conducted as quickly as possible, and based upon that report, a decision will be made regarding whether disciplinary action is necessary.

G. Disciplinary Action.

- i. If it is concluded that harassment or discrimination has occurred, prompt and effective preventative action will be taken against the harasser.
- ii. Discipline up to and including termination may result from behavior found to constitute a violation of this policy.
- iii. If it is determined that an appointed or elected official has violated this policy, the City Council shall have several options, one of which shall be the public censure of the individual. The censure shall include language that outlines the actions that violate the sexual harassment policy. Any censure will also include a non-retaliation statement to prevent the elected/appointed official from seeking retaliation against his/her accuser.

- H. Legal Remedy. Employees who believe that they have been harassed may, within one year of harassment, also file a complaint of discrimination with the California Department of Fair Employment and Housing ("DFEH"). The DFEH may also investigate and process the complaint. Violators are subject to penalties and remedial measures that may include sanction, fines, injunction, reinstatement, back pay and damages. You can contact the California Department of Fair Employment and Housing (DFEH) or Equal Employment Opportunity Commission (EEOC) at:

Department of Fair Employment & Housing
Los Angeles District Office
611 West Sixth Street, Suite 1500
Los Angeles, CA 90017
Telephone: (213) 439-6799 Phone
Toll Free: (800) 884-1684
Fax: (213) 439-6715
TTY: (800) 700-2320
<http://www.dfeh.ca.gov>

Equal Employment Opportunity Commission
Los Angeles Office
Roybal Federal Building
255 East Temple St., 4th Floor
Los Angeles, CA 90012
Telephone: (800) 669-4000 Phone
Fax: (213) 894-1118
TTY: (800) 669-6820
<http://www.eeoc.gov>

Legal protection is provided for employees against retaliation for opposing unlawful discriminatory practices, or for filing a complaint with or otherwise participating in an investigation, proceeding or hearing conducted by the DFEH or the EEOC.

- I. Responsibilities. While the City vigorously defends its employees' right to work in an environment free of discrimination, sexual or other harassment, it also recognizes that false accusations of sexual or other harassment can have serious consequences. Accordingly, any employee who is found, through the City's investigation, to have deliberately and falsely accused another person of sexual or other harassment will be subject to appropriate disciplinary action, up to and including termination. The City trusts that all employees will continue to act responsibly to establish a pleasant working environment free of discrimination, sexual or other harassment. The City encourages you to raise questions you may have regarding discrimination, sexual harassment or other

harassment with your immediate supervisor, your department head, the Human Resources Manager, or the City Manager.

Section 26. Separation from Service

- A. Layoffs. Layoffs will be made first and primarily on the basis of merit job performance and secondly on the basis of seniority. Employees will receive notice of the layoff at least ten (10) working days prior to the effective date. Names of persons laid off shall be carried on a reemployment list for twelve (12) months. If the City restores the laid off position(s) within the twelve month period, it shall first offer the position(s) to persons on the reemployment list before using any other selection method. The name of an individual re-appointed to a permanent position of the same class shall, upon reappointment, be removed from the list. An individual who declines reemployment shall be dropped from the list.

- B. Resignation. An employee wishing to leave City service in good standing will file with the appointing authority, at least two weeks before leaving the service, a written resignation stating the effective date and their reason for leaving. The resignation will be forwarded to the Human Resources Manager. Failure to comply with this rule will be entered on the service record of the employee and may be cause for denying future employment by the City.

Section 27. Use of City Equipment or Supplies

Care of supplies or equipment owned by the City will be the responsibility of the employee using such supplies or equipment.

- A. Notification of Hazard, Defect, or Accident. It is the employee's responsibility to immediately report unsafe, damaged, or malfunctioning equipment to his/her supervisor. It is the supervisor's responsibility to correct the safety hazard or equipment malfunction at the earliest possible time.

- B. Abuse of Supplies or Equipment. Abuse of City equipment or supplies is a serious breach of these rules and regulations, and will be dealt with through disciplinary action up to and including termination.

- C. Authorized Use. City equipment will be used only for intended purposes authorized by the appropriate department head.

- D. Use of City Supplies or Equipment. Use of City supplies or equipment for the personal purposes of employees will be permitted only if specifically authorized by the City Manager, as recommended by the appropriate department head.

- E. Use by Non-Employees. Use of City equipment or supplies by non-employees is strictly prohibited unless authorized by the City Manager, as recommended by the appropriate department head.
- F. Use of City Telephones
- i. Telephone Calls. Business telephone calls made from the employee's residence are reimbursable. A copy of the telephone bill and an explanation must be submitted with the expense report. Personal telephone calls on City time must be brief and kept to a minimum. Long-distance calls must be charged to an employee's home telephone or personal telephone credit card.
 - ii. Cellular Telephone Calls. The City Manager, department heads and certain other employees are assigned City cellular phones so they can conduct City business. An additional City cellular phone is available for use by other staff members on an as-needed basis when they travel out of town. Personal telephone calls must be brief and kept to a minimum. All cellular phone use on City time or conducted for City business must comply with state and federal law.
- G. Computer Software and Hardware Policy.
- i. Policy It is the policy of the City to use computer software in strict accordance with the license agreement, and solely for City business. All employees of the City using City provided computer hardware and software shall comply with these policies.
 - ii. Acceptable Software for City Use. Acceptable software for City uses are:
 - a) Software procured through normal City purchasing procedures; and
 - b) Software written in-house for City purposes.
 - iii. Other Software. In an effort to prevent the spread of computer viruses and to protect the City and employees from possible civil and criminal proceedings, employees must obtain the approval of the designated IT coordinator before downloading software from the Internet or installing software obtained as a gratis product accompanying a normal purchase or software obtained from friends and other organizations or unknown origins. All such software must be related to City business and promote the mission and goals of the City.

- iv. Ownership and Privacy. All software and data are the property of the City. Software developed by employees may not be taken with them when they leave the City without written permission of the City Manager.
- v. License Responsibilities. All software installed on the personal computers must be properly licensed. Software may not be reproduced or used on more than one computer by more than one person at a time unless authorized by the terms of the license. The designated IT coordinator is responsible for determining when software may be copied in accordance with the license, and whether gratis add-on products, shareware, bulletin board, and software from other sources are acceptable.
- vi. Audits. Audits may be performed at any time by the Software Publisher's Association through a court order, the designated IT coordinator, internal audit, or any other authorized person or entity.
- vii. Penalties Imposed by Law. City employees who install or use copied software without a proper license on City equipment, or who install or use software improperly copied from a City computer at home for personal, non-City use expose both the employee and the City to civil and criminal proceedings. Such activity is strictly forbidden by this policy. Civil and criminal penalties include fines and jail terms of up to five years.

H. Use of Internet & City Email.

- i. Purpose. The purpose of these rules is to define and implement acceptable Internet use for employees to accomplish the City's mission and program goals. Use of the Internet by City employees is encouraged when it is the most cost effective and efficient vehicle for the dissemination and exchange of information.
- ii. Privacy. The City may at its discretion monitor and/or log all network activity with or without notice, including Internet e-mail and all web site communications. Users should have no reasonable expectation of privacy in the use of these resources.
- iii. Acceptable Uses. Uses that are acceptable and encouraged:
 - a) Communications and information exchanges directly relating to the mission goals, programs, and tasks of the City;
 - b) Announcements of City policies, rules and regulations, meetings, hearings, services or activities;

- c) Use for advisory, standards, research, analysis and professional organization activities related to the City user's duties.
- iv. Unacceptable Uses. It is unacceptable for a user to use, submit, publish, display or transmit on the network or on any computer system any information which:
- a) Violates or infringes on the rights of any other person, including the right to privacy;
 - b) Contains defamatory, false, inaccurate, abusive, obscene, pornographic, profane, sexually oriented, threatening, racially offensive, biased or otherwise discriminatory or illegal material;
 - c) Violates City regulations prohibiting sexual harassment;
 - d) Restricts or inhibits other users from using the system or interferes with the efficiency of the computer systems;
 - e) Encourages the use of controlled substances;
 - f) Uses the system for the purpose of criminal intent; or
 - g) Uses the system for any other illegal purpose.
 - h) It is also unacceptable for a user to use network facilities and Internet capabilities of the system to:
 - 1) Conduct any non-approved business;
 - 2) Solicit the performance of any activity that is prohibited by law;
 - 3) Transmit material, information, or software in violation of any local, state or federal law;
 - 4) Conduct any political activity;
 - 5) Conduct any unofficial or unapproved public relations activities;
 - 6) Engage in any activity for personal gain or personal business; or
 - 7) Make any unauthorized purchases.

- v. Copyrighted Material. Users may download copyrighted material, but its use must be strictly within the agreement as posted by the author or current copyright law. The federal Copyright Act at 17 U.S.C. 101, *et. seq.* (1988), protects and prohibits misuse of all original works of authorship in any tangible medium of expression. This includes a prohibition on plagiarism (using someone else's writings or ideas and passing them on as one's own).
- vi. Public Domain Material. Any user may download public domain programs for his/her own business-related use, or may redistribute a public domain program non-commercially but does so with the knowledge that by doing so, he/she also assumes all of the risks regarding the determination of whether or not a program is in the public domain.
- vii. Internet E-mail and Text/Instant Messaging. Internet e-mail, text messaging on City phones, and instant messaging is considered network activity, thus, it is subject to all policies regarding acceptable/unacceptable uses of the Internet. The user should not consider these communication methods to be either private or secure.
- viii. Public Records. All electronic data whether created in-house or downloaded from other sources through the network or Internet, including e-mail, text messages, and instant messages, shall be considered official records of the City. Any such data is subject to the records management policies of the City and state and federal statutes, including the Public Records Act. Users must be aware that these electronic records may be subpoenaed by a court of law.
- ix. Regulation and Enforcement. The City Manager shall determine which City employees are approved for Internet use. The City Manager is responsible for compliance with provisions of this policy and for investigating suspected non-compliance. These duties include, but are not limited to:
 - a) Investigation of alleged or suspected non-compliance with the provisions of the policy; and
 - b) Suspension of service to users or access, with or without notice. Internal discipline up to and including discharge may be appropriate in some cases of non-compliance with this policy. Criminal or civil action may be initiated under appropriate circumstances.
- x. Consent Form. All City employees having access to the Internet must consent that all network activity is the property of the City, and therefore, they should not consider any activity to be private. This should be

accomplished through a signed Consent Form. The City Manager shall have the authority to develop such consent forms, which at the minimum state:

- a) The user has been given a copy of the policy and agrees to comply with all its terms and conditions;
 - b) All network activity conducted while doing City business and being conducted with City resources is the property of the City; and
 - c) The City reserves the right to monitor and log all network activity including e-mail, with or without notice, and therefore users should have no expectations of privacy in the use of these resources.
- xi. Liability. The City makes no warranties of any kind, whether expressed or implied, for the service that is the subject of this rule. The City will not be responsible for any damages whatsoever that employees may suffer arising from or related to their use of any City electronic information resources, whether such damages be incidental, consequential, or otherwise. Users must recognize that the use of City provided electronic information resources is a privilege and that compliance with these policies is mandated.

I. Electronic Mail Policy.

- i. General. Electronic mail (e-mail) and Instant Message capability are provided for City activities and not for the personal use of employees except for incidental personal communications (e.g. setting up appointments, coordinating work schedules).
- ii. Privacy. All electronic data is subject to the records management policies of the City and state and federal statutes including the Public Records Act. Users must be aware that electronic records which have been erased or deleted, may be recovered and subpoenaed by a court of law.
- iii. Uses that are Acceptable:
 - a) Communications and information exchanges directly relating to the mission and approved program goals and tasks of the City;
 - b) Announcements of City policies, rules and regulations, meetings, hearings, services or activities;

- iv. Uses that are Unacceptable: It is unacceptable for a user to use, submit, publish display or transmit on the network or on any computer system any information that:
- a) violates or infringes on the rights of any other person, including the right to privacy;
 - b) contains defamatory, false, inaccurate, abusive, obscene, pornographic, profane, sexually oriented, threatening, racially offensive, biased, otherwise discriminatory or illegal material;
 - c) violates City regulations prohibiting sexual harassment;
 - d) restricts or inhibits other users from using the system or interferes with the efficiency of the computer systems;
 - e) encourages the use of controlled substances or uses the system for the purpose of criminal intent;
 - f) uses the system for any other illegal purpose;
 - g) conducts any non-approved business;
 - h) solicits the performance of any activity that is prohibited by law;
 - i) transmits material, information, or software in violation of any local, state or federal law;
 - j) conducts any political activity;
 - k) engages in any activity for personal gain or personal business transactions; or
 - l) makes any unauthorized purchases.

Section 28. Use of Private Equipment and Supplies

Use of employee-owned supplies, tools, or equipment will be done at the risk of the employee. The City will not be liable for theft or damage unless the use has been specifically authorized by the City Manager, and is determined to be necessary to carrying out the duties of the employee.

Section 29. Use of Private Automobiles

- A. Insurance Required. Each employee using his/her automobile for City business is required to possess a policy of automobile personal liability and property damage insurance in the minimum amounts of \$25,000/\$30,000/\$5,000.
- B. Assumption of Liability. The City will not accept liability for theft or damage to a personal vehicle used for City business. It is the responsibility of the employee to purchase collision and/or comprehensive insurance, and failing to do so, will be deemed a self-insurer in that regard.
- C. Misuse of Private Automobiles. Misuse (negligent or reckless operation) of private automobiles on City time or business will be considered a serious breach of these rules and regulations and will be grounds for appropriate disciplinary action.

Section 30. Pull Notice Program.

All City employees who will be driving City vehicles or driving their own private vehicles on City time or business will be enrolled in the DMV's employee pull notice program. This program allows the City to receive a driver record report at least once every twelve months or when any conviction, failure to appear, accident, driver's license suspension, revocation or any other action is taken against the employee's driving privilege during employment. Anytime an employee's license is jeopardized (i.e. through suspension, revocation, or pending civil or criminal proceedings), an employee must immediately report such status to his/her department head and the Human Resources Manager. Pursuant to Section 17 of this Policy, having one's privilege to operate a motor vehicle on the public highway in the State of California suspended or revoked by the Department of Motor Vehicles can be cause for disciplinary action.

Section 31. Personal Business on City Time

Conducting personal business on City time is strictly prohibited.

Section 32. Housekeeping

Each employee will be responsible for maintaining his/her work area(s) in a neat and orderly manner that will enhance the public image of the City.

Section 33. Dress and Grooming

The purpose of the City's dress policy is to encourage respect for the dignity of the individual and enhance the professional environment of the City by ensuring that the City's personnel dress in a manner appropriate to their respective job responsibilities. All employees are expected to use good judgment in appropriate and professional attire

and good personal grooming when reporting to work for the City. Concerns regarding attire and grooming for specific areas will be determined and addressed by the supervisor or department head. The policy applies to all employees, interns, volunteers, contract employees and anyone affiliated with the City.

Section 34. Smoking

Smoking by employees is prohibited in City facilities and public meeting areas as set forth in Chapter 6.20 of the Duarte Municipal Code. No smoking is allowed in any City vehicle.

Section 35. General Provisions

- A. Violation of Rules. Violations of the provisions of these rules, regulations, and procedures will be grounds for reprimand, suspension, reduction in pay, demotion, denial of permanent employment status, or dismissal.

- B. Amendment and Revision of Rules. Amendment and revisions of these rules may be made by resolution of the City Council. The re-publication of this document or other written notification will be made generally available to employees.