



Personnel Rules and Regulations

Revised January 24, 2023

TABLE OF CONTENTS

	Page
SECTION 1. INTRODUCTION	1
SECTION 2. GENERAL PROVISIONS	1
A. Applicability of Rules.....	1
B. Violation of Rules.....	1
C. Amendment and Revision of Rules.....	1
D. Prior Policies Repealed.....	1
E. Employee Responsibility.....	1
F. Distribution of Personnel Rules.....	1
G. Relationship with Administrative and Department Policies.....	1
H. Relationship with Labor Agreements	2
I. Not an Employment Contract.....	2
J. General Delegation of Authority.....	2
K. City Manager Authority to Interpret and Delegate.....	2
L. Changes to the Law	2
M. Severability	2
SECTION 3. DEFINITIONS	2
A. ACTING APPOINTMENT	3
B. ADVANCEMENT	3
C. ALLOCATION	3
D. ANNIVERSARY DATE.....	3
E. APPOINTING AUTHORITY or APPOINTING POWER.....	3
F. APPOINTMENT	3
G. BUSINESS DAY	3
H. CITY.....	3
I. CITY COUNCIL.....	3
J. CITY MANAGER.....	3
K. CLASS	3
L. CLASSIFIED EMPLOYEE	3
M. CLASSIFIED SERVICE or CITY SERVICE or MERIT SYSTEM.....	3
N. CONTINUOUS SERVICE.....	3
O. DATE OF HIRE.....	4
P. DAY or DAYS.....	4

TABLE OF CONTENTS

(continued)

	Page
Q. DEMOTION.....	4
R. DEPARTMENT HEAD	4
S. DISCIPLINE	4
T. ELIGIBLE	4
U. EMERGENCY APPOINTMENT	4
V. EMPLOYMENT LIST	4
W. EXAMINATION	4
X. EXEMPT EMPLOYEES	5
Y. FULL-TIME POSITION	5
Z. JOB FAMILY	5
AA. LAYOFF	5
BB. NON-EXEMPT EMPLOYEE	5
CC. PART-TIME/HOURLY EMPLOYEE	5
DD. PERSONNEL OFFICER	5
EE. PROBATIONARY PERIOD.....	5
FF. PROMOTION.....	5
GG. PROMOTIONAL PROBATIONARY PERIOD	5
HH. PROVISIONAL APPOINTMENT.....	5
II. REDUCTION IN PAY	6
JJ. REGULAR EMPLOYEE.....	6
KK. REINSTATEMENT.....	6
LL. REPRIMAND	6
MM. RESIGNATION	6
NN. RETIRED ANNUITANT.....	6
OO. SUSPENSION	6
PP. TEMPORARY EMPLOYEE	6
QQ. TERMINATION/TERMINATE	6
RR. THREE-QUARTER TIME EMPLOYEES	6
SS. TRANSFER.....	6
TT. VACANCY.....	6
SECTION 4. EQUAL EMPLOYMENT OPPORTUNITY/DIVERSITY, EQUITY, AND INCLUSION	7
A. Equal Employment Opportunity	7

TABLE OF CONTENTS

(continued)

	Page
B. Policy Against Harassment, Discrimination and Retaliation	7
C. Disabled Applicants and Employees.....	7
D. Accommodation for Sincerely Held Religious Belief.....	8
E. Transgender Employees/Workplace Gender Transitions	9
F. Lactation Accommodation.....	9
SECTION 5. CLASSIFICATION OF POSITIONS.....	10
A. Classification.....	10
B. Preparation of Classification Plan	10
C. Adoption, Amendment and Revision of Classification Plan	10
D. Salary Range	10
E. New Positions	11
F. Reclassification.....	11
G. Job Description	11
SECTION 6. METHODS OF FILLING VACANCIES.....	11
A. Notice to City Manager	11
B. Types of Appointment.....	11
SECTION 7. SECTION 7. RECRUITMENT.....	16
A. Announcements	16
B. Application Forms	16
C. Submitting Applications.....	16
D. Incomplete Applications	16
E. Types of Recruitments	16
F. Disqualification.....	16
SECTION 8. SELECTION PROCESS	17
A. General Nature	17
B. Examinations	18
C. Subjects and Methods	18
D. Conduct of the Examination.....	18
E. Scoring Examinations and Qualifying Scores.....	18
F. Notice of Examination Results.....	19
G. Order of Eligibles	19
H. Optional Employment Lists	19

TABLE OF CONTENTS
(continued)

	Page
I. Removal of Names from Selection Process	20
J. Availability of Applicants	20
SECTION 9. PRE-EMPLOYMENT REQUIREMENTS AND APPOINTMENT	20
A. Conditional Offer of Employment	21
B. Criminal Conviction History and Background Screening	21
C. Medical Examination of Applicants and Employees	21
D. Employment Eligibility Verification	22
E. Driver License and Driving Record	22
F. Formal Appointments	22
G. Employment Oath	22
H. Keys and Other City Property	23
SECTION 10. PROBATION	23
A. Objective of Probation	23
B. Length of Probationary Period	23
C. Rejection of Probationer	23
D. Probation Extension	23
E. Rejection from Promotional Probation or Employee-Initiated Transfer	23
F. Probationary Period Following Demotion, Transfer, Reinstatement or Reemployment	24
SECTION 11. NEPOTISM AND CONSENSUAL ROMANTIC RELATIONSHIPS	24
A. Nepotism	24
B. Consensual Romantic Relationships Between Employees	29
SECTION 12. REPORTS AND RECORDS	30
A. Maintenance of Personnel Files	30
B. Review and Access of Personnel Files	30
C. Current Address	30
D. References	30
E. Destruction of Records	31
SECTION 13. EMPLOYEE TRAINING	31
SECTION 14. COMPENSATION SYSTEM	31
A. Salary Steps	31
B. Compensation	31
C. Performance Review	31

TABLE OF CONTENTS
(continued)

	Page
D. Merit Salary Increase	31
E. Salary Decrease	32
F. Time Sheets.....	32
G. Meal Periods.....	33
H. Overtime and Compensatory Time Off	33
SECTION 15. WORK SCHEDULES AND WORKWEEK	33
A. 4/10 Work Schedule.....	33
B. 5/8 Work Schedule.....	34
C. Changes to Work Schedules	34
SECTION 16. EMPLOYEE DISCIPLINE	34
A. Basis for Discipline.....	34
B. Types of Discipline.....	36
C. Relief of Duty	37
D. Procedure for Discipline.....	37
SECTION 17. ATTENDANCE.....	43
A. Attendance.....	43
B. Tardiness	43
C. General Absences	43
D. Unauthorized Absences / Job Abandonment.....	43
SECTION 18. LEAVES OF ABSENCE.....	44
A. Effect of Leave of Absence on Employee Benefits	44
B. Industrial Illness/Injury Leave.....	44
C. Leaves of Absence Without Pay	45
D. Military Leave of Absence.....	46
E. Jury Duty.....	46
F. Voting Leave	46
G. Family and Medical Care Leave	47
H. Subpoenaed Absence.....	47
I. Fitness for Duty Leave and Examination	47
J. Personnel Action Leave	49
K. School Leave	49
L. Other Paid Leaves of Absence	50

TABLE OF CONTENTS
(continued)

	Page
SECTION 19. SEPARATION FROM SERVICE	50
A. Layoffs	50
B. Resignation	51
C. Job Abandonment	51
D. Disciplinary Dismissal	51
E. Death	51
SECTION 20. WORKPLACE SAFETY	51
A. Commitment to Workplace Safety	51
B. Injury and Illness Prevention Program	51
C. Reporting Unsafe Conditions	51
D. Worker's Compensation	51
E. Drug-Free and Alcohol-Free Workplace	52
F. Workplace Violence Prevention	52
SECTION 21. ELECTRONIC COMMUNICATIONS	52
A. Equipment and Systems	52
B. Lack of Privacy	53
SECTION 22. DISASTER AND EMERGENCY SERVICE WORKERS	53
A. Employees Designated as Disaster Workers	53
B. Oath or Affirmation	53
C. Declaration of Disaster or Emergency	53
D. Employee Disaster Responsibilities	53
SECTION 23. HOUSEKEEPING	55
SECTION 24. DRESS AND GROOMING	55
A. General Standards	55
B. Grooming	56
C. Uniforms	56
D. Safety	57
E. Exceptions	57
SECTION 25. USE OF PRIVATE EQUIPMENT/SUPPLIES	57
SECTION 26. PROHIBITION ON SMOKING	57

City of Duarte

Personnel Rules and Regulations

SECTION 1. INTRODUCTION

These Personnel Rules and Regulations 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. Employees seeking information regarding matters such as grievances that are not addressed in the Rules are encouraged to consult those other documents. Copies of such documents are available from the City's Human Resources Office.

SECTION 2. GENERAL PROVISIONS

- A. Applicability of Rules. The provisions of these rules and regulations will apply to all offices, positions, and employments in Classified Service of the City
- B. Violation of Rules. Violations of the provisions of these rules, regulations, and procedures may be addressed as a performance matter and be grounds for disciplinary action. A violation will not make disciplinary action mandatory but will be given such weight as the City determines to be appropriate in view of all the circumstances.
- C. 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.
- D. Prior Policies Repealed. If the terms and provisions of these Personnel Rules are inconsistent or in conflict with the terms and provisions of any prior City Personnel Rules, resolutions, regulations, and/or policies governing the same subject, the terms of these Personnel Rules will prevail and such inconsistent or conflicting provisions or prior rules, resolutions, regulations, and/or policies are hereby repealed.
- E. Employee Responsibility. It will be the responsibility of each employee to become aware and be knowledgeable of these Personnel Rules.
- F. Distribution of Personnel Rules. A copy of these Personnel Rules will be distributed to each City employee. Newly hired employees will receive a copy upon hire. An employee with questions about these Personnel Rules may direct them to Human Resources.
- G. Relationship with Administrative and Department Policies. The City Manager or individual City Department Heads may develop and administer supplemental written department policies and procedures as deemed necessary for the efficient, safe and orderly administration of the City or department. However, no such

policies or procedures will conflict with or supersede these Personnel Rules, other Council resolutions and ordinances, or existing laws, and must be submitted for and receive approval by Human Resources and the City Manager before their implementation. Copies of department policies and procedures must be distributed to each affected employee, to Human Resources, and to the City Manager. In the event of a conflict between an administrative or departmental policy or procedure, the provision of these Personnel Rules will control.

- H. Relationship with Labor Agreements. If any provision of these Personnel Rules conflicts with any lawful provision within a memorandum of understanding duly agreed upon between a recognized employee organization and the City, the provision of the memorandum of understanding shall govern. In all other cases, these Rules shall apply.
- I. Not an Employment Contract. None of these Personnel Rules shall be deemed to create a vested contractual right for any employee.
- J. General Delegation of Authority. Except as otherwise provided, any duties, responsibilities, powers, and authority granted by these Personnel Rules or the Personnel Ordinance to the Personnel Officer, Appointing Authority, or Department Heads, may be delegated, in writing, to any qualified employee at the discretion of the delegating individual.
- K. City Manager 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 the City Manager 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.
- L. Changes to the Law. When any local, state, or federal ordinance, regulation, or law that is incorporated in the Personnel Rules or upon which the Personnel Rules rely is amended through legislative or regulatory action or is deemed to have been amended by judicial decision, the Personnel Rules shall be deemed amended in conformance with those amendments.
- M. Severability. If any article, section, subsection, sentence, clause, or phrase of the Personnel Rules is found to be illegal by a court of competent jurisdiction, such findings shall not affect the validity of the remaining portions of the Personnel Rules.

SECTION 3. DEFINITIONS

The following terms as used in these Personnel Rules shall, unless the context clearly indicates otherwise, have the following meanings:

- A. ACTING APPOINTMENT. A temporary appointment of an employee who possesses at least the minimum qualifications established for a particular class and who is appointed to a position in that class.
- B. ADVANCEMENT. A salary increase within the limits of a pay range established for a class.
- C. ALLOCATION. The assignment of a single position to its proper class in light of the duties performed, and the authority and responsibilities exercised.
- D. ANNIVERSARY DATE. The date of an employee's most recent appointment.
- E. APPOINTING AUTHORITY or APPOINTING POWER. The City Manager is the Appointing Authority for all City employees, except for all positions for which appointing authority is reserved by the City Council by ordinance.
- F. APPOINTMENT. The offer to, and acceptance by, an individual for employment with the City.
- G. BUSINESS DAY. A day that the Duarte City Hall is open for business.
- H. CITY. The City of Duarte.
- I. CITY COUNCIL. The City Council of the City of Duarte.
- J. CITY MANAGER. The City Manager of the City of Duarte, or the City Manager's designee.
- K. CLASS. All positions sufficiently similar in duties, authority, responsibility, and working conditions to permit grouping under a common title and the application with equity of common standards of selection, transfer, promotion, and salary.
- L. CLASSIFIED EMPLOYEE. A full-time or three-quarter-time employee whose office, position, or employment is in the Classified Service.
- M. CLASSIFIED SERVICE or CITY SERVICE or MERIT SYSTEM. The offices, positions and employments in the service of the City which are included or which may hereafter be included under the Classified Service system by ordinance except 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; part-time and temporary employees; and emergency employees who are hired to meet the immediate requirements of an emergency condition.
- N. CONTINUOUS SERVICE. Employment with the City without break or interruption. No leave of absence, whether with or without pay, shall be construed as a break

or interruption in employment if the employee returns to work within 120 days (unless otherwise required by law).

- O. DATE OF HIRE. The date that an employee was originally hired by the City. An employee's date of hire does not change except through new City employment following termination, resignation, or retirement.
- P. DAY or DAYS. Calendar day(s) unless otherwise stated.
- Q. DEMOTION. The movement of an employee from one class to another class having a lower maximum rate of pay.
- R. DEPARTMENT HEAD. The individual designated as the administrative head of a City department.
- S. DISCIPLINE. The punishment of an employee by written reprimand, demotion, suspension, reduction of pay, termination, or other punitive measures.
- T. ELIGIBLE. A person whose name is on an employment list.
- U. EMERGENCY APPOINTMENT. An appointment of a non-employee who possesses the minimum qualifications established for a particular class and who has been appointed to a position in that class on a temporary basis by a Department Head during an emergency condition.
- V. EMPLOYMENT LIST. A list of names of persons who have taken an examination for a class in the Classified Service and have qualified for a position in that class. An employment list may or may not be established, in the discretion of the City.
 - 1. Open-Competitive Employment List. A list of names of persons who have taken an open-competitive examination for a class in the Classified Service and have qualified for a position in that class.
 - 2. Promotional/Internal Employment List. A list of names of persons who have taken a promotional examination for a class in the Classified Service and have qualified for a position in that class.
- W. EXAMINATION.
 - 1. Open-Competitive Examination. An examination for a particular class that is open to all persons meeting the qualifications for the class.
 - 2. Promotional/Internal Examination. An examination for a particular class, admission to the examination being limited to current City employees who meet the qualifications for the class.

- X. EXEMPT EMPLOYEES. Employees whose duties and responsibilities allow them to be “exempt” from overtime and minimum wage provisions as provided by the Fair Labor Standards Act (FLSA) and any applicable state wage and hour laws.
- Y. FULL-TIME POSITION. A budgeted position in which an employee of the City is regularly scheduled to work at least 40 hours per workweek.
- Z. JOB FAMILY. A group of job functions that involve work in the same general occupation. These jobs have related knowledge requirements, skill sets, and abilities. For example, Maintenance Supervisor and Maintenance Worker are in the Maintenance job family, while a Recreation Leader and Recreation Supervisor are in the Recreation job family.
- AA. LAYOFF. The separation of classified employees from the active work force due to lack of work or funds or to abolishment of a position, by the City Council, or due to organizational changes.
- BB. NON-EXEMPT EMPLOYEE. Employees who are entitled to overtime compensation under the provisions of the FLSA.
- CC. PART-TIME/HOURLY EMPLOYEE. Employees, who work an average of less than 20 hours per week, or fewer than 1,000 hours per year, are considered part-time/hourly employees. Part-time/Hourly employees are excluded from the Classified Service, are hired by, and serve at the will of, the City Manager. They may be terminated from employment at any time, without notice, cause, or appeal. Part-time employees are not covered by these personnel rules.
- DD. PERSONNEL OFFICER. The City Manager or authorized designee. Any designation of Personnel Officer powers must be approved by the City Council, in accordance with Section 2302 of the Duarte Municipal Code.
- EE. PROBATIONARY PERIOD. A working test period during which an employee is required to demonstrate the ability to perform the duties of the position and is subject to termination with or without cause. The probationary period of all employees shall last for at least 12 months, and can be extended as provided in these Rules.
- FF. PROMOTION. The movement of an employee from one position to another position with a higher maximum rate of pay.
- GG. PROMOTIONAL PROBATIONARY PERIOD. A working test period during which a promoted employee is required to demonstrate the promoted employee’s ability to perform the duties of the new position. The probationary period of all employees shall last for at least 6 months, and can be extended as provided in these Rules.
- HH. PROVISIONAL APPOINTMENT. An appointment of a non-employee who possesses the minimum qualifications established for a particular class and who

- has been appointed to a position by the City Manager in that class on a temporary basis.
- II. REDUCTION IN PAY. A temporary or permanent lowering of an employee's rate of pay.
 - JJ. REGULAR EMPLOYEE. An employee who has completed the probationary period and is occupying a budgeted position established on a continuing basis.
 - KK. REINSTATEMENT. The discretionary restoration without examination of a former regular or probationary employee to a position in a classification in which the employee formerly served.
 - LL. REPRIMAND. A written notification to an employee regarding a censure made as a disciplinary action.
 - MM. RESIGNATION. The voluntary termination of employment by an employee.
 - NN. RETIRED ANNUITANT. A person who has retired from a public agency that is a contracting agency of the California Public Employee Retirement System ("CalPERS") or another public retirement system with statutory and/or regulatory constraints on working after retirement. Any retired annuitant employed by the City must meet the applicable statutory and/or regulatory requirements for the temporary employment of retired annuitants without triggering reinstatement to active City employment.
 - OO. SUSPENSION. The temporary separation, without pay, from service of an employee for disciplinary purposes.
 - PP. TEMPORARY EMPLOYEE. An employee who is appointed for a limited period of time for a specified, limited purpose. Temporary employees are excluded from the classified service, serve at the will of the Appointing Authority, and may be terminated without cause and without hearing or right of appeal. Temporary employees are not covered by these personnel rules.
 - QQ. TERMINATION/TERMINATE. The permanent separation of an employee from the City service.
 - RR. THREE-QUARTER TIME EMPLOYEES. A type of regular employee who works an average of 30-39 hours per week.
 - SS. TRANSFER. Change of an employee from one position to another position in the same class, or from one class to another class having the same maximum rate of pay and having similar duties and basic qualifications.
 - TT. VACANCY. An unfilled budgeted position in the City of Duarte.

SECTION 4. EQUAL EMPLOYMENT OPPORTUNITY/DIVERSITY, EQUITY, AND INCLUSION

- A. Equal Employment Opportunity. Equal employment opportunity shall be accorded to all persons regardless of their race, religious creed, color, national origin, ancestry, sex, age over 40, physical or mental disability, medical condition, pregnancy (including childbirth and related medical conditions or disabilities), sexual orientation, marital status, gender identity, gender expression, genetic characteristics or information, military or veteran's status, reproductive health decision making, and/or any other category protected by federal and/or state law. Employees who believe they have experienced any form of employment discrimination are encouraged to report this immediately, using the complaint procedure provided in the City's policy prohibiting harassment, discrimination, and retaliation.
- B. Policy Against Harassment, Discrimination and Retaliation. City policy prohibits unlawful harassment and discrimination based on an employee's race, religious creed, color, national origin, ancestry, sex, age, physical or mental disability, medical condition, sexual orientation, marital status, gender identity, gender expression, genetic characteristics or information, military and veteran's status, reproductive health decision making and/or any other category protected by federal and/or state law. In addition, City policy prohibits retaliation because of the employee's opposition to a practice the employee reasonably believes to constitute employment discrimination or harassment or because of the employee's participation in an employment investigation, proceeding, or hearing. Employees who believe they have been harassed, discriminated against, or retaliated against, should report that conduct to the City, and the City will investigate those complaints. For more information regarding the policy and complaint procedures, employees should review the City's policy against harassment, discrimination, and retaliation for additional information.
- C. Disabled Applicants and Employees. The City has a commitment to ensure equal opportunities for disabled applicants and City employees. Every reasonable effort will be made to provide an accessible work environment for such employees and applicants. Employment practices (e.g., hiring, training, testing, transfer, promotion, compensation, benefits, and discharge) will not discriminate unlawfully against disabled applicants or employees. The City provides employment-related reasonable accommodations to qualified individuals with disabilities within the meaning of the California Fair Employment and Housing Act ("FEHA") and the Americans with Disabilities Act ("ADA").
1. Request for Accommodation. An applicant or employee who desires a reasonable accommodation in order to perform essential job functions should make such a request in writing to Human Resources. The request must identify: a) the job-related functions at issue; and b) the desired accommodation(s). Reasonable accommodation can include, but is not limited to job restructuring, reassignment to a vacant position for which the

employee is qualified, and making facilities accessible. In accordance with applicable law, the City may permit use of accrued leave or authorize a temporary unpaid leave as a reasonable accommodation, if such leave is reasonably expected to result in the employee's return to work, with or without additional reasonable accommodation.

2. Reasonable Documentation of Disability. Following receipt of the request, the Administrative Services Department may require additional information, such as reasonable documentation of the existence of a disability or additional explanation as to the effect of the disability on the employee's ability to perform the employee's essential functions, but will not require disclosure of diagnosis or genetic history.
 3. Interactive Process. The City will engage in the interactive process, as defined by the FEHA and ADA, to determine whether an applicant or employee is able to perform the essential functions of the position sought or currently held. During this process, the City will examine potential reasonable accommodations that will make it possible for the employee or applicant to so perform. Such interactive process will include a meeting with the employee or applicant, the City, their representatives (if any), and, if necessary, the employee or applicant's health care provider.
 4. Case-by-Case Determination. The City determines, in its sole discretion, whether reasonable accommodations(s) can be made, and the type of reasonable accommodations(s) to provide. The City will not provide an accommodation that would pose an undue hardship upon the City or that is not required by law. The City will inform the employee of any decisions made under this section in writing.
 5. Fitness for Duty Leave. While the City is engaged in the interactive process with an employee, the City may require that the employee be placed on a fitness for duty leave in accordance with Section 10.
- D. Accommodation for Sincerely Held Religious Belief. The City will make reasonable accommodations to the known sincerely held religious beliefs of a person during the hiring process and in the course of employment, if the accommodation would resolve a conflict between the person's religious beliefs, unless doing so would impose an undue hardship on the City. The following procedure shall apply:
1. Procedure for Requesting a Religious Accommodation. If a person believes that a religious accommodation is necessary, the person should submit a request for accommodation to Human Resources. This request may be made orally or in writing, however the City encourages written requests. Such requests should include the following relevant information:
 - a. A description of the accommodation requested;
 - b. The reason the accommodation is necessary; and

- c. A description as to how the accommodation will resolve the conflict between the person's religious beliefs or practices and the City's application or employment requirements for the corresponding position.
 2. Upon receiving the request, the City will invite the person to a meeting to explore potential accommodations that could resolve the conflict between the person's religious beliefs and the City's application or employment requirements for the corresponding position. The City may provide the person's requested accommodation or may provide an alternative reasonable accommodation based on the City's discretion, to the extent that an effective accommodation is available without imposing undue hardship on the City.
- E. Transgender Employees/Workplace Gender Transitions. All City employees have the right to be openly who they are, while still maintaining professional expectations. An individual's transition will be treated as a confidential matter and only disclosed on a need-to-know basis, or as otherwise requested or authorized by the individual. An individual may contact their supervisor or Human Resources to develop a workplace transition plan that is appropriate for the individual's needs. The City will make reasonable accommodations to an employee undergoing gender transition and necessitating time off from work to attend any gender transition related appointments, unless doing so would impose an undue hardship on the City.
- F. Lactation Accommodation
 1. In accordance with applicable state and federal law, an employee who needs to express breast milk for the employee's infant child will be permitted to take a reasonable amount of break time for that purpose, as a lactation accommodation. The break time must, if possible, run concurrently with any break time already provided to the employee. For non-exempt employees, break time that takes place outside of authorized paid rest time is unpaid. To the extent that break time would seriously disrupt the City's operations, the City may limit the employee's use of such time.
 2. An employee seeking lactation accommodation must contact Human Resources by email, or via other written communication. The City will respond via email or other written document within a reasonable period of time to acknowledge the request. Before implementing a lactation accommodation the City will request input from the employee and the employee's supervisor(s) regarding the anticipated timing of lactation break(s) and proposed location(s) for taking lactation breaks.
 3. Following such a request, the City will provide written details to the employee regarding the terms of the lactation accommodation, which will include:

- a. Identification of a space, other than a bathroom, that is in close proximity to the employee's work area, is safe, clean, free of hazardous materials, and that is shielded from view and free from intrusion while the employee is expressing milk.
 - i. The City will also ensure that the space contains a place to sit and a surface to place a breast pump and personal items and contains access to electricity or alternative devices (such as extension cords or charging stations) needed to operate an electric or battery-powered breast pump.
 - ii. If the designated space is a room that may also be used for purposes other than lactation, the City will ensure that the use of the room for expression of milk will take priority over other uses.
 - iii. Identification of a sink with running water and a refrigerator (or other cooling device suitable for storing expressed milk) that are in close proximity to the employee's work area and that will be accessible for the employee's use.

SECTION 5. CLASSIFICATION OF POSITIONS

- A. Classification. Every person employed by the City will be assigned a job classification.
- B. Preparation of Classification Plan. The City Manager shall ascertain and record the duties and responsibilities of all positions in the Classified Service and, after consulting with Department Heads, shall prepare a position classification plan for such positions. The position classification plan shall consist of classes of positions in the Classified Service defined by job descriptions, including the title. The position classification plan shall be so developed and maintained that all positions substantially similar with respect to duties, authority, responsibility, and working conditions are included within the same class, and that the same schedules of compensation may be made to apply with equity under like working conditions to all positions in the same class and job family.
- C. Adoption, Amendment and Revision of Classification Plan. The classification plan shall be adopted by and may be amended from time to time by resolution of the City Council. At the time of consideration by the City Council, any interested party may appear and be heard.
- D. 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.

- E. New Positions. Requests for new positions will be submitted first to the Administrative Services Director or designee by the respective Department Head. 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 Administrative Services Director or designee 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. Upon City Manager approval, all new positions will be submitted to City Council for budgetary consideration.
- F. Reclassification. Requests for reclassification must be submitted to the Administrative Services Director or designee 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 and salary range, as well as the proposed method of financing, and statement of justification. The Administrative Services Director or designee will review all requests for reclassification and recommend approval or disapproval to the City Manager.
- G. 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. Substantive revisions to job descriptions that are associated with substantive changes to the duties performed by a particular position shall be subject to approval by the City Council. Non-substantive changes, such as to reflect previous, gradual changes to the conditions in which work is currently performed or to improve accuracy in describing the class or position title, or update non-substantive details associated with job duties already performed, may be approved administratively by the City Manager and are not subject to approval by the City Council.

SECTION 6. METHODS OF FILLING VACANCIES

- A. Notice to City Manager. Whenever a vacancy in the classified service is to be filled, the City Manager, after considering the recommendation of the Department Head, shall have the right to decide how to fill the vacancy.
- B. Types of Appointment. All vacancies in the classified service shall be filled by transfer, promotion, demotion, reemployment, or reinstatement. In the absence of persons eligible for appointments as specified above, provisional, acting, or emergency appointments may be made in accordance with these Personnel Rules.
 - 1. Provisional Appointment. A provisional appointment may be made, by the City Manager, with the recommendation of the Department Head, of a person meeting the minimum training and experience qualifications for the

position. The term of a provisional appointment shall not be longer than six months. During a provisional appointment, a provisional appointee shall be compensated at the level assigned to that position.

- a. The provisional appointee shall be considered a temporary employee and shall not be entitled to the rights and benefits afforded to classified employees under these Personnel Rules. In the event that a Retired Annuitant is hired as a provisional employee, the appointment and employment of the Retired Annuitant will be governed by the applicable statutes and regulations of CalPERS or other applicable retirement system. In the event that the City's rules and procedures on provisional employment are inconsistent with the applicable statutes and regulations governing the employment of retired annuitants, the statutes and regulations shall control.
- b. Individuals hired under a provisional appointment will be notified in writing by the City that the appointment is of a temporary nature. Employees appointed to a provisional position will not acquire probationary or regular status or rights. Time spent in a provisional position will not count toward the probationary period if the employee is subsequently appointed to the regular position.

2. Acting Appointment. Acting appointments may be used to fill positions that are vacant or that are temporarily vacant, such as when an employee is on an extended leave of absence.

- a. 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 the employee is performing the required duties. In such cases, the employee shall be paid at an appropriate step of the current salary schedule of the higher classification which will assure an increase of not less than 5% greater than the salary of the employee's 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 the City Manager's 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 the City Manager's designee, as recommended by the affected Department Head.

- b. 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 without the announcement by the City Manager, or the City Manager's designee, of an approved examination as otherwise provided in the rules and regulations. In no case shall an employee serve more than 960 hours in a fiscal year or six (6) total months, whichever comes first, in a higher classification without successfully passing the examination.
 - c. An employee appointed in an acting capacity shall be eligible to receive performance increases in the permanent position during the acting appointment but shall not be entitled to performance increases in the position which the employee 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.
 - d. The City Manager, or the City Manager's 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 employee's salary rate will revert to the salary rate in the employee's permanent position upon the expiration of the need for the performance of the duties of the higher classification.
3. Emergency Appointment. To meet the immediate requirements of an emergency condition, the Department Head, or any persons so authorized in advance 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 promptly to the Administrative Services Director or designee. Emergencies are defined as fire, flood, earthquake, or other public calamity, which threatens life or property. The emergency appointee shall be considered a temporary employee and shall not be entitled to the rights and benefits afforded to classified employees under these Personnel Rules. In the event that a Retired Annuitant is hired as an emergency employee, the appointment and employment of the Retired Annuitant will be governed by the applicable statutes and regulations of CalPERS or other applicable retirement system, to the extent such provisions remain in effect during the emergency. In the event that the City's rules and procedures on provisional employment are inconsistent with the applicable statutes and regulations governing the employment of retired annuitants, the statutes and regulations shall control.

4. City-Initiated Transfer. Based on the City's needs, an employee may be transferred by the City Manager at any time from one position to another position within the same or comparable class. Employees who are transferred upon the initiative of the City will not be required to serve a probationary period. Upon approval of the City Manager, an employee may be transferred by the Department Head at any time from one position to another position in a comparable class where the salary range is the same, involves the performance of similar duties and requires substantially the same basic qualifications. However, the employee must meet the minimum qualifications established for the position being transferred to. The employee will be notified prior to any transfer. Any employee who is transferred from one position to another position in the same or similar class will be compensated at the same step and salary range the employee received in the previous position. The employee's anniversary date for purposes of performance evaluation timing will change to the effective date of the transfer.
5. Employee-Initiated Transfer. Regular employees who have completed their probationary period may request a transfer to a different position. Requests for transfer from an employee will be assessed for feasibility and benefit to the City. Employees requesting a transfer will submit a memorandum to the City Manager detailing the request for transfer and reasons for the request. Upon receipt of the transfer request the City Manager will notify the employee's Department Head. Job performance, qualifications, attendance, and other legitimate factors will be evaluated to ensure the most effective use of the employee's capabilities in evaluating the transfer request. Employees transferred to a vacant position at their request will serve a new 6-month probationary period. Any employee who is transferred from one position to another position in the same or similar class will be compensated at the same step and salary range the employee received in the previous position. The employee's anniversary date for purposes of performance evaluation timing will change to the effective date of the transfer. If the transfer involved a change from one department to another, both Department Heads must consent thereto unless the City Manager orders the transfer.
6. Interactive Process Transfer. As part of the interactive process and in accordance with state and federal law, an employee who is unable to perform the essential functions of the employee's present classification may be placed in a vacancy in another class that does not result in a promotion if the employee can perform the essential functions of the vacant position, with or without reasonable accommodation. Employees who are transferred under this section are not required to serve a probationary period.
7. Promotion. It is the policy of the City to fill authorized vacant positions based on merit. Insofar as consistent with the best interest of the City,

vacancies in the Classified Service may be filled by promotion from within the Classified Service, after a promotional examination has been given. All regular or probationary employees meeting the qualifications standard of a higher-grade position under the same or different job classification may be considered for promotion. 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.

8. Demotion. The City Manager may voluntarily or involuntarily demote an employee. No employee will be demoted to a position for which the employee does not possess the minimum qualifications. Disciplinary demotion action will be in accordance with Section 17. Any demotion taken in lieu of layoff will be in accordance with Section 23. An employee may also request a voluntary demotion. An employee who possesses the minimum qualifications, may request a voluntary demotion to a lower position. An employee requesting a voluntary demotion will submit a memorandum to the employee's Department Head requesting a voluntary demotion and detailing the reasons for the request. Upon receipt of the request for voluntary demotion, the Department Head will notify the City Manager. If the request for voluntary demotion involves a change from one department to another, both Department Heads must consent thereto unless the City Manager orders the demotion. Demoted employees are required to serve a 12-month probationary period in accordance with Section 11. The employee's anniversary date will change to the effective date of the demotion. Demoted employees will have their salary reduced accordingly to the appropriate salary range. Salary determinations for demoted employees are solely within the discretion of the City Manager.
9. Reinstatement. With the approval of the City Manager, a former full-time employee may be reinstated within one (1) year of the effective date of resignation from a City position to a vacant position in the same classification formerly held. Upon reinstatement, the employee shall be subject to the probationary period prescribed for the position unless specifically waived in writing by the City Manager. No credit for former employment shall be granted in computing salary, vacation, or other benefits except on the specific recommendation of the City Manager at the time of reinstatement unless otherwise required by law. The employee shall have a new hire date that is applicable to all benefits, including retirement and retirement health benefits, unless otherwise required by law
10. Reemployment. An employee may be appointed from a reemployment list following layoff in accordance with Section 23 or when the employee has failed a promotional probationary period or a probationary period due to employee-initiated transfer in accordance with Section 10.

SECTION 7. SECTION 7. 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 Administrative Services Director or designee 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 through an online application system and/or on forms provided by the Administrative Services Director or designee. Such forms will require information covering the training, experience, and other pertinent information.
- C. Submitting Applications. Applications must be submitted as prescribed on the examination announcement. Applications must include all required information. The person applying must sign the application. Applications unsigned by the applicant are considered incomplete, and will not be accepted. The Administrative Services Director or designee must receive completed applications no later than the date and time published as the final filing date. All applications will become the property of the City. They will not be returned to the individual applicant. The City may destroy applications filed through the selection process in accordance with the City's document retention policy.
- D. Incomplete Applications. Applications lacking information deemed material by the Personnel Officer may be returned to the applicant with notice to amend provided adequate time exists before the final filing date. Incomplete applications received at the end of the filing period will not be given consideration for City employment.
- E. Types of Recruitments. Recruitments may be conducted in any of the following manners at the discretion of the Administrative Services Director or designee.
1. Open Recruitment - A recruitment open to any applicant.
 2. Internal/Promotional Recruitments. - A recruitment open to only those persons employed in a regular, probationary, or temporary position with the City. Volunteers and enrollees in training and work programs shall not be eligible to compete in internal recruitments.
- F. Disqualification. The Administrative Services Director or designee may eliminate from the selection process or refuse to certify for the position, the name of any person:

1. Who does not possess the minimum qualifications for the position;
2. Who has failed to submit a complete application;
3. Who has made any false statement, misrepresentation, or omission of any material fact, or who has practiced, or attempted to practice, any deception or fraud in the person's application;
4. Who has not signed the application under penalty of perjury;
5. Who has not applied for the position in a timely manner;
6. Who has otherwise violated provisions of these Personnel Rules; or
7. Who has demonstrated other reasons which would indicate that the applicant is unfit for the position.

In addition, applicants with the least desirable background or qualifications among a large number of applicants may be denied further participation in the selection process through an evaluation of their qualifications, thus providing a reasonable number of the best qualified candidates for consideration.

Applicants disqualified from further participation in the selection process will be promptly notified to permit submission of additional information provided that the time limit for receiving applications has not expired. Notice will be mailed to the last known address; it will be the applicant's responsibility to keep the applicant's current address on file. Whenever an application is rejected, Human Resources will mail notice of such rejection to the applicant.

SECTION 8. SELECTION PROCESS

The selection techniques used in the examination process shall be impartial, be of a practical nature, and relate to those subjects which, in the opinion of the Personnel Officer, fairly measure the relative capacities of the applicants to execute the duties and responsibilities of the class to which they seek to be appointed. The selection procedure may consist of such recognized techniques as achievement tests, aptitude tests, evaluation of personality and background through personal interviews, performance tests, evaluation of work performance, work samples, physical agility tests, other written tests, review and investigation of personal background and references, criminal background check via fingerprinting, post-offer medical and psychological examinations, post-offer drug and/or alcohol analysis, or any combination thereof. The Administrative Service Director shall ensure that reasonable accommodations are made in examinations for persons with disabilities under the ADA and/or FEHA, when needed. All inquiries regarding criminal conviction history and all medical examinations (including drug tests) shall only be administered after the conclusion of all other examinations, except the probationary period, and after a conditional offer of employment has been made by the City.

- A. General Nature. The selection techniques used in the selection process will be impartial and of a practical nature and will relate to those subjects that, in the opinion of the Administrative Services Director, 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:
 - 1. 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.
 - 2. 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.
 - 3. Physical Agility Test. A physical agility test may be administered as a contingency to the position.
 - 4. 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 Administrative Services Director, or the Administrative Services Director's designee, will be responsible for the coordination and/or administration of examinations. The Administrative Services Director may contract with any competent agency or individual for the preparing and/or administering of examinations. In the absence of such a contract, the Administrative Services Director will see that such duties are performed.
- 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. All scores and results will remain confidential and are not deemed public record.

- F. Notice of Examination Results. Applicants will be notified in writing concerning the results of their participation in the selection process, but applicants will not be advised of any score received.
- G. Order of Eligibles. Upon scoring of all examination components, the names of eligibles will be placed in eligibility categories according to composite performance on weighted selection procedures.
1. Tied Scores. Except as provided in this section, in case of tied scores, all eligibles shall receive similar treatment which shall include certification at the same time, notwithstanding that such action may require an exception to any of these Personnel Rules pertaining to numbers of persons certified.
 2. Veteran's Preference. For purposes of placement on the list of eligibles, if an applicant who has a tied score in an examination is a veteran, as that term is defined in Section 50088 of the California Government Code, the tie will be broken in favor of the veteran, such that the veteran will be placed at a higher position than the non-veteran.
- H. Optional Employment Lists. The City may, but is not required to, establish an employment list in accordance with this Section. If the City elects to establish an employment list, applicants will be so notified.
1. Establishment of Employment List. As soon as possible after the completion of an examination, the City Manager will certify an employment list. Employment lists established will be confidential; names and final scores will not be made public information.
 2. Types of Employment Lists.
 - a. Promotional Internal Employment List. The names of eligibles will be placed on the list in order of their final score.
 - b. Open-Competitive Employment List. The names of eligibles will be placed on the list in order of their final score.
 - c. Reemployment List. The names of employees laid off under the provisions of Section 23 shall have their names placed on a reemployment list. In addition, employees who are rejected during a promotional probationary period and cannot be returned to their prior position or a similar position shall have their names placed on a reemployment list for their prior position.
 3. Use and Duration of Employment Lists. An employment list shall become effective upon the City Manager's certification that the list was prepared and represents the relative evaluation of the applicants whose names appear thereon. Each employment list generally will only be used to fill one position. However, the City Manager, in the City Manager's discretion, can

- A. Conditional Offer of Employment. Following the selection process, the City Manager may make a conditional offer of employment to the applicant selected by the Department Head.

- B. Criminal Conviction History and Background Screening. The City will only inquire about criminal conviction history after it has issued a conditional offer of employment. Applicants who receive a conditional offer of employment may be requested to be fingerprinted and/or undergo a background screening, as part of the examination process. Refusal of an applicant or employee to be fingerprinted, failure to report for fingerprinting or failure to provide such information as is necessary to conduct a background check will be sufficient cause for disqualification for employment or termination from employment. The City's process for inquiring about criminal conviction history is set forth in a separate administrative policy.

- C. Medical Examination of Applicants and Employees. Following a conditional offer of employment, prospective employees may be required to complete a job related pre-employment medical examination. The City may require that employees take a psychological and/or a medical examination, as it deems necessary in order to determine employees to be mentally and physically capable of performing the essential functions of the job. Conditional offers of employment are made contingent upon passing this medical examination, however, the City will make reasonable accommodations to the special needs of any disabled individual as required by law. A licensed health care provider chosen by the City will perform such examination without cost to the prospective employee. The prospective employee will be required to complete a medical history questionnaire and a medical records release as necessary to facilitate the examination. The health care provider will indicate the employee's fitness for employment on the examination form.
 - 1. Depending on the essential functions of a position, a medical examination may be required for:
 - a. Applicants who have received a conditional offer of employment;
 - b. Employees seeking a transfer from one position requiring general physical abilities to another position requiring physical abilities of a more different nature;
 - c. Employees returning to work from a medical leave of absence. The physician conducting the medical examination will be supplied with a current job description indicating the essential functions of the position; or
 - d. When a supervisor observes or receives a reliable report of an employee's possible lack of fitness for duty. Observations and reports may be based on, but are not limited to, employee's own self-

report of potential unfitness, dexterity, coordination, alertness, speech, vision acuity, concentration, response to criticism, interactions with the public, co-workers, and supervisors.

2. The results of all medical examinations will be kept confidential. Examination results for newly hired employees and employees transferring to another position will be kept in the employee's confidential medical file. No employee will hold any position in which the employee is not able to perform the essential functions of the job, with or without reasonable accommodation.
 3. Regulatory Compliance. Certain employees are subject to regulations issued by the Department of Transportation and/or the California Department of Motor Vehicles. All such employees must meet the standards set forth in those regulations as part of the hiring process and as part of continued employment.
- D. 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.
- E. Driver License and Driving Record. Employees who are required to drive as a part of their job are required to possess a valid California driver license and maintain a satisfactory driving record acceptable to the City Manager as a condition of employment. The City will, from time to time, obtain a copy of employee driving records from the DMV where permitted by law. Employees must immediately report to the Administrative Services Director any changes in driving privileges. Failure to do so may result in disciplinary action up to and including termination. Employees who are required to drive a personal vehicle as a part of their job must provide proof of insurance in amounts and forms as approved by the Administrative Services Director and comply with additional requirements set forth in separate City policy.
- F. Formal Appointments. After interview and investigation, the City Manager, in consultation with the affected Department Head, shall make appointments from among those qualified and will immediately notify the Administrative Services Director or designee of the person or persons appointed. The Administrative Services Director, or designee, will thereupon notify the person appointed, and if the applicant accepts the appointment and presents for duty within such period of time, as the appointing power will prescribe, the applicant will be deemed to have been appointed; otherwise, the applicant will be deemed to have declined the appointment.
- G. Employment Oath. All employees of the City must complete and sign the Oath or Affirmation of Allegiance for Public Officers and Employees on the first day of

employment in accordance with Article XX, Section 3 of the Constitution of the State of California. A signed copy will be included in the employee's personnel file.

- H. Keys and Other City Property. Keys to City facilities will be issued to employees so designated by the City Manager. Keys are the property of the City and must be surrendered to the City upon demand or upon separation from employment. Employees are required to immediately report lost or stolen keys to the employee's supervisor and Department Head. Employees may not copy keys or lend keys to other persons without the approval of the City Manager. Other property issued to the employee belonging to the City will be surrendered to the City upon demand or upon separation from employment.

SECTION 10. 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; for determining if the new employee can adhere to City rules and policies; and for rejecting new employees when their performance does not meet the required standards of work.
- B. Length of Probationary Period. All regular employees shall serve probationary periods, and all newly hired employees will serve a minimum one-year probationary period. Employees promoted from a full-time position into a higher level full-time position shall serve a six-month promotional probationary period. Probationary periods may be extended in accordance with these Personnel Rules.
- C. Rejection of Probationer. When initially hired into a full-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. Probationary employees do not have property or vested rights to their position with the City and are considered at-will employees. 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.
- D. 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, per Department Head recommendation.
- E. Rejection from Promotional Probation or Employee-Initiated Transfer. Any employee rejected during the probationary period following a promotional appointment shall be reinstated to the position from which the employee was promoted if it remains vacant, unless

1. Charges are filed and the employee is discharged in the manner provided in these rules for positions in the classified service;
2. No vacancy exists for the classification to which the employee would revert; or
3. No funding is available in the classification to which the employee would revert.

If there is no vacancy in the employee's prior position or a similar position or if no such position is funded, the employee may request to be placed on a reemployment list.

F. Probationary Period Following Demotion, Transfer, Reinstatement or Reemployment.

1. Demotion. A new 12-month probationary period will be required following demotion, unless waived by the City Manager. When an employee demotes from one department to another department, a new probationary period will be served in the new department.
2. Transfer. A new 12-month probationary period will be required following transfer, unless waived by the City Manager. When an employee transfers from one department to another department, a new probationary period will be served in the new department.
3. Reinstatement. A new 12-month probationary period will be required upon reinstatement to a position as detailed in Section 6(B)(9) above, unless specifically waived in writing by the City Manager
4. Reemployment. Persons appointed to positions by reemployment must serve a new 6-month probationary period, unless the appointment is to the same class in the same department where a probationary period has been previously successfully completed.

SECTION 11. NEPOTISM AND CONSENSUAL ROMANTIC RELATIONSHIPS

A. Nepotism.

1. Definitions.
 - a. Applicant. A person who applies for a position at the City and is not a Current Employee.
 - b. Change of Status. A change in the legal status or personnel status of one or more Current Employees.

- i. Changes in legal status include but are not limited to marriage, divorce, separation, or any such change through which a Current Employee becomes a Family Member or ceases to be a Family Member of another Current Employee.
 - ii. Changes in personnel status include but are not limited to promotion, demotion, transfer, resignation, retirement or termination of a Current Employee who is a Family Member of another Current Employee.
- c. Current Employee. A person who is presently a City employee, or an elected or appointed City official.
- d. Direct Supervision. One or more of the following roles, undertaken on a regular, acting, overtime, or other basis shall constitute Direct Supervision:
 - i. Occupying a position in an employee's line of supervision; or
 - ii. Functional supervision, such as a lead worker, crew leader, or shift supervisor; or
 - iii. Participating in personnel actions including, but not limited to, appointment, transfer, promotion, demotion, layoff, suspension, termination, assignments, approval of merit increases, evaluations, and grievance adjustments.
- e. Family Member. A spouse, domestic partner, parent, parent-in-law, step-parent, legal guardian, sister, step-sister, sister-in-law, brother, step-brother, brother-in-law, child, step-child, legal ward, daughter-in-law, son-in-law, grandchild, or grandparent.
- f. Prohibited Conduct. Conduct by Family Members including, but not limited to, one or more of the following:
 - i. Participation directly or indirectly in the recruitment or selection process for a position for which a Family Member is an Applicant.
 - ii. Direct Supervision of a Family Member that does not comply with limitations set forth in this Article;
 - iii. Conduct by one or more Family Members that has an adverse effect on supervision, safety, security or morale.

2. Applicants for Employment.

- a. No qualified Applicant may be denied the right to file an application for employment and compete in the examination process. However, consistent with this Article, the City may reasonably regulate, condition, or prohibit the employment of an Applicant.
- b. Disclosure of Relationship. Each Applicant is required to disclose the identity of any Family Member who is a Current Employee.
- c. Review of Administrative Services Director. For each Applicant who has a Family Member who is a Current Employee, the Administrative Services Director shall assess whether any of the following circumstances exist:
 - i. Business reasons of supervision, safety, security or morale warrant the City's refusal to place the Applicant under Direct Supervision by the Family Member; or
 - ii. Business reasons of supervision, security, or morale that involve potential conflicts of interest or other hazards that are greater for Family Members than for other employees, which warrant the City's refusal to permit employment of Family Members in the same department, division, or facility.
- d. Decision of the Administrative Services Director. If the Administrative Services Director determines that either of the above circumstances exist, the Administrative Services Director shall exercise his or her discretion to either reject the Applicant or consider the Applicant for employment in a position that does not present either of the above circumstances.
 - i. Following examination, if the Applicant is successfully certified as eligible pursuant to Article Section 8, he or she may be employed in a position for which the Administrative Services Director has determined that neither circumstance exists pursuant to Section 11.A.2.c.
 - ii. When an eligible Applicant is refused appointment by virtue of this Section 11, his or her name shall remain on any employment list that has been created for openings in the same classification. For each opening, the Administrative Services Director shall make a determination consistent with Section 11.A.2.c.

3. Guidelines for Current Employees.

- a. Employees shall report a Change of Status to the Administrative Services Director within a reasonable time after the effective date of the Change of Status. Wherever feasible, Employees shall report a Change of Status in advance of the effective date.
- b. Within thirty days from receipt of notice, the Administrative Services Director shall undertake a case-by-case consideration and individualized assessment of the particular work situation to determine whether the Change of Status has the potential for creating an adverse impact on supervision, safety, security, or morale.
 - i. The Administrative Services Director shall consult with an affected Department Head to make a good faith effort to regulate, transfer, condition or assign duties in such a way as to minimize potential problems of supervision, safety, security, or morale.
 - ii. Notwithstanding the above provisions, the City retains the right to exercise its discretion to determine that the potential for creating an adverse impact on supervision, safety, security, or morale cannot be sufficiently minimized and to take further action as set forth in Sections 11.A.4.b.i or 11.A.4.b.ii.

4. Monitoring by Department Head.

- a. Following a Change of Status or new hire of a Family Member, affected Department Heads shall reasonably monitor and regulate both Family Members' conduct and performance for a period of one year from the date of the Administrative Services Director's determination. The Department Head shall document these actions. Successive Department Heads may re-visit such a determination at their discretion.
- b. If the Department Head determines, subject to any applicable requirements of due process, that an employee has engaged in Prohibited Conduct, the Department Head shall re-visit the Administrative Services Director's determination. Depending on the severity of the Prohibited Conduct, the Department Head may recommend that the Administrative Services Director take one or more of the following additional measures:
 - i. Transfer one of the Family Members to a similar position that would not be in violation of this policy. The transfer will be granted provided the Family Member qualifies and there is an

opening to be filled. There can be no guarantee that the new position will be within the same classification or at the same salary level.

- ii. If the situation cannot be resolved by transfer, one of the Family Members must separate from City employment. If one of the employees does not voluntarily resign, the employee with primary responsibility for the Prohibited Conduct will be discharged.
 - c. Department Heads who receive complaints from other employees that one or more Family Members has engaged in Prohibited Conduct shall respond in accordance with existing complaint and disciplinary procedures, where applicable.
 - d. Where situations exist prior to the effective date of this Article that may be in conflict with this Article, every effort shall be made to reasonably address the situation so as to avoid any future conflict.
5. Appeal of Administrative Services Director Determination. Current Employees and Applicants affected by the application of this Article, may appeal the action to the Administrative Services Director within ten days of the action. The Administrative Services Director shall hear the individual's concerns and issue a written decision within 30 days of receipt of the individual's appeal. An individual who is dissatisfied with the Administrative Services Director's decision may appeal to the City Manager within five days of receipt of the Administrative Services Director's decision. The City Manager shall hear the individual's concerns and issue a written decision within 30 days of the receipt of the individual's appeal. The decision of the City Manager is final, and no other appeal may be had unless the employee is entitled to further administrative appeal under other provisions of these Personnel Rules.
6. Employee Complaints. Employees who believe that they have been adversely affected by Prohibited Conduct by one or more Family Member should submit complaints to a Department Head or to the Administrative Services Director.
7. Savings Clause. Should any provision of this Article, or any application thereof, be unlawful by virtue of any federal, state, or local laws and regulations, or by court decision, such provision shall be effective and implemented only to the extent permitted by such law, regulation or court decision, but in all other aspects, the provisions of this Article shall continue in full force and effect.

B. Consensual Romantic Relationships Between Employees.

1. General. Consensual romantic or sexual relationships between City employees can lead to misunderstandings, complaints of favoritism, adverse effects on employee morale, and possible claims of sexual harassment during or after termination of the relationship. As a result, such relationships present existing or potential conflicts that adversely affect efficient operation of the City. Relationships that present an actual conflict under this Section are therefore prohibited.
2. Application. This section shall apply to all City employees, regardless of gender or sexual orientation, who have a romantic or sexual relationship with another City employee. The provisions of Section 1 regarding nepotism shall govern employees who marry or become domestic partners with another City employee.
3. Definition of Conflict. For purposes of this section, a conflict exists if business issues of supervision, safety, security, and/or morale would be impacted by a romantic or sexual relationship between two employees.
4. Supervisor's Duty to Report. If a romantic or sexual relationship exists between a Supervisor and another employee (including another Supervisor), the Supervisor shall promptly disclose the relationship to the Administrative Services Director and request a determination as to whether the relationship presents a conflict. The disclosure must identify the names and positions of both employees. A Supervisor's failure to comply with this section shall be grounds for discipline up to and including termination.
5. Determination by Administrative Services Director. Within five working days, the Administrative Services Director shall issue a written determination as to whether the relationship presents a conflict, and is thereby prohibited. The Administrative Services Director, in consultation with the City Manager, shall have exclusive discretion in making the determination.
6. Resolution of Conflicts. Subject to limitations imposed by the Municipal Code and applicable provisions of these Rules, the Administrative Services Director will attempt in good faith to work with the Supervisor and the other employee to consider options to eliminate the conflict, including removing the Supervisory authority that created the conflict, reassignment, transfer or voluntary demotion of a Supervisory employee, or where the Administrative Services Director determines that modification of a Supervisor's assignment is not feasible, reassignment, transfer or voluntary demotion of a non-Supervisory employee. The Administrative Services Director retains discretion to determine that the conflict may be resolved via voluntary resignation or termination only.

7. Prohibited On-Duty Conduct. All City employees are prohibited from engaging in intimate, physical, or other conduct in furtherance of a romantic or sexual relationship with another City employee at City facilities or assigned work locations, including off-site meetings, conferences, and similar activities. Such conduct is further prohibited during work hours. Moreover, upon termination of a sexual or romantic relationship with another City employee, employees are prohibited from engaging in behavior that adversely affects the working conditions of any City employee. In general, all employees are expected to observe appropriate standards of workplace conduct in their interactions with other City employees.
8. Complaints. Employees who believe that they have been adversely affected by romantic or sexual relationships between City employees should follow the complaint procedures provided under the City's Policy Against Harassment, Discrimination, and Retaliation. The complaint procedures are available to all employees regardless of their past or present participation in a romantic or sexual relationship with another City employee.

SECTION 12. REPORTS AND RECORDS

- A. Maintenance of Personnel Files. A personal history folder shall be kept for each employee. Confidential medical records will be maintained in a separate file from other personnel files. The personnel history folders shall be maintained by the Administrative Services Director or designee, and shall contain a record of date of employment, promotions, performance reviews, disciplinary actions and such other information as the City Manager, or City Manager's designee, shall prescribe. All performance related entries to personnel history folders shall be brought to the attention of the employee.
- B. Review and Access of Personnel Files. Personnel records are confidential and, unless otherwise required by law, access to personnel records will be limited to current or former employees, authorized representatives of current or former employees, and authorized representatives of the City. Rights to access, inspect, and copy personnel records, as well as applicable procedures and limits upon such rights shall be as set forth in separate City policy.
- C. Current Address. Employees are required to notify the Administrative Services Director of any change of name, address, or telephone number within five calendar days of change.
- D. References. Any employee who receives a request for a personal reference by a former or current employee is required to forward that request to the Administrative Services Director and seek direction. Only the City Manager and the Administrative Services Director or their designees are authorized to provide references for former or current employees on behalf of the City of Duarte. No other employee is authorized to provide such written or verbal references or

recommendations for former or current employees. Further, no other employee is authorized to respond to questions from persons outside the City about former or current employees regarding their work performance.

- E. Destruction of Records. Upon approval of the City Attorney, records relating to personnel may be destroyed as prescribed by law and the City's Document Retention Policy.

SECTION 13. EMPLOYEE TRAINING

Responsibility for developing training programs for employees will be assumed by the City Manager, Administrative Services Director or designee, 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. All trainings are subject to prior approval by the employee's supervisor and Department Head.

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 Department Head, City Manager or the City Manager's designee.

SECTION 14. COMPENSATION SYSTEM

- A. Salary Steps. Each salary range will be divided into seven steps.
- B. Compensation. Successful applicants for employment will be appointed to Step A 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 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 employees who qualify for increase and 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

Employees who begin their employment higher than Step A will be eligible for their first salary review at one year of continuous service.

E. Salary Decrease. A salary decrease is the incremental reduction in pay within a salary range for disciplinary reasons. Further details regarding salary decreases are included in Section 16.

F. Time Sheets

1. All Employees.

a. All-time records, including time sheets, represent legal documents that are used to accurately record working time and to compensate employees properly. All employees shall record accurately all exact time worked.

b. To ensure the accuracy of all-time records, each employee will input their own time into the electronic timesheet system; therefore attesting that the recorded totals accurately and fully identify all time worked during the pay period, whether authorized or unauthorized, and that all meal periods to which the employee is entitled have been provided. Each employee shall further acknowledge that the employee has not violated any provision of this Section during the pay period, including but not limited to working unauthorized overtime or working during a meal period without authorization.

c. Employees must ensure that the time sheets are submitted on the day and prior to the cut-off time designated by the City.

d. Under no circumstances shall a Supervisor or employee input time on behalf of another employee. Limited exceptions to this may be granted by Human Resources in the case of an emergency or absence. Where so authorized, employees may instead provide their time sheet information via written/email communication.

2. Supervisors

a. Supervisors shall review and address potential issues in time entries as established by City Policy. Supervisors shall approve each time sheet via the electronic timesheet system, attesting to the completion of such review and that the time recorded reflects all work performed by the employee of which the supervisor was reasonably aware.

- i. To carry out this duty, supervisors are responsible for daily monitoring of the following for non-exempt employees:
 - Start time for each workday;
 - Start time for each meal period;
 - End time for each meal period;
 - End time for each workday;
 - Whether a meal period is taken (if no meal period is taken, this must be stated);
 - All actual time taken as paid leave; and
 - Any additional time during which work is performed, including work performed outside the regular shift.

G. Meal Periods.

1. Non-exempt employees are entitled to unpaid meal periods during which they shall be entirely relieved of responsibilities and restrictions. Such time shall not constitute hours worked.
2. Non-exempt employees shall be entitled to a 60-minute meal period. Thirty minutes of this meal period will be unpaid; 30 minutes will be paid.
3. Supervisors shall schedule meal periods to ensure appropriate coverage.
4. All employees shall take reasonable measures wherever feasible to avoid the need for work to be performed during meal periods. Where required, time spent on such work shall be kept to a minimum, and may only occur with the prior written authorization of a supervisor. Non-exempt employees who work during the unpaid portion of their meal periods shall be paid for time worked.

- H. Overtime and Compensatory Time Off. Employees should refer to their applicable memorandum of understanding or contract of employment for information on overtime and compensatory time off.

SECTION 15. WORK SCHEDULES AND WORKWEEK

The City Council has implemented multiple work schedules to meet the City's needs. Each employee will be assigned to a work schedule.

- A. 4/10 Work Schedule. A 4/10 work schedule has been employed for most employees in which employees work Monday through Thursday, 7:30 a.m. to 6:00 p.m. with Fridays off. The workweek for employees on the 4/10 work schedule

shall be seven consecutive days, starting at 12:01 a.m. on Sunday and ending at midnight on the following Saturday.

- B. 5/8 Work Schedule. Some employees have been assigned a 5/8 work schedule with varying hours to meet the city's needs. The workweek for any employees assigned to a 5/8 work schedule shall be seven consecutive days, starting at 12:01 a.m. on Sunday and ending at midnight on the following Saturday.
- C. Changes to Work Schedules. The City Manager, with reasonable notice to the employee, may adjust the working hours of individual departments, and Department Heads, with reasonable notice to the employee, may adjust the working hours of individual employees. Any adjustment to a work schedule will be based on the needs of the City, with consideration given to the preference of the employee. For a continuing change affecting one or more employees, the Department Head will provide at least 30 days' advance notice.

SECTION 16. 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:
 - 1. Violation of any personnel rules and regulations, administrative policies and/or departmental policies.
 - 2. Fraud in securing employment or making a false statement on an application for employment or on any supporting documents furnished with or made a part of any application.
 - 3. Dishonesty.
 - 4. Incompetence, such as failure to comply with the minimum standards for an employee's position.
 - 5. Neglect of duty, such as failure to perform the duties required of an employee's position.
 - 6. Willful disobedience or 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.
 - 7. Any violation of the City's Alcohol & Drug Abuse Policy.

8. Absence from the job during working hours without permission from the employee's supervisor or Department Head.
9. Violations of rules, regulations, or orders established by the employee's supervisor or Department Head.
10. Conviction of a misdemeanor relating to the employee's fitness to perform assigned duties, or conviction of a felony.
11. Discourtesy to the public, employees, or other persons with whom the City maintains a relationship; or engaging in treatment that does not foster cooperation.
12. Malicious gossip and/or spreading rumors; engaging in behavior designed to create discord and lack of harmony; interfering with another employee on the job; or willfully restricting work output or encouraging others to do the same.
13. Misuse or abuse of City property or equipment.
14. Substandard job performance.
15. Failure to maintain any employment qualification.
16. Discrimination and/or harassment of employees or applicants based on a protected characteristic, as set forth in the City's Policy Against Harassment, Discrimination and Retaliation.
17. Failure or refusal to properly or satisfactorily perform assigned duties.
18. Carelessness in the performance of assigned duties.
19. 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 if deemed an essential job duty.
20. Inattention to duty, indolence, carelessness or negligence in the care or handling of City property.
21. Theft or harm to City property or the personal property of another.
22. Failure to comply with safety standards.
23. Assault, battery, horseplay, or fighting while on duty or under the guise of office.
24. Gambling on City property or during working hours.
25. Sleeping on the job.

26. Improper use of City funds.
27. Acceptance or solicitation of bribes or extortion.
28. Abuse of sick leave, repeated tardiness, or excessive absenteeism of any kind.
29. 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.
30. Refusal or failure to report to work in a disaster or an emergency.
31. Falsification of any City report or record, or of any report or record required to be filed by the employee.
32. Use of influence of position with the City for private gain or advantage, or the use of time, facilities, equipment or supplies for private gain or advantage.
33. Political activities precluded by State or Federal law.
34. Disclosure of confidential or proprietary City information to unauthorized persons, employees, or organizations.
35. Use of City tools, equipment, or other property for private, personal, unauthorized, or inappropriate purposes.
36. 36. 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 designee), with advance notice to, and acting in conjunction with, the Administrative Services Director or designee, 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 employee will receive a copy of the disciplinary notice, and a copy will be forwarded to Administrative Services for inclusion in the personnel file. The types of disciplinary actions which may be taken, in order of increasing severity, are:

1. Written Reprimand.
2. Suspension without pay for one or more working days.
3. Temporary or continuing incremental reduction in step within the current salary range.

- a. Temporary. Disciplinary action in the form of step reduction will be imposed initially on a temporary basis for a defined period of time. The temporary period may be linked to the time needed to complete a performance improvement plan, in the Department Head's determination.
 - b. Continuing. Disciplinary action may be taken to continue a temporary step reduction until at least the employee's next annual performance review due to the Department Head's determination that the employee did not complete the performance improvement plan successfully.
 - 4. Involuntary demotion to a vacant position in a classification with a corresponding reduction in salary.
 - 5. Involuntary discharge of an employee from City service
- C. Relief of Duty. The Department Head may, verbally or in writing, cause the temporary assignment of an employee to status of personnel action leave with pay pending conduct or completion of such investigations or opportunity to respond as may be required to determine if disciplinary action is to be taken. In the event of a verbal notice, the Administrative Services Director or Department Head will confirm the action by giving the employee written notice. The employee will be advised of all restrictions to which the employee is subject to during the period of personnel action leave. If and when the employee is to be returned to duty, the City will provide the employee with written notice of when the employee should return to duty, a copy of which will be retained in the employee's permanent personnel file.
- D. Procedure for Discipline.
- 1. Disciplinary Action. For disciplinary action more severe than a written reprimand, the Department Head will advise the employee and Human Resources 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, and/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.
2. 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 will 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. An employee may elect not to respond, thereby waiving any further pre-disciplinary response.
3. Notice of Imposition. 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 imposed.
 - 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, if identified as an appealable decision.
 - 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. Where applicable, notice that failure to file an appeal within a specified time frame will constitute a waiver of the right to appeal.
4. Effective Date of Disciplinary Action. Written reprimands shall take effect immediately upon issuance. Unpaid suspensions shall be served on the dates specified in the Notice of Imposition. Involuntary discharge shall take effect on the next working day following issuance of the Notice of Imposition, unless otherwise specified. Involuntary step reduction and involuntary

demotion shall take effect on the first day of the next pay period following issuance of the Notice of Imposition, unless otherwise specified.

5. Disciplinary Action Subject to Appeal.

- a. Any regular employee shall have the right to appeal the following disciplinary actions: a suspension without pay in excess of 40 hours, reduction in pay, non-probationary demotion, and/or termination.
- b. The appeal process shall not be applicable to those positions that may be deemed exempt or to probationary appointments.
- c. The appeal process shall not be applicable to any other forms of discipline and/or grievances; however, an employee may submit a written rebuttal to the written reprimand or notice of suspension of 40 hours or fewer, for inclusion in the personnel file.

6. Disciplinary Appeal Process

- a. An employee desiring to appeal the Department Head's decision shall have ten 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 ten day period.
- b. If, within the ten-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 ten-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:
 - i. The California State Mediation and Conciliation Service shall be requested to submit a list of seven persons qualified to act as hearing officers to the City and the employee. Within ten days following receipt of the list of hearing officers, the parties shall meet to select the hearing officer. The parties shall alternately strike one name from the list of hearing officers (the right to strike the first name to be determined by lot) until one name remains, and that person shall be the hearing officer.
- c. Where practicable, the date for a hearing shall not be less than 20 days, or more than 60 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.

- d. All hearings shall be private provided, however, that the hearing officer shall, at the written request of the employee, open the hearing to the public.
- e. Subpoenas and subpoenas duces tecum pertaining to a hearing shall be issued at the request of either party, not less than seven 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.
- f. 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.
- g. Each party shall have these rights: to be represented by legal counsel or other person of the party's 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 the witness to testify; and to rebut the evidence against the party. If the employee does not testify in the employee's own behalf, the employee 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.
- h. The hearing shall proceed in the following order, unless the hearing officer, for special reason, otherwise directs:
 - i. The party imposing discipline shall be permitted to make an opening statement;

- ii. The appealing party shall then be permitted to make an opening statement;
 - iii. The party imposing disciplinary action shall produce the evidence supporting disciplinary action; the City bears the burden of proof and burden of producing evidence;
 - iv. The party appealing from such disciplinary action may then open the appealing party's defense and offer evidence in support of the appealing party's position; the employee bears the burden of proof and the burden of producing evidence for any affirmative defenses asserted;
 - v. 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;
 - vi. Closing arguments shall be permitted at the discretion of the hearing officer; and
 - vii. Written briefs may be permitted at any point in the proceedings at the discretion of the hearing officer.
- i. The hearing officer shall determine relevancy, weight, and credibility of testimony and evidence. The hearing officer shall make findings based 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 the hearing officer's 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 the hearing officer believes to be important to reaching a fair and proper decision. The hearing officer shall render judgment in writing as soon after the conclusion of the hearing as possible and in no event later than 30 days after conducting the hearing, unless the parties agree to a different time period. The hearing officer's decision shall set forth which charges, if any, are sustained and the reasons therefore. The opinion shall set forth findings of fact and conclusions.
 - j. The hearing officer may recommend sustaining or rejecting any or all of the charges filed against the employee. The hearing officer may recommend sustaining, rescinding, or modifying the disciplinary action invoked against the employee. The hearing officer may not recommend discipline more stringent than that issued by the Department Head.

- k. 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 the City Manager's findings and recommendations. In a termination case, if the hearing officer does not recommend sustaining termination, the opinion shall set forth the date the employee is recommended to be reinstated and/or effective date of other lesser recommended disciplinary action. The reinstatement date, if appropriate, may be any time on or after the date of imposition of disciplinary action.
- l. Within 30 days of the receipt of the hearing officer's written findings and recommendation, and transcript from the court reporter, whichever date is later, the City Manager shall adopt, 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 the City Manager's option. The City Manager shall not conduct a de novo hearing. The City Manager may, at the City Manager's 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. The parties may agree to extend the 30-day period.
- m. 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.
- n. If the City Manager's decision calls for full or partial reduction or rescission of previously imposed discipline, the decision shall be effective from the first day after delivery of the City Manager's decision or shall relate back to and be effective as of the date the discipline was imposed, 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 the employee's then base hourly rate.

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

SECTION 17. ATTENDANCE

- A. Attendance. Employees will be in attendance on time at their workstation or location in accordance with the rules regarding hours of work, holidays, and leaves. Employees will make every effort to schedule personal appointments outside their working hours. Employee adherence to the rules governing attendance, leaves of absence and tardiness will be reviewed and evaluated during the employee's annual performance evaluation. In accordance with Section 14 of these Rules, all supervisors/managers will keep track of employee attendance records, which will be reported to Administrative Services by approval of electronic timesheets or via written/email communication.
- B. 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, it is not possible for the employee 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.
- C. General Absences. Pre-authorized vacations, floating holidays, authorized compensatory time off, authorized paid/unpaid leaves of absence due to bona fide illness or injury, jury duty, bereavement, or other City leaves are the only types of absences permitted. All others will be considered a violation of these rules and regulations.
- D. Unauthorized Absences / Job Abandonment.
 - 1. An employee who is absent for a full shift without notification or authorization must return to duty within twenty-four (24) hours after a notice to return to duty has been delivered to their last known telephone number and address. Failure to do so will constitute an automatic resignation effective as of the end of the last day an employee worked.
 - 2. If, within 10 days of said notice, the employee can show good cause for the failure to return to duty, the Administrative Services Director, in the Administrative Services Director's discretion may, with approval of the City Manager, reverse the resignation. The reversal of the resignation does not forfeit the City's right to discipline the employee in accordance with Section 17 of these Personnel Rules.
 - 3. In the event that an employee's absence is deemed an "automatic resignation" in accordance with this Rule, the employee shall have the same

right to appeal afforded to employees who are terminated for cause under these Rules. However, an employee's absence without notification or authorization for 24 hours or more shall be deemed just cause for termination.

SECTION 18. LEAVES OF ABSENCE

A. Effect of Leave of Absence on Employee Benefits.

1. Fully or Partially Paid Leave of Absence. Unless otherwise required by law, an employee on a leave of absence who continues to receive full compensation through the use of employee's accrued leave banks will continue to receive full employment benefits. Such employment benefits, may include, but are not limited to, the accrual of paid leaves, and health insurance contributions, which remain at the rate the employee would receive if the employee was working the employee's normal work schedule.

a. Employees whose time worked or use of paid leave accruals are insufficient to provide full pay for more than 3/4 of the pay period will not receive the full accrual of paid leaves to which their regular work schedule would otherwise entitle them for that pay period. Such accruals shall instead be pro-rated as follows:

3/4 or less, but more than 1/2	3/4 of usual accruals
1/2 or less, but more than 1/4	1/2 of usual accruals
1/4 or less, but more than 0	1/4 of usual accruals
0	0

2. Unpaid Leave of Absence. Unless otherwise required by law, an employee on an unpaid leave of absence shall not accrue any employment benefits, including, but not limited to, the accrual of paid leaves, and health insurance contributions. In addition, the employee's performance evaluation will be extended as stated in Section 15.

B. Industrial Illness/Injury Leave. The City will grant a leave of absence to any employee who is unable to work due to an industrial illness/injury.

1. Duration. Leave duration under this section shall continue until: a) the City determines that the employee is released to return to work by the employee's health care provider without restrictions; b) the employee's health care provider releases employee to work with restrictions, and the City determines that it has a reasonable accommodation for the restrictions; or c) the City receives evidence, which the City deems satisfactory, from the

employee's health care provider that the employee is unable to return with or without restrictions. The City may also terminate a leave of absence under this section if the employee retires from City employment or the employee fails to cooperate in good faith in the interactive process with the City to determine whether reasonable accommodation is available to return to work.

2. Coordination. If leave under this section is also designated as FMLA/CFRA leave of absence, the employee may coordinate any unused accumulated sick and vacation hours with any workers' compensation insurance, long term disability, and any other wage replacement benefits, up to an amount equal to the employee's regular salary. Employee taking leave under this section that is not designated as FMLA/CFRA, shall coordinate unused accumulated sick hours with workers' compensation insurance, long term disability, and any other benefits provided to the employee, up to an amount equal to the employee's regular salary.

C. Leaves of Absence Without Pay. In accordance with the procedures in this section, a temporary unpaid leave of absence for a defined period 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.

1. Written Request. When an employee has exhausted all of the employee's accrued paid leaves, the employee may request a leave of absence without pay in accordance with this Section. The employee must submit a written request to the City Manager for a leave of absence without pay, along with any supporting documentation. The City Manager may request further reasonable documentation in support of the employee's request for a leave of absence without pay, including confirmation that the employee is reasonably expected to return to work with the City upon conclusion of the authorized leave period, in accordance with applicable laws.
2. Mandatory Exhaustion of Paid Leaves. If an employee is requesting a leave of absence for medical reasons, the employee is required to first fully exhaust all of employee's paid leaves in order to be eligible to receive a leave of absence without pay. If an employee is requesting a leave of absence for non-medical personal reasons, the employee is required to fully exhaust all of the employee's paid leaves, except sick leave, in order to be eligible to receive a leave of absence without pay.
3. Authority to Grant a Leave of Absence Without Pay. The City Manager may grant a regular or probationary employee leave of absence without pay for a period not to exceed three months. After three months, the leave of absence may be extended if so authorized by the City Manager. Extensions of leaves of absence will not be granted unless, in the judgment of the City Manager, the City would not experience undue hardship from the employee's continued absence, or the particular circumstances would

otherwise justify the extension. The approval or rejection of the City Manager will be in writing and final.

4. Return to Work. Upon expiration of a regularly approved leave, the employee will be reinstated in the position held at the time leave was granted, provided such position continues to exist. An employee on leave who fails to report to duty promptly at its expiration will be subject to disciplinary action for being on an unauthorized absence and may trigger Job Abandonment provisions under Section 17.
- D. Military Leave of Absence. Military leave shall be granted pursuant to state and federal law. An employee entitled to military leave shall give the employee's Department Head an opportunity within the limits of military regulations to determine when such leave shall be taken. Prior to taking military leave, an employee, when possible, shall present a copy of the employee's military orders to the employee's Department Head. The Department Head shall advise Human Resources of such military orders immediately.
- E. Jury Duty. An employee who receives a summons or subpoena to appear for jury duty, must provide reasonable advance notice to the employee's supervisor and human resources and provide a copy of the original summons to human resources. It will be the general rule to excuse employees of the City from the regular responsibilities of their positions with pay for up to twelve working days with pay when called for jury duty. (Generally, this means 120 hours for full-time employees and 90 hours for three-quarter-time employees; exceptions are at the discretion of the City Manager or 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 a non-exempt 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, up to the limits specified herein. Exempt employees will receive full compensation for any workweek during which they perform work in accordance with the requirements of applicable wage and hour laws. Leave under this section continuing beyond twelve working days will be unpaid, however, employees may use accrued vacation leave to receive compensation.
- An employee excused from jury duty prior to the completion of the employee's normal workday must return to work. All per diem reimbursement paid to the employee by the court during a period of paid jury service, other than mileage reimbursement, 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 subject to repayment if the employee fails to provide court verification or reimbursement of the court per diem.
- F. Voting Leave. The City encourages eligible employees to register and vote in all federal, state and local elections. Employees of the City are expected to vote prior

to or following their assigned working hours. In accordance with the Election Code, Sections 14000 and 14001, if a registered voter employee does not have sufficient time outside regular working hours within which to vote at statewide elections, the employee may take off such working time as will enable the employee to vote. A maximum of two hours may be taken with pay. To receive time off for voting, the employee must notify the employee's Department Head in advance. Employees who need Voting Leave, must take such leave at the beginning or end of the employee's work shift, based on the needs of the Department and the employee's schedule. The exact amount of time off work and the scheduling of time off shall be decided between the employee and the employee's Department Head. Employees who use Voting Leave are required to present a voter's receipt to their Department Heads.

- G. Family and Medical Care Leave. The City provides family care and medical leaves of absence in accordance with the Family Medical Leave Act ("FMLA"), the California Family Rights Act ("CFRA"), and the Pregnancy Disability Leave Law ("PDL"). The policy regarding these leaves of absence are set forth in a separate City policy.
- H. Subpoenaed Absence. An employee who is subpoenaed or otherwise required under a court order to provide testimony as a witness, may receive the employee's regular pay during the employee's absence. An employee who receives a "Summons or Subpoena to Appear" for witness duty, must provide reasonable advance notice to the employee's supervisor and human resources and provide a copy of the original summons to human resources.
- I. Fitness for Duty Leave and Examination. Employees are expected to report to work fit for duty, which means able to perform their job duties in a safe, appropriate, and effective manner, free from adverse effects of physical, mental, emotional, and/or personal issues. This Section is intended to provide a safe environment and protect the health and welfare of employees and the public. If an employee feels that the employee is not fit to perform the employee's duties, the employee must notify the employee's supervisor immediately.
 - 1. Reasons for Fitness for Duty Leave. In the discretion of the City, an employee may be placed on a paid Fitness for Duty Leave and/or ordered to participate in a fitness for duty examination in any of the following situations:
 - a. An employee returns from a medical leave of absence of more than five working days.
 - b. An employee is involved in the interactive process with the City under Section 4.
 - c. Supervisor observes or receives a reliable report of an employee's possible lack of fitness for duty. Observations and reports may be

based on, but are not limited to, employee's own self-report of potential unfitness, dexterity, coordination, alertness, speech, vision acuity, concentration, disproportionate response to criticism, and inappropriate or uncharacteristic interactions with the public, co-workers, and supervisors.

- d. Fitness for duty examinations based on a reasonable suspicion that an employee is under the influence of impairing drugs or alcohol shall be conducted in accordance with the City's Alcohol and Drug Policy.
2. Procedures for Ordering a Fitness for Duty Examination. When a Supervisor becomes aware of or observes behavior that makes the Supervisor reasonably suspect that the employee may not be fit for duty, the Supervisor, shall refer the employee to Human Resources who will determine if a fitness for duty examination is appropriate, and, if so, will schedule the employee for a fitness for duty examination. If the circumstances warrant it, the Department Head may place the employee on paid leave pending the results of the employee's fitness for duty examination. The examination shall be paid for by the City.
 3. Procedure Following Receipt of Examination Results. The doctor examining the employee shall be limited to finding the employee "fit for duty" or "fit for duty with restrictions" or "unfit for duty". In the case of finding an employee fit for duty, the doctor may issue work restrictions. In no case shall the doctor reveal the underlying cause of the fitness or unfitness for duty without the employee's permission.
 - a. Fit for Duty. If the doctor finds the employee is fit for duty, the employee shall return to work immediately and perform all duties of the employee's position.
 - b. Fit for Duty with Restrictions. If the doctor finds the employee is fit for duty with restrictions, the doctor shall specifically enumerate what restrictions are necessary and for how long those restrictions are necessary. The City shall then evaluate those restrictions, and determine if the City can reasonably accommodate those restrictions. If the employee's restrictions are based on a disability as defined by the ADA and/or FEHA, the City shall engage in the interactive process as set forth in Section 4.
 - c. Unfit for Duty. If the employee is found to be unfit for duty, the employee shall not be permitted to work. The employee may request a leave of absence in accordance with the appropriate applicable provision(s) of these Personnel Rules. If the employee can provide certification of fitness for duty prior to the exhaustion of all paid and unpaid leave that the employee is entitled to under these Personnel Rules, the employee shall be returned to work. However, if such

certification is from the employee's own health care provider, the City may request a second opinion from a doctor of its choosing and at its cost to evaluate the employee under the requirements of this Section. If the two certifications conflict, a third opinion will be sought from a doctor chosen by the City and the employee, at the expense of the City. The opinion of fit or unfit rendered by the third doctor shall be binding. If the employee's restrictions are based on a disability as defined by the ADA and/or FEHA, the City shall engage in the interactive process as set forth in Section 4.

J. Personnel Action Leave. The City has the right to place an employee on leave at any time with full pay. An employee may be placed on personnel action leave pending investigation of misconduct, potential disciplinary action, or other reasons that the City Manager, in City Manager's discretion, believes warrant such leave. A personnel action leave shall not have any negative effect on the employee's benefits. Personnel action leave may also be referred to as "Relief of Duty." An employee assigned to personnel action leave shall be required to be available by phone during the employee's regular working hours. In addition, employees on a personnel action leave are prohibited from entering City facilities or property or communicating with City employees, except to the extent that non-employees may access City facilities, property, or employees. The City Manager may place other reasonable restrictions on an employee during the period of personnel action leave.

K. School Leave. The City will grant a leave of absence to an employee who is the parent, guardian, or grandparent of a child, in accordance with the following provisions.

1. Permissible Purposes:

- a. To participate in the activities of the child's primary or secondary school or licensed child care provider;
- b. To find, or to enroll, or reenroll the child in, a primary or secondary school or licensed child care provider.
- c. To address an emergency, such as:
 - i. A request from child care provider or school that the child be picked up.
 - ii. A provision in the attendance policy for the child care provider or school, other than a planned holiday, that prohibits the child from attending.
 - iii. Closure or unexpected unavailability of the child care provider or school, other than during planned holidays.

- iv. A natural disaster, including, but not limited to, fire, earthquake, or flood.
 - d. To appear at the school of a suspended child pursuant to a request made by the child's school under California Education Code section 48900.1.
 - 2. An employee may take up to 40 hours of leave per calendar year, but no more than eight hours in one calendar month. However, no limit shall be placed on the amount of leave taken under section 18(K)(1)(d). If more than one City employee requests leave in connection with the same child, only the first employee to provide notice is entitled to receive leave. The second employee may also be permitted to take a simultaneous leave of absence if the second employee obtains written supervisory approval. The amount of leave available is fixed at a maximum of 40 hours per calendar year, regardless of the number of children, grandchildren, or wards that an employee may have.
 - 3. An employee must provide reasonable advance notice of the need for leave and must make all reasonable efforts to schedule the leave so as not to unduly disrupt the operations of the City. If an emergency makes such notice impossible, the employee shall notify the employee's Department Head as soon as possible. Employees returning from leave are required to provide written verification from the school or child care provider of the employee's need for leave at the specific time and date. If an employee fails to provide sufficient verification, the City may determine that the leave time was unauthorized.
 - 4. Leave under this section is unpaid. However, an employee may choose to use any accrued vacation time when taking leave under this section.
- L. Other Paid Leaves of Absence. The City provides employees with paid leaves of absence, which may include, vacation, sick leave, bereavement leave, holidays, compensatory time off, and administrative leave. Employees should refer to the applicable memorandum of understanding for details on these leaves of absence.

SECTION 19. 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 Department Head or Administrative Services Director, at least two weeks before leaving the service, a written resignation stating the effective date and their reason for leaving. Any such resignation notice received by a Department Head will be forwarded to the Administrative Services Director or designee. 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. The Administrative Services Director may wave the two-week notice period.
 - 1. Employees will not be considered as “retired” from the City for purposes of any terms or conditions for City “retirees” unless the employee resigns from City service and also retires with CalPERS in accordance with applicable statutes, rules, and regulations.
- C. Job Abandonment. An employee may be separated from employment if the employee is on an unauthorized leave of absence as set forth in Section 17.D. of these Personnel Rules.
- D. Disciplinary Dismissal. An employee may be separated for disciplinary reasons as provided for in Section 17.
- E. Death. In the event of a death of an employee, payment of all earned wages due will be in accordance with the laws of the State of California. Unless otherwise provided by law, payment of any other funds due the deceased employee will be paid to the beneficiary so designated in writing by the employee.

SECTION 20. WORKPLACE SAFETY

- A. Commitment to Workplace Safety. The City is committed to providing a safe workplace for all employees. Every employee should understand the importance of safety in the workplace. By remaining safety conscious, employees can protect their own interests as well as those of their co-workers. Accordingly, the City expects all employees to take steps to promote workplace safety.
- B. Injury and Illness Prevention Program. In keeping with its commitment to workplace safety, the City has adopted an Injury and Illness Prevention Program as part of its safety program. Compliance with this Program is a condition of employment, and all employees will be evaluated on their compliance with the Program. Each employee will be given a copy of the Injury and Illness Prevention Program, and a copy is maintained in Human Resources.
- C. Reporting Unsafe Conditions. If an employee identifies a potentially unsafe condition or risk, the employee should immediately report the matter to the employee’s supervisor.
- D. Worker’s Compensation. As required by State law, each employee will be covered for Worker’s Compensation Insurance.

1. Notification of Injury or Illness. The employee will report to their immediate supervisor and Human Resources Office 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.
 2. Compensation. The first two doctor's appointments required during the course of treatment for a work injury or illness will be compensated as regular time. Additional work time taken by employees for medical appointments due to work-related illnesses or injuries will be fully compensated to the extent that the employee has sufficient accrued 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.
 3. Reporting Absences. The employee will keep the employee's 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.
- E. Drug-Free and Alcohol-Free Workplace. The City is committed to providing a work environment that is safe, healthy, and free of any effects caused by alcohol or drugs. Violation of the City's drug-free workplace policy can lead to disciplinary action being taken against an employee, up to and including dismissal. For more information regarding the policy, employees should review the City's Alcohol and Drug Policy.
- F. Workplace Violence Prevention. The City is strongly committed to ensuring the safety of all City employees. Consistent with this policy, acts or threats of violence, including intimidation, harassment, and/or coercion which involve or affect City employees will not be tolerated and will be subject to appropriate disciplinary action up to and including dismissal. The City's full policy regarding workplace violence is set forth in a separate City policy.

SECTION 21. ELECTRONIC COMMUNICATIONS

- A. Equipment and Systems. The City provides its employees with technology to conduct the City's official business. In this regard, the City has installed, at substantial cost, equipment such as computers and advanced technological systems such as electronic mail (e-mail) for use to conduct its official business. The appropriate use of this equipment and systems is set forth in a separate City policy.

- B. Lack of Privacy. As set forth more fully in the City's Electronic Communications Policy, the City reserves the right to monitor all City equipment and systems, and employees have no expectation of privacy when using City equipment or systems.

SECTION 22. DISASTER AND EMERGENCY SERVICE WORKERS

- A. Employees Designated as Disaster Workers. The protection of the health and safety, and the preservation of lives and property from the effects of natural, man-made, or war-caused emergencies which result in conditions of disaster or extreme peril to life, proper, and resources, is paramount to the City of Duarte. When a disaster strikes, the Duarte community looks to City employees for leadership and assistance in mitigating its effects. The assistance of City employees is vital to ensuring that this community recovers from a disaster as quickly as possible. It is important that all City employees be available to assist in responding to disasters, regardless of the position they hold. As such, in accordance with the provisions of Government Code sections 3100 et seq., all City employees are declared to be disaster service workers.
- B. Oath or Affirmation. All employees are required to take and subscribe to the oath or affirmation set forth in Section 3 of Article XX of the Constitution of California at the commencement of their employment. The City Clerk shall maintain the oath or affirmation of all City employees for at least five years after the employee's termination of employment.
- C. Declaration of Disaster or Emergency. Upon the declaration of a disaster or an emergency, employees are required to follow direction given in accordance with the City of Duarte Emergency Management Plan.
- D. Employee Disaster Responsibilities.
 - 1. Off-Duty Procedures.
 - a. Employees With Pre-Designated Roles. After ensuring that their families are safe and any short-term arrangements have been made for their families' security, employees who have pre-designated emergency or disaster roles shall respond according to those established procedures.
 - b. Employees Without Pre-Designated Roles.
 - i. Communication Systems Not Functioning. When the telephones or other communication devices are not functioning, employees who do not have pre-designated emergency or disaster roles should gather information from radio and television broadcasts, and comply with any instructions given for City employees. Unless an employee cannot physically report to work, all City employees are

expected to report to work at their normally scheduled time after ensuring the safety and security of their own families.

- ii. Communication Systems Are Functioning. If the telephones or other communication devices are working, employees shall make every effort to contact their immediate supervisor for instructions as soon as possible. Unless otherwise instructed or if it is physically impossible for the employee to report to work, all City employees are expected to report to work at their normally scheduled time after ensuring the safety and security of their own families.

2. On-Duty Procedures.

- a. Remain On Duty. All employees are expected to remain on duty at their normal work location or at a disaster location, unless dismissed by the proper authority designated in the City of Duarte Emergency Management Plan. Every attempt possible will be made by the City to assist each employee in communicating with the pertinent employee's family.
- b. Ongoing Disasters. For disasters extending beyond the normal work day, employees are required to follow the direction and order of the property authority as designated in the City of Duarte Emergency Management Plan.

3. Employees Physically Unable to Report to Work. In the event that an employee is unable to return to work because road and transit conditions prevent travel by automobile, public transit, or other conveyance, the employee has the option to become a disaster service worker in the City where the employee resides. Any employee who cannot return to the City and serves as a disaster worker for another municipality is required to contact the personnel department of that municipality for further instructions and to obtain written documentation of the employee's assignment. The employee is required to notify the employee's own immediate City of Duarte supervisor of the employee's status of working in the other municipality.

- a. Compensation for Work Performed at Another Municipality. Employees who are unable to report to work during a disaster will be entitled to receive compensation from the City for the service performed at another municipality, provided that the employee provide written proof from the other municipality of the amount of time the employee worked there. That information should be logged on the employee's timesheet and submitted through the normal payroll process. Alternatively, the employee may present written proof from the other municipality that the employee offered the employee's

services, but that the other municipality rejected the employee's assistance.

- b. Returning to Duarte. Employees are required to communicate with their supervisor as soon as possible, and are required to return to their normal or disaster duties at the City of Duarte as soon as travel, by any reasonable means, to the City is possible.
4. Timekeeping Requirements. All employees are required to complete special timekeeping forms daily, which will keep a record of the following information:
 - a. The kind of disaster work performed;
 - b. The number of hours worked; and
 - c. The location where work was performed.
 5. Disaster Duties. Employees shall perform those duties designated in the City of Duarte Emergency Management Plan, and any additional duties assigned by the proper authority as stated in the City of Duarte Emergency Management Plan. Employees may perform duties outside their normal job description during a disaster.
 6. Failure to Report to Work During a Disaster. An employee who fails to report to work as a disaster worker at the City of Duarte or at another municipality will be considered on unpaid leave during the duration of the emergency, and may be subject to discipline, unless the employee submits documentation that supports justification to receive paid leave.

SECTION 23. HOUSEKEEPING

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

SECTION 24. DRESS AND GROOMING

- A. General Standards. The appearance employees project to the public and others they come in contact with while at work directly reflects on the City of Duarte. In the interest of presenting a professional image to the public, the City requires all employees to observe good habits of dress, grooming, and personal hygiene. Employees must always maintain a professional image.
 1. Business Casual. Non-uniformed employees are required to dress each day in business casual dress. Business casual wear is a style of dress which projects a professional, business-like image while still permitting employees to wear more casual and relaxed clothing. Business casual does not include play wear, leisure wear, or beach wear. Clothing and

footwear should be clean and in good repair. It may not be faded, torn, frayed, or revealing.

- a. Examples of appropriate business casual wear include, but are not limited to, khaki, “Docker type”, gabardine, or wool slacks; polo, collared, or short-sleeved dress shirts; twin sets; sweaters; casual dresses and skirts; and loafer, flat, or dress sandals.
- b. Examples of inappropriate clothing include, but are not limited to, sweat pants, overalls, t-shirts (other than those provided by the City), sweatshirts (other than those provided by the City), halter tops, tops that are backless or have a low-cut neckline, any shirt with inappropriate language or artwork, shorts, mini-skirts, clothing that is transparent or see-through; dresses with spaghetti straps, athletic shoes, or flip flops.
- c. Upon the approval of an employee’s Department Head, an employee may wear casual attire on a day other than a designated casual dress day, if the employee has been assigned a task that would be unsuited to business casual or formal business attire.

2. Formal Business Attire. Employees should always consider each day’s activities when determining what to wear. If an employee is representing the City at a meeting (including City Council and Planning Commission meetings), formal business attire should be worn.

3. Designated Casual Dress Day. Department Heads may, but are not required to, designate casual dress days, which permit employees to dress in a more casual, but still professional, style of dress. Except as expressly stated herein, all other provisions of this Article still apply. In the discretion of the Department Head, employees may be permitted to wear blue jeans; however, blue jeans must be in good condition, and cannot have any rips or tears. Employees are also permitted to wear athletic shoes as long as they are in good condition. T-shirts and sweatshirts are not permitted, with the exception of official City of Duarte t-shirts and sweatshirts that are in good repair.

4. Department Head Directives. In their sole discretion, Department Heads may require specific business-related dress.

B. Grooming. As part of the professional image presented to the public by the City, employees should appear for work in a clean, well-groomed manner.

C. Uniforms. Uniformed employees are expected to wear their uniforms when performing normal work activities, regardless of the time of day or day of the week. All uniforms are still expected to be clean and in good repair. Uniforms may generally not be worn outside working hours, but may be worn during brief stops to and from work and during breaks.

- D. Safety. The City may impose additional restrictions on an employee's attire or grooming when there are safety concerns. Any such restrictions shall be issued in writing.
- E. Exceptions. The City Manager may grant exceptions to this Article if requested by an employee as a reasonable accommodation on the grounds that the application of the Article would infringe on an employee's protected characteristics as set forth in Section 4 of these Personnel Rules, or any other legally protected status. Such requests shall be considered in accordance with Section 4.D. of these Rules.

SECTION 25. USE OF PRIVATE EQUIPMENT/SUPPLIES

The City provides employees with all equipment reasonably necessary to perform their duties. Employees may choose, but are not expected to, provide their own personal equipment or materials to perform assigned duties. If an employee elects to use employee-owned supplies, tools, or equipment, such use 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, by the City Manager, to carrying out the duties of the employee.

SECTION 26. PROHIBITION ON SMOKING

Smoking by employees is prohibited in City facilities and public meeting areas as set forth in Chapters 5.09 and 6.20 of the Duarte Municipal Code. No smoking, use of e-cigarettes, vaping, or smokeless tobacco is allowed in any City vehicle.