



# *Personnel Rules*

*Amended  
December 20, 2017*

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## **SECTION 1.0 AUTHORITY AND PURPOSE**

### 1.1 Statement of Purpose

The City Council of the City of Live Oak adopts these rules and regulations for the purpose of facilitating efficient and economical services to the public, to provide for a fair and equitable system of personnel administration and management within the City organization, and to attract and retain competent personnel.

### 1.2 Applicability

These rules and regulations define the rights, privileges, obligations and prohibitions placed upon all employees of the City, unless exempted herein. These rules may be supplemented by City Council policies, City Manager administrative orders, and/or Department directives. The provisions of these rules and regulations shall apply to all employees of the City regardless of the time of creation or date of appointment to City service. Questions regarding the interpretation of these rules and regulations should be directed to the Director of Employment.

### 1.3 Conflict with MOU or Employment Contract

Wherever these rules and regulations conflict with an applicable memorandum of understanding or other written employment contract authorized by the City Council, the provisions of the MOU or written employment contract shall control.

### 1.4 Administrative Responsibility

All City management staff shall share joint responsibility to insure conformity to and enforcement of the provisions of these rules and regulations.

### 1.5 Employee Cooperation

All employees of the City shall aid in carrying out the rules herein or hereafter adopted.

### 1.6 Appointing Authority

The City Council is the appointing authority for the City Manager and City Attorney. The City Manager is the appointing authority for all other positions within City employment and shall have the authority to employ the necessary personnel as authorized by the City Council and in compliance with these Rules and Regulations. The City Council or City Manager may delegate the power to appoint, remove or administer personnel actions to employees to Department Heads.

### 1.7 Delegation of Authority

Unless otherwise expressly provided, whenever a power is granted or a duty imposed upon a Department Head the power may be exercised or the duty performed by a designated deputy of the Department Head or by a person authorized by the Department Head.

### 1.8 Merit Based Employment

Employment in the City shall be based on merit, free from personal and political consideration.

### 1.9 Non-Discrimination in Employment

All current and prospective employees shall have equal opportunity in employment without discrimination on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, sexual orientation, veteran status, or any other classification protected by local, state, or federal law. This non-discrimination policy shall apply to decisions involving recruitment, selection, assignment, training, transfer, promotion, evaluation, discipline, termination, compensation, benefits and all other aspects of employment.

### 1.10 Nepotism Prohibited

The appointing authority may not employ or recommend for employment in the same department, division or facility any relative who is a spouse, domestic partner, father, mother, brother, sister, son or daughter of an existing employee if the appointing authority has determined that employing both persons would create serious concerns for effective supervision, safety, security or morale in the department, division or facility due to conflicts of interest or other hazards. Any employment decision involving spouses shall adhere to 2 Cal. Code Reg. §7292.5.

### 1.11 Disaster Workers

Pursuant to California Government Code Section 3100-3102, all City of Live Oak employees are disaster service workers and may be called to work at any time in the event of a natural, manmade, or war caused emergencies which result in conditions of disaster or in extreme peril to life, property and resources. All disaster service workers shall, before they enter upon the duties of their employment, take and subscribe to an oath of affirmation.

### 1.12 Severability

Should any provision contained in these rules and regulations be rendered or declared invalid by reason of any state or federal legislation, court action, or emergency situation, such invalidation shall not invalidate the remaining portion hereof and they shall remain in full force and effect.

## **SECTION 2.0 DEFINITIONS**

### Applicant

A person who has submitted a written application for employment in accordance with these rules. Expressing an oral or written interest or filing a registration card does not qualify an individual as an applicant.

### Appointing Authority

A person or group having the authority under these rules to appoint or remove persons from positions in the City service. The appointing authority may delegate his or her power to appoint and remove employees to any or all department heads.

### Appointment

The offer to and acceptance by a person of a position in the classified service through selection from an eligible list in accordance with these rules.

### Assignment

The movement of an employee from one position in a department to another position in the same class in the same department.

### Bi-Weekly Salary

The gross amount of individual cash compensation for two (2) weeks of service in a range and step established in accordance with the provisions of the rules.

### Break in Service

A separation from City employment status for two (2) consecutive bi-weekly payroll periods.

### Classified Service

All positions in the City service except the following: elected officials; City Manager, Assistant City Manager/Finance Director; Chief Building Official; Parks Director; Public Works/Facilities Director; temporary employees; provisional employees; and persons engaged under contract.

### Classified Service Exempt Employee

Persons employed by the City in positions which are identified herein as exempt from the classified service and the rules which pertain to it.

### Certification

The action by which persons on an eligible list are certified by the Director of Employment to the appointing authority as eligible for appointment or promotion.

### Classification

A position or group of positions having duties and responsibilities sufficiently similar that (1) the same title may be used; (2) the same methods to determine fitness/qualification may be used; and (3) the same schedule of compensation may be made to apply with equity.

### Compensation

The amount of individual cash compensation, i.e. salary, for a position, plus all employee benefits.

### Control Point

As outlined in the salary schedule, the control point references the salary spread available to an incumbent depending qualifications, experience, skill, and performance. Control Point A refers to the entry level salary band for the class; Control Point B refers to the salary band that is a minimum of 15% above Control Point A; Control Point C refers to the salary band that is a minimum of 15% above Control Point B, and which may be used as the salary level for market comparisons; and Control Point D refers to the maximum salary in the salary band for the assigned classification.

### Day

A period of time between any midnight and the midnight following and as used in these rules, days shall be calendar days unless specifically stated.

### Demotion

A change in classification of any employee in one classification to a position in another classification which has a lower salary or salary range.

### Department Head

The highest management official in a City department who has direct supervision and responsibility for personnel, records, funds, maintenance and service to be performed by a City department.

### Director of Employment

The City Manager or his/her designee serves as the City's Director of Employment.

### Eligible

A person who has successfully passed the examination(s) for a class and whose name is placed on an eligible list or maintained in an eligible name file.

### Eligible List

A list of persons who have been examined through competitive examination(s) and are eligible for certification to a specific class.

### Employee

Any person employed by the City of Live Oak with the exception of those persons performing professional and specialized services which are considered independent contractors and are not considered City employees.

### Health Insurance Coverage or Health Plan

Means the currently provided benefit plan.

### Hourly Rate

The amount of individual compensation for a full hour's service as set forth in the salary schedule by classification. Hourly rate is used for ease of administration computation.

### Limited Term Position

A position held by a regular employee of the classified service who is employed to perform a specific mission in a given period of time pursuant to a special program adopted by the Council.

### Management Position

A position held by an employee having significant responsibilities for formulating and administering City policies and programs as designated by the position job specification and including but not limited to Department Heads.

### Month

A calendar month.

### Monthly Salary

The amount of individual pay for a full month of service in a range and step established in accordance with the provisions of these rules.

### Overtime Exempt Employee

An executive, administrative or professional employee designated under the Fair Labor Standards Act by the City as overtime exempt.

### Part Time Employees

A regular employee who is regularly assigned to work less than 75% of a full time schedule for the department for which he or she is employed. Benefits are prorated to the number of hours worked unless otherwise stated by contract.

### Permanent Position

A position in the classified service authorized by the City Council and anticipated to last for an indefinite period of time.

### Permanent Status

The status of an employee following the successful completion of a probationary period which entitles the employee to the rights and privileges provided in these rules.

### Probationary Employee

An employee who has received an original appointment to a permanent position in the classified service, a promotion to a permanent position in the classified service, or is re-employed after resignation from a permanent position in the classified service, but who has not yet successfully completed the applicable probationary period.

### Probationary Period

A period of time following his or her appointment during which an employee is required to demonstrate fitness for the position for which he or she was hired.

### Probationary Rejection

An action by a Department Head that results in the termination of an employee who, in the opinion of the Department Head, fails to demonstrate satisfactory performance in the position.

### Promotion

The movement of an employee from one class to another class having a higher maximum rate of pay.

### Promotional List

A list of names of Department or City employees who have passed a promotional examination for a class in the classified service ranked in the order of score earned.

### Provisional Appointment

An appointment made in the absence of an appropriate eligible list as provided in these rules.

### Provisional Employee

An employee holding a position under provisional appointment.

### Range

A sequence of salary steps used to identify the minimum, maximum and intermediate salary rates which may be paid to employees within a class.

### Reclassification

Change in the allocation of a position by raising it to a higher class, reducing it to a lower class or changing the title on the basis of substantial changes in the kind, difficulty or responsibility of duties performed in such a position. Only a position can be reclassified, an employee cannot be reclassified.

### Regular Employee

An employee in the classified service who has successfully completed probation and has been retained as provided in these rules.

### Temporary Employee

A person who is appointed to employment to fill a short-term need of the City, such as when an incumbent is on a leave of absence, a seasonal increase in workload, special projects, or other reasons. Temporary employees are not part of the classified service. A temporary appointment shall not exceed nine (9) calendar months, without a break in service, in any one calendar year.

### Transfer

A transfer occurs under any of the following circumstances: (1) the movement of an employee from one position to another within the same class but to another department; (2) the change of an employee from one position to a position in a different class with the same pay range; (3) the voluntary change of an employee from one position to a position in a different class with a lower pay range in the same or another department; or (4) the temporary transfer of an employee from one position to a position in a different class with a higher pay range for no more than 90 days.

### Week

A period of seven (7) consecutive days.

## Y-Rate

The continuance of an existing salary amount when an employee's job classification is allocated to a lower salary range. The affected employee continues to receive this salary amount until the corresponding step placement on the new salary range equals or exceeds the "frozen" salary amount.



## **SECTION 3.0 CLASSIFICATION SYSTEM**

### 3.1 Classification System

All positions in the classified service shall be grouped into classifications and designated salary ranges by the City Council. Each classification shall include positions which:

- (a) Are sufficiently similar in respect to duties and responsibilities that the same descriptive title may be used;
- (b) Require substantially the same requirements as to education, experience, knowledge and ability of incumbents;
- (c) Permit use of substantially the same methods to determine fitness/qualification for employment; and
- (d) The same schedule of compensation can be made to apply with equity.

### 3.2 Class Specifications

The City's Director of Employment, with the assistance of departmental staff, will prepare written specifications for each class. Class specifications shall include:

- (a) The class title;
- (b) A summary of the duties and responsibilities characteristic of the positions in the class;
- (c) Examples of the duties performed;
- (d) The qualifications required in terms of experience, education, knowledge, skills and abilities;
- (e) Those classifications eligible for overtime compensation.

Class specifications shall be submitted to the City Council for approval. Class specifications are not to be construed as restrictive or as limiting the duties and responsibilities of any position. They do not limit or modify the authority of the Council or any City manager to assign duties and direct and control the work of employees in the Classified service.

### 3.3 Classification Studies

The City Manager may from time to time make classification studies of proposed additional or presently authorized positions in the classified service. Department Heads shall promptly notify the City Manager of any requests for new positions so that the position may be studied and allocated to the appropriate class. Each Department Head shall also notify

the City Manager of any position for which the duties and responsibilities have changed and depart significantly from the assigned class specification on an ongoing basis so that the position may be studied for reclassification.

### 3.4 Amendments to the Classification Plan

Amendments to the classification plan including the establishment of additional classes, dividing, combining, altering or abolishing existing classes may be affected by the Council following position classification studies referred to in Classification Studies above. When adding, dividing or otherwise changing classifications, the Council shall determine in each instance where the positions affected or to be reallocated to another class or classes after taking into account the duties, responsibilities, qualifications, performance standards and other related criteria before and after the change and shall determine the status of the probationary and regular employees so affected.

### 3.5 Hearing on Allocation or Reallocation of Positions

Reasonable opportunity to be heard shall be provided by the Council upon the written request of an employee whose position is recommended for allocation or reallocation in accordance with Classification Studies provided that such written request is filed with the Director of Employment within ten (10) working days after receiving notice from the City of such reclassification.

## **SECTION 4.0 RECRUITMENT**

### **4.1 General**

The purpose of the recruitment process shall be to announce vacant positions and examination procedures in a manner which is fair, efficient, and results in a qualified applicant pool.

### **4.2 Announcements**

The City's Director of Employment, with input from the appointing authorities, shall direct the preparation of announcements for all vacant positions and examination procedures. Each announcement shall state (1) the duties and responsibilities of the vacant position; (2) the minimum qualifications for the position and any desired qualifications; (3) the appropriate salary range of the class; (4) the examination procedures which may be used; (5) the place and date to file applications; and (6) such additional information as may be appropriate.

Announcements of vacant positions and examination procedures shall be advertised by posting, by publication, or such other adequate means as may help bring a response from qualified persons. Such announcements shall be sent to all City Departments where the announcement shall be posted in the Department or circulated amongst Departmental employees.

Announcements shall be advertised for not less than 10 days before the application deadline.

### **4.3 Area of Recruitment**

The City's Director of Employment in conjunction with the affected Department Head shall determine whether the area of recruitment shall be open: only within the Department; only to current regular City employees; open within the City of Live Oak general area, within the Yuba-Sutter area, or a broader labor market. In all cases, the recruitment area shall be reasonably likely to provide for a qualified applicant pool.

### **4.4 Applications**

Applications for positions in City service must be filed on a City application form. All applications must be filed at City Hall within the time and in the manner specified in the announcement. The time for filing applications may be extended by the City Council as the needs of the City require. A separate and complete application shall be necessary for each classification for which a selection procedure is held. All applications must be signed. Once an application is filed, it becomes the property of the City and will not be returned to the applicant. The names of applicants shall not be made public without their consent or as otherwise required by law.

#### 4.5 Notification

Each applicant shall be notified of the approval or disapproval of his or her application by the City's Director of Employment.

#### 4.6 Causes of Disqualification

- A. The City's Director of Employment may reject an application for any of the following reasons:
- 1) The applicant lacks the minimum qualifications established for the examination or position for which he or she applied;
  - 2) The applicant has used or attempted to use any unfair method to obtain an advantage in an examination process or in an appointment to City employment;
  - 3) The applicant has willfully omitted or misstated material facts in completing an application for City employment;
  - 4) The applicant failed to reply within a reasonable time as specified by the City's Director of Employment to communications concerning his or her availability for employment; and
  - 5) The applicant has made himself or herself unavailable for employment by requesting that his or her name be withheld from certification.
  - 6) The application is incomplete or illegible as determined by the Director of Employment.

## **SECTION 5.0 EXAMINATIONS**

### 5.1 Nature of Examinations

All examinations for employment in the classified service shall be fair, impartial, and except as otherwise provided herein, competitive. The procedures used should be of such character as to fairly test and determine the qualifications, fitness and ability of competitors to actually perform the duties of the class to which they seek to be appointed.

### 5.2 Types of Examination

Examination will consist of one of the following types:

- (a) Open examinations: these examinations are open to anyone who meets the minimum qualifications set forth in the announcement and shall be the method used to fill entry level positions in City service; or
- (b) Limited examinations: as determined by the City Manager, these examinations are limited to current regular and temporary employees of the City of Live Oak.
- (c) Promotional examinations: these examinations are restricted to include only current City employees who meet the minimum qualifications set forth in the announcement and may be used as a means of advancing the Classified service of employees who demonstrate achievement and the ability to assume higher levels of responsibility.

The City's Director of Employment, in consultation with the Department Head, will determine whether to hold a promotional examination for a vacant position. In making this determination, the Director shall consider the best interests of the City and the principle that current City employees should be given the opportunity to advance according to merit and ability.

### 5.3 Methods of Examination

The qualifications and/or relative ability of candidates shall be determined through an examination process consisting of one or more of the following methods: written test, oral interview, test of physical strength, agility, stamina or dexterity, practical performance, skills, or proficiency tests, application rating, reference inquiry relative to past performance, and any other valid and reliable method of examination.

### 5.4 Administration of Examination Procedures

The City's Director of Employment shall be responsible for administration of examination procedures. The Director's responsibilities include without limitation:

- (a) Scheduling examination procedures when requested by the Department Head or as the current and anticipated needs of City require. Scheduled examination procedures may be postponed or cancelled or the closing date extended after consultation with the affected Department Head by notifying all persons affected and posting public notice;
- (b) Determining the manner and method by which an examination process shall be administered; and
- (c) Setting the minimum passing score for each examination procedure.

#### 5.5 Written Tests

- A. Where a written test is conducted, no test results shall be disclosed to an affected candidate unless the test papers of all competitors have been scored and the passing point established.
- B. Written tests shall be marked and graded under the direction of the City's Director of Employment and in accordance with the examination procedure announcement.
- C. A competitor who fails a written test shall not be allowed to take a second test for the same class if the second selection procedure is scheduled less than 60 days from the date of the prior written test.

#### 5.6 Oral Interview Boards

- A. An examination procedure for the purpose of appraising the qualifications and fitness of applicants for any position may include, or be limited to, an oral interview. When such an interview is required, all minimally qualified applications will be evaluated by a screening panel. The screening panel shall consist of at least two (2) persons qualified by educational or employment experience to evaluate the qualifications of the applicants for that particular position. Those applicants who appear best qualified during the screening process will be invited for an oral interview before an oral interview board.
- B. Oral interview boards shall be appointed by the Director of Employment in conjunction with the Department Head.
- C. Interviewers shall mark on forms provided the degree to which, in their judgment, each candidate possesses the desired qualifications. The interviewers rating shall be a numerical percentage with 70% as a minimum passing rating. The ratings of all oral interview board members shall be arithmetically averaged to determine each competitor's final rating, except that if the final rating is below 70% but there is not a majority of the board who assigns ratings below 70%, the competitor shall be given a rating of 70%, and except that, if a majority of the members assign a rating below 70%, the competitor shall be eliminated regardless of the fact that his/her average may be 70% or more.

- D. Each member of an oral interview board shall place the reasons that he/she rated any candidate below 70% in writing, in space provided on the rating sheet.
- E. Persons related to an applicant by blood, marriage or adoption are disqualified from rating that candidate during the interview process.

#### 5.7 Practical Performance, Skills or Proficiency Tests

Whenever the examination procedure includes a practical performance, skills, or proficiency test, the City's Director of Employment may waive this testing element where the applicant for employment or a former employee has attained a passing grade on such test within one (1) year of the date of the selection process for the class or position for which the applicant or former employee has applied

#### 5.8 Veteran's' Credit

In all open, non-promotional examinations, veterans who attain a passing grade shall be credited with an additional five points which shall be added to their overall exam score. Proof of eligibility for veteran's preference shall be required.

#### 5.9 Qualifying Medical Examinations

Where the City's Director of Employment deems it appropriate to the job classification, the successful final applicant shall be required to take and pass a qualifying medical examination as a condition of employment. Qualifying medical examinations shall be administered at City expense after a conditional job offer is extended and prior to the commencement of work.

## **SECTION 6.0 ELIGIBILITY LISTS**

### 6.1 Establishment of Eligible List

Following an open or promotional examination process for a position within the classified service, the names of the persons who have attained a passing mark in such examination process shall be placed on the list in the order of final or earned ratings. In the event of identical ratings (ties) on the final earned ratings the names shall be placed in alphabetical order and reflected as tied on the eligible list. All scores shall include any applicable veteran's credit points.

### 6.2 Duration of Eligible List

All eligible lists shall continue in force for a period of one (1) year and may be extended by the City's Director of Employment and the Department Head for one (1) additional year.

### 6.3 Termination of Eligible List

The City's Director of Employment may terminate an eligible list at any time when it is not possible, due to lack of sufficient eligibles and/or insufficient availability of eligible's, to certify at least three persons to the appointing authority for consideration in the filling of a position.

### 6.4 Change of Address

Applicants whose names are placed upon an eligible list shall notify the City's Director of Employment of any change of address while their names remain on such list or while they are employed by the City.

### 6.5 Removal of Names from Eligible List

The names of eligibles may be removed from an eligible list:

- (a) For any cause set forth in "Causes of Disqualification" in Rule 5.6;
- (b) On evidence that the eligible cannot be located by the postal authorities;
- (c) On receipt of a statement from the eligible stating that he or she no longer desires consideration for a position with the City;
- (d) At the refusal of two (2) offers of appointment to the class for which the list was established;
- (e) For failure to respond within a stipulated time after notice of certification, without suitable explanation;



- (f) After three (3) certifications for appointment to a position have failed to result in the applicant's selection and the persons selected each time had a lower in rank on the eligible list; and
- (g) Any employees who separate from City service shall be removed from a promotional list

### 6.6 Reemployment Lists

In addition to an eligible list established as a result of an open or promotional examination, there shall be established for each class in the classified service a reemployment list containing the names of employees who have been laid off through no fault or delinquency on their part and persons who have resigned in good standing:

- A. Provided his or her overall efficiency has been satisfactory, any person having permanent status in the classified service who is laid off because of temporary or permanent abolishment of his or her position or who is laid off and subsequently accepts a demotion and displacement in lieu of layoff shall have his or her name placed on the reemployment list from which he or she has been laid off.
- B. The City's Director of Employment shall establish reemployment lists by class and department, listing only those regular employees who are laid off or who displace into another class. A City-wide reemployment list by class, listing only those regular employees who are laid off or who displace into another class, shall also be established by the City's Director of Employment. The City-wide list shall be utilized in a department only when the departmental reemployment list for a particular class has been exhausted in accordance with the provisions of these rules.
- C. Names of persons laid off or who demote in lieu of being laid off shall be placed at the top of the list in descending order of seniority. The name of any person who is laid off or who demotes (in lieu of being laid off) into another class shall continue on the appropriate re-employment list for a period of six (6) months after it is placed there. The duration of a reemployment list may be extended by the City's Director of Employment for an additional six (6) months.
- D. Any employee who attained permanent status in the classified service and who resigned in good standing may make application for reemployment within one (1) year after the effective date of resignation and if such request is granted by the appointing authority he or she will be placed on the reemployment list for the class from which he or she resigned. Such application shall be referred to the Department Head of the department from which the person resigned for recommendation. If the appointing authority grants reemployment privileges to such person, his or her name shall be placed on the appropriate reemployment list according to his or her seniority.

In the event the position previously occupied by the employee has been reclassified to a class at the same salary level or at a lower salary level in the same occupational series, the City's Director of Employment shall make a determination as to whether or not such employee is eligible for reemployment and meets the minimum

qualifications for the class. Employees who qualify under this provision shall have their names placed upon the appropriate reemployment list according to seniority.

#### 6.7 Alternate Eligible List

Where no eligible list is in existence for a classification, certification may be made from a list created for another class of the same or higher rank in the same or in a related series if the duties of the class for which the selection procedure was given includes substantially all of the duties of the position to be filled, provided that the City's Director of Employment and Department Head find that the use of the list is in the best interest of the City and that the necessary skills and knowledge were adequately tested in the selection process.

## **SECTION 7.0 CERTIFICATION AND APPOINTMENT**

### 7.1 Request for Certification

Whenever any position in the classified service is to be filled, the appointing authority shall make a written request for certification to the City's Director of Employment which shall include a statement of the salary and working conditions of the position. The City's Director of Employment shall have the authority to waive the request for certification for temporary help in emergency situations or when there is no eligibility list in effect for the requested position.

### 7.2 Order of Certification

If more than one employment list exists for a class, the Director shall certify available applicants from such lists in the following order:

- (a) Reemployment;
- (b) Promotional; and
- (c) Open.

### 7.3 Certification

For each vacancy in the Classified service, the City's Director of Employment shall certify no less than three (3) of the "top-ranked persons" from the eligible list as requested by the Department Head and as determined in the "Promotional List" section for promotional exams and "Order of Names on Eligible List" section for other positions. Certification may be by rank or in alphabetical order as requested by the appointing authority except as required in "Reemployment Lists" section. If any eligible who is certified specifies in writing that he or she is unwilling to accept the appointment, the City's Director of Employment may certify additional eligible's equal to the number who have refused appointment. If the list of eligible's is not sufficient to provide three (3) persons willing to accept appointment, the City's Director of Employment may, with the approval of the appointing authority, include additional names from an employment list for an appropriate class of substantially the same or a higher level, provided such persons possess the qualifications for the position to be filled.

### 7.4 Certification to Position of Lower Class

Whenever a request for certification is made to fill a position in a class for which (1) there is no eligible list, or (2) there are no sufficient names on the eligible list, an eligible may be certified to a position in a class lower than that for which he or she was placed on an eligible list, provided such position is one having similar duties and responsibilities. The acceptance of such a position shall not affect his or her right to be certified to a position in the class for which he or she was originally examined.

### 7.5 Appointment Following Certification

The appointing authority shall fill a vacancy or new position in a class by selection from the eligible's certified who are willing to accept employment under the conditions of employment specified. The appointing authority may, with just written cause, refuse to appoint from any list of certified eligible's when such list contains less than three (3) names (two (2) names for promotional examinations).

The City's Director of Employment shall request that eligible's specify their availability for employment with respect to the specific position for which a certification request is received. Such specification shall include the working conditions such as salary, shift, location, whether it is a temporary or permanent vacancy, and other circumstances relevant to availability for certification. Failure of an eligible to respond to a query of the Director of Employment within five business days shall constitute good cause for removal from the eligible list.

### 7.6 Appointment Procedure

The appointing authority shall, prior to appointment:

- (a) Interview all eligible's who have been certified;
- (b) Check references of the eligible being considered for appointment: and
- (c) Notify in writing the eligible who has been appointed with a copy to the City's Director of Employment.

### 7.7 Provisional Authorization

If less than three (3) names (two (2) names for promotional examinations) of persons willing to accept appointment are certified for the class to which the position belongs, the appointing authority may make a provisional appointment of any person who possesses the minimum qualifications as approved by the Director of Employment for the class for a period not to exceed three (3) calendar months or one (1) month following establishment of an appropriate eligible list, whichever occurs first.

## **SECTION 8.0 TYPES OF APPOINTMENTS**

### 8.1 Probationary Appointment

An appointment made as a result of a promotion, reinstatement, or original appointment in the classified service shall be considered a probationary appointment. The probationary period is twelve (12) months.

### 8.2 Permanent Appointment

After successful completion of a probationary period, a permanent appointment may be made carrying with it the rights, privileges and protections extended to permanent classified service employees by these Rules and Regulations.

### 8.3 Limited Term Appointment

An appointment to a position in the classified service which is for a definite term and is not expected to exist permanently. Persons appointed to such positions must successfully complete a probationary period. An employee who has attained regular status in a limited term appointment will be separated at the conclusion of the term of employment and may be separated before then for cause.

### 8.4 At-Will Appointment

An appointment to a position which serves at the pleasure of the City Council or City Manager and is exempt from the classified service and the rules and regulations which govern it.

### 8.5 Temporary Appointment

- A. A temporary appointment is of limited duration and is not an appointment within the classified service. A temporary appointment is made necessary by seasonal workloads, special projects, coverage for leaves of absence, or other reasons.
- B. A temporary appointment shall not exceed nine (9) calendar months in any one (1) fiscal year without a break in service.
- C. A temporary appointment may be made from an appropriate eligibility list, if available. The individual appointed must meet the minimum employment standards for the position.
- D. No special credit shall be allowed in meeting any qualifications or in giving any examination or in establishing any open or promotional eligibility list for service rendered under a temporary appointment. Time spent on a temporary appointment shall not constitute part of the probationary period if the employee subsequently secures appointment to a position in the classified service.

- E. A person serving on a temporary appointment shall not receive vacation, sick leave, holiday pay or any other fringe benefit in accordance with the Personnel Rule governing compensation.
- F. A person serving on a temporary appointment may be terminated at any time and without cause.

#### 8.6Part Time Appointment

Part time appointments may be made where positions require someone less than full-time on either a daily, weekly, or monthly basis.

**SECTION 9.0  
SALARY STEP UPON APPOINTMENT  
AND ANNIVERSARY DATE**

9.1 New Employee

Any appointment to a class shall be at the entry step of the range for such class unless the appointing authority specifically authorizes appointment to a higher step.

9.2 Appointment at Higher than First Step

Upon recommendation of the Department Head and approval of the City Manager, the appointing authority may approve the appointment of a new employee to a salary range above entry level for the class to which such new employee is to be appointed.

9.3 Salary Anniversary Date

Each employee in the classified service shall have a “salary anniversary date” which shall be the first calendar day of the month following completion of one year of continuous service in the event the employee started at the entry step for the classification.

In the event of promotion, reclassification or leave of absence without pay, an employee’s salary anniversary date shall be determined pursuant to the procedure set forth in Section 11.0 – Salary Upon Promotion, Demotion, Transfer or Reclassification.

Employees starting in a particular class of position on the first working day of the bi-weekly pay period shall be deemed to have started on the first calendar day of the bi-weekly pay period for purposes of this Section.

## **SECTION 10.0 MERIT INCREASES**

### 10.1 Salary Bands

The City may establish salary bands within the salary schedule for its classifications consisting of the following control points:

- (a) Entry level for the class (Control Point A);
- (b) A minimum of 15% above Control Point A (Control Point B);
- (c) A minimum of 15% above Control Point B, which may be used as the salary level for market comparisons (Control Point C);
- (d) The maximum salary in the salary band for the assigned classification (Control Point D).

### 10.2 Increases Within the Salary Band Based on Merit

- A. An employee who has successfully completed probation and achieved regular status shall be eligible to receive a merit increase of 1 to 15% on the first day of a pay period following successful completion of the probationary period.
- B. Merit increase: With a positive performance evaluation and approval of the Department Head, a regular employee shall be eligible for a merit increase from 1 to 15 % on the first day of a pay period following the employee's anniversary date. Employees hired prior to July 1, 1999 shall be eligible to receive a merit increase from 5% to 15% on the first day of a pay period following the employee's anniversary date. No employee shall exceed Control Point C except as provided under 'C' below.
- C. Extraordinary Performance: Upon recommendation of the Department Head and written approval of the City Manager, an employee is eligible to exceed Control Point C whenever his/her performance, during the review period, has achieved a substantial improvement or efficiency, or substantial savings or income to the City, beyond what is normally expected in the job assignment.

An employee receiving Extraordinary Performance Pay shall have such pay begin or retroactively be paid on the first day of a pay period following the employee's anniversary date. Such pay shall end the first day of a pay period following the employee's next anniversary date (one-year), unless the City Manager approves in writing another year of extraordinary pay in accordance with the above procedure, or elects to make such pay part of the employee's permanent salary.

- D. If an anniversary date is missed due to an error, a merit increase shall not be automatic. The employee shall notify the immediate supervisor in writing of the error and an evaluation shall be made within 30 calendar days from the date of such



notice. If the employee is granted a salary increase, such increase shall be retroactive to the anniversary date.

- E. Merit increases shall not be automatic and shall be reviewed and approved by the City Manager, prior to discussing with the employee.

### 10.3 Procedure for Merit Increase

Merit salary increases are not automatic. They are based on performance as judged by the department. Department Heads may approve increases only for those employees who have demonstrated appropriate standards of work performance. Merit increases may be recommended to the next highest step in the salary range for the classification.

### 10.4 Eligibility for Merit Salary Increases

A probationary employee in the classified service who is appointed to a classification having merit steps shall be eligible for a merit increase on the first day of the pay period following successful completion of the one year probationary period. Such increase shall be effective upon the first day of the pay period following this time of service. If an employee's probationary period is extended, he or she will not be eligible for a merit increase until he or she satisfactorily completes his or her probationary period. An exempt employee who is appointed to a classification having merit steps shall be eligible for a merit increase on the first day of the pay period following six months of paid service to the City.

**SECTION 11.0**  
**SALARY UPON PROMOTION, DEMOTION,**  
**TRANSFER OR RECLASSIFICATION**

11.1 Promotion

A regular employee, who is promoted to a position in a classification with a higher salary band than the class from which he/she was promoted, shall receive at least five percent (5%) increase in salary in the new salary band, provided such increase does not exceed Control Point C.

The provisions of "Eligibility for Merit Salary Increases" shall be applicable in determining the eligibility of the employee for step increases within the higher salary band following promotion.

11.2 Demotion

When an employee in good standing is demoted to a position in a lower classification for reasons other than unsatisfactory performance, the employee shall receive the highest salary in the lower salary band that does not exceed the employee's rate of pay, immediately prior to the demotion, provided such employee does not exceed Control Point C.

When an employee is demoted for reasons of unsatisfactory performance to a position in a classification with a lower salary band, the employee shall receive at least a five percent (5%) reduction in salary in the lower salary band. In no event shall such employee exceed Control Point C of the lower range.

The employee's salary anniversary date for step advance following said demotion shall not be changed and the provisions of "Eligibility for Merit Salary Increases" shall be applicable in determining the eligibility of the employee for merit increases within the lower salary range.

Demotions may be either on a voluntary or involuntary basis. Requests for voluntary demotion must be made in writing by the effected employee to the respective Department Head for consideration. Final approval of the voluntary demotion may be granted with City Manager authorization and providing an appropriate allocation exists within the department. It shall be conclusively presumed that a demotion by its terms entitled "voluntary" is in fact voluntary for all purposes.

11.3 Voluntary Demotion in Lieu of Being Laid Off

A regular employee who chooses in lieu of being laid off to be demoted to a position which is in a class having a salary range lower than the class demoted from shall receive the monthly salary at the step in the lower range which is closest to his/her present salary. Whenever an employee is returned to his/her former class following demotion in lieu of layoff, the employee shall receive that step of the range which he/she would have received had he/she never left the former class. The employee's salary anniversary date for step advancement shall not be changed.

#### 11.4 Return to Former Class

Whenever an employee is returned to his or her former class following promotion, transfer, demotion or assignment as a temporary employee, the employee shall receive that salary which he or she would have received had he or she never left the former class. The employee's anniversary date for step advancement shall not be changed—that is, as it originally was in the former class, and the employee shall be eligible for increases subject to the rules as if such employee never left the former class.

#### 11.5 Reclassification

The salary of the incumbent in a position which is reclassified, shall be determined as follows:

- (a) If the position is reclassified to a class in the same salary band, the salary and salary anniversary date of the employee shall not change.
- (b) If the position is reclassified to a class with a higher salary band, the employee may be paid either at the minimum rate of the new range, or at the nearest higher rate that he/she would have been entitled to have his/her classification not changed. Such employee shall have no change in his or her anniversary date.
- (c) If the position is reclassified to a class with a lower salary band, the salary of the employee shall not change unless such salary is greater than Control Point C of the new class, in which case the salary of the employee shall be reduced to Control Point C for the new classification, unless the City Council approves a "Y-Rate."
- (d) Y-Rate: Whenever, without fault or inability on the part of an employee, such employee would suffer an actual decrease in salary as a result of action taken by the City, the City Council may adopt a Y-Rate to apply to the employee so affected. If the salary of the employee is greater than Control Point C of the new pay scale, the employee's salary shall not change until Control Point C in the new pay range is greater than such employee's salary.
- (e) Change in Salary Band Allocation: The salary of an employee in a position in a class, which is reallocated to a new salary band, shall be adjusted to the corresponding salary of the new salary band.

#### 11.6 Temporary Promotion

The Department Head may temporarily assign a regular employee to the duties and responsibilities of a position in a class having a higher salary band when the incumbent of such position is absent or when there is no incumbent for such position. If a regular employee is temporarily assigned to a position in a class with a higher salary band, he/she shall be eligible to receive an increase in pay after two complete biweekly pay periods if the incumbent is absent due to being on vacation. Temporary promotions under this section

shall last for no more than ninety (90) days unless specifically approved by the City Manager for any time beyond this.

Upon termination of such temporary assignment, said employee shall be restored to the position from which he/she originally held status and at the salary and step which such employee was entitled to receive at the date of such restoration including any merit increase(s) to which he/she was eligible. Such temporary assignment shall not affect the employee's salary anniversary date. An employee must work the minimum number of consecutive days upon each temporary assignment to be eligible for the higher salary

Employees, whose job description includes the performance of the duties of a higher-level position during the temporary absence of the incumbent, shall not be eligible for an increase in pay.

#### 11.7 Change in Range Allocation

The salary of an employee in a position in a class which is reallocated to a new salary range shall be adjusted to the corresponding step of the new range. The salary anniversary date of the employee shall not change.

#### 11.8 Effective Dates

All changes in salary ranges and/or steps described in this Section shall become effective on the first day of a bi-weekly pay period.

## **SECTION 12.0 PROBATIONARY PERIODS**

### 12.1 Probationary Period Required

All persons appointed to permanent position in the classified service shall be required to satisfactorily serve a period of probation prior to achieving regular status in City employment.

All employees who accept promotional appointments in the classified service shall be required to satisfactorily serve a period of probation in the promotional position prior to achieving regular status at the level to which promoted.

### 12.2 Purpose

The probationary or working test period is (1) an integral part of the examination process and provides an opportunity to observe closely the employee's work; (2) to secure the most effective adjustment of a newer, promoted employee to his/her position; and (3) to reject any probationary employee whose performance or behavior does not meet required standards of work.

### 12.3 Duration

Except as provided below, all original and promotional appointments in the classified service shall be tentative and subject to a probationary period of one year from the date of appointment.

### 12.4 Probationary Performance Reports

All efforts will be made to sufficiently evaluate the employee during the probationary period. Department Heads shall be responsible for preparing and submitting at least one Performance Evaluation Report for an employee during the probationary period. In the event that no Department Head exists for the employee's classification, the City's Director of Employment shall act in the capacity as evaluator.

### 12.5 Extension of Probationary Period

- A. A Department Head may, with the concurrence of the City's Director of Employment, extend an employee's probationary period for a specified period of time, not to exceed an additional six months. The employee must be notified in writing of the extension prior to the end of the initial probationary period.
- B. Any time an employee spends in unpaid status for more than one week shall not be counted towards completion of the probationary period and the probationary period shall be extended by the time spent in such unpaid status.

## 12.6 Rejection of Probationary Employee

- A. A probationary employee who fails to satisfactorily meet the requirements of the position, in the judgment of the Department Head, may be rejected at any time during the probationary period.
- B. An employee rejected on probation from an initial appointment to the Classified service shall be provided with written notice of rejection and termination no later than midnight on the last day of the probationary period.
- C. Except as provided below, an employee rejected during the probationary period following promotion will be reinstated at his/her former salary step at his/her former position or a position in the class from which he/she was promoted. If no vacancy exists in this class, the layoff provisions of these rules may be initiated to determine which employee shall be laid off from the rejected employee's former classification. The City's Director of Employment may, with Council approval, authorize the over-filling of a permanent position for six months so that the laid off employee may find other employment.
- D. An employee serving a probationary period following promotion may also be discharged for cause. The employee may appeal the dismissal but may not appeal the action of rejection during the probationary period.

## 12.7 Rejection Not Subject to Appeal

A probationary employee may be rejected from probation at any time during the probationary period without the right of appeal.

## **SECTION 13.0 ASSIGNMENTS AND TRANSFERS**

### 13.1 Assignment

Once appointed to a position in a specific classification in a department, an employee may be reassigned within the department to another position within the class at the discretion of the Department Head.

### 13.2 Transfers Within Departments

The Department Head may make transfers of employees from one position in his/her department to another position in his/her department and not in the same class, provided the positions are in the same salary range and the employee possesses minimum qualifications for the position to which he/she is transferred. Such transfer shall be approved by the City's Director of Employment.

### 13.3 Inter-Departmental Transfers

No employee shall be transferred to a position in another department unless the following conditions exist:

- (a) The two (2) positions have similar minimum qualifications and duties as determined by the Director of Employment and the affected employee possesses the minimum qualifications for the position to which he/she is being transferred;
- (b) The positions are in the same salary range; provided that an employee may voluntarily accept a transfer to a position in a lower salary range; and
- (c) The Department Heads of the two (2) departments and the City's Director of Employment have approved the transfer in writing.

## **SECTION 14.0 LAYOFFS**

### 14.1 Reasons for Layoff

The City reserves the right to reduce its workforce by laying off employees for reasons of shortage of work, shortage of funds, material changes in duties, material changes in organization, the necessity for the position no longer exists, or other valid reasons. The City Council shall determine from where layoffs will occur, including the department, division, work unit, class and specific position.

### 14.2 Priority in Layoffs

When one or more employees assigned to the same classification within a department are to be laid off, employees holding temporary, provisional, and probationary assignments shall be laid off first. Employees in the classified service who have successfully completed probation shall be laid off last and pursuant to the layoff list computation set forth below.

### 14.3 Layoff List Computation

Should it become necessary to lay off regular employees in the classified service in any department or office, the City's Director of Employment shall establish a layoff list by classification. Said layoff list shall be based upon seniority and computed as follows:

- (a) For each regular employee, seniority shall be measured from such employee's initial appointment to a permanent position in the classified service, but shall not include any period during which the employee was on unpaid status for a period greater than half of the regular scheduled hours per day. For any employee who is reemployed after separation from a permanent position in the classified service, seniority shall be measured from the date of his/her most recent appointment to such permanent status.
- (b) Regular employees who held temporary or provisional status prior to attaining a permanent position in the classified service shall not receive seniority credit for such service.
- (c) One point seniority credit shall be given for each full calendar month of service or for any period of one-half (1/2) or more of a calendar month as specified in subsection (1) above.

### 14.4 Notice of Layoff

- A. The City shall send written notice by certified mail, postage prepaid, return receipt requested and correctly addressed to the last known mailing address of the employee found in the employee's personnel file. If return receipt is not promptly received by the Director of Employment, then it shall serve said notice by personal service. If personal service cannot be made, said notice shall be effective when mailed by ordinary mail to said address. In addition to the foregoing procedures, notice of layoff shall also be mailed by ordinary mail to said address. Notice of layoff



shall be mailed or delivered to all regular employees affected by layoff at least ten (10) working days prior to the effective date of the action. Said notice shall include:

1. Reason for layoff;
  2. Regulations pertaining to demotion and displacement in lieu of layoff;
  3. Effective date of action;
  4. Conditions governing retention on and reinstatement from employment lists;
  5. Rules regarding waiver of reinstatement or voluntary withdrawal from the reemployment list;
  6. Seniority calculation for the employee; and
  7. The employee's right to respond orally or in writing to the appointing authority proposing the layoff before the effective date
- B. All temporary and provisional employees shall be notified of layoff at least forty-eight (48) hours prior to the effective date of the action.
- C. An employee who is to be laid off may elect to accept such layoff notice prior to the effective date thereof.

#### 14.5 Demotion and Replacement in Lieu of Layoff

- A. In lieu of being laid off, a regular employee may elect voluntary demotion within the same department, to a class previously held by said employee with substantially the same or lower salary range and/or with the approval of the City's Director of Employment to a class in which said employee meets the minimum qualifications.
- B. Voluntary demotion to a specified classification shall be applicable only within the same department.
- C. To be considered for voluntary demotion in lieu of being laid off, an employee must notify the City's Director of Employment in writing of this request no later than five (5) calendar days after receiving the notice of layoff.
- D. An employee who elects to voluntarily demote to a lower class shall be considered to be the most senior in the class no matter what layoff credits each employee has. The employee with the most credits being allowed to demote first then proceeding in descending numerical order.

## **SECTION 15.0 DISCIPLINARY ACTIONS AND APPEALS**

### 15.1 Applicability of Section

Any regular employee in the classified service may be reprimanded, suspended, demoted, dismissed or reduced in pay for cause.

### 15.2 Causes for Discipline

Any of the following causes are sufficient causes for reprimand, dismissal, suspension, demotion, or reduction in pay; but the list is illustrative rather than restrictive, and reprimands, dismissals, suspensions, demotions or reductions in pay may be based on reasons other than those specifically mentioned:

- (a) Intentional misrepresentation or concealment of any material fact in connection with obtaining employment.
- (b) Unsatisfactory performance.
- (c) Unexcused neglect of duty.
- (d) Insubordination.
- (e) Dishonesty.
- (f) Consuming, possessing, or being under the influence of alcohol, illegal drugs or unauthorized prescription medications while on duty.
- (g) Unexcused absence, excessive absences, or tardiness.
- (h) Conviction of a felony that is rationally related to employee's job.
- (i) Discourteous treatment of the public or other employees.
- (j) Political activity, which is in violation of federal or state laws.
- (k) Negligent or willful damage to public property or waste of public supplies or equipment.
- (l) Misappropriation or misuse of city funds or property.
- (m) A physical or mental condition or disability which prevents the performance of the essential functions of the employee's position.
- (n) Violation of safety rules.
- (o) Discrimination, including harassment and retaliation, on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental

disability, medical condition, marital status, sex, age, sexual orientation, or veteran status.

- (p) Activity which brings discredit to the City.
- (q) Violation of any departmental rule or order.
- (r) Any other good cause for discipline.

### 15.3 Letters of Reprimand

The appointing authority may issue a formal letter of reprimand to an employee. Such reprimand letters should contain:

- (a) A specific description of the event or circumstance giving rise to the letter of reprimand with sufficient details to adequately apprise the employee of the problem;
- (b) The specific policies, rules or expectations violated;
- (c) A statement of what the employee must do to correct the situation; and
- (d) An indication that more serious disciplinary action may occur should unsatisfactory performance or conduct reoccur.

A letter of reprimand shall become part of the employee's personnel file. There is no right to appeal a letter of reprimand.

### 15.4 Notice of Dismissals, Demotions, Suspensions and Reductions in Pay

A regular employee in the classified service against whom dismissal, demotion, suspension or reduction in pay is proposed shall be provided with written notice of the proposed action prior to the effective date thereof. Written notice shall be provided by personal delivery or certified mail and the effective date of the action must be at least five business days following delivery of the notice to the employee. Such written notice shall include:

- (a) A description of the action proposed to be taken and its effective date or dates.
- (b) A clear and concise statement of the reasons for such action, including the acts or omissions on which the disciplinary action is based.
- (c) A statement advising the person of the right to respond either orally or in writing, to the appointing authority prior to its effective date.
- (d) A statement that a copy of the materials upon which the action is based is attached or available for inspection upon request.

- (e) A statement advising the person that a copy of the written notice shall be filed in the employee's official personnel record.
- (f) At any time before the appointing authority's final decision on discipline is made, the appointing authority may file or permit the filing of an amended or supplemental notice. All parties shall be notified thereof. If the amended or supplemental notice presents new reasons or charges the agency shall afford respondent a further opportunity to respond to the appointing authority orally or in writing as to the new reasons or charges before the effective date of the discipline.

### 15.5 Administrative Leave

Under appropriate circumstances, an employee may be removed from the work place prior to receiving written notice of proposed discipline and while an investigative and disciplinary process is pending. In these cases the appointing authority should document circumstances which indicate that the employee's continued presence at the work site could have detrimental consequences. Such leave may be paid with approval of the City Manager.

### 15.6 Suspension

A disciplinary suspension without pay imposed by the appointing authority shall not exceed two (2) biweekly pay periods (28) calendar days. Any paid leave shall not be included in the 28-calendar day suspension limitation.

### 15.7 Final Action

Following the employee's opportunity for response to a proposed dismissal, demotion, suspension or reduction in pay as set forth in section 15.4, or if no response is timely received, the appointing authority shall deliver a notice of final decision to the employee. The notice shall be delivered personally to the employee or by certified mail. If service by either method is not successful, then the notice may be served by first class mail. If dismissal, demotion, suspension or reduction in pay is imposed, the notice shall inform the employee of his/her right to appeal as set forth below.

### 15.8 Right of Appeal

- A. Any regular employee in the classified service who is suspended, demoted, dismissed, or reduced in pay, may appeal from the final notice of disciplinary action by filing a notice of appeal with the City Clerk within fourteen (14) calendar days after service on such employee of the written notice of disciplinary action as herein above provided. If a notice of appeal is not filed within fourteen (14) days, the final notice of disciplinary action shall become final.
- B. Within thirty (30) calendar days of receipt by the City Clerk of a notice of appeal, the City council will conduct a hearing on the appeal. During the hearing, the City Council will review the written appeal, response to the appeal, and receive testimony from the employee and the appointing authority. Upon conclusion of the hearing, the City

Council may adopt, amend, modify or reject the disciplinary action. The decision of the City Council shall be final and conclusive.

- C. If discipline imposed resulted in loss of pay, and the decision results in reduction or elimination of loss of pay, the pay loss shall be restored to the employee based on the number of standard work hours lost computed at his/her then based hourly rate.
- D. The provisions of Section 1094.5 and 1094.6 of the Code of Civil Procedure shall be applicable to proceedings under this section

(Amended 11/19/14, Resolution 48-2014)

### 15.9 Hearing

- A. The hearing shall be conducted in accordance with Section 11513 of the Government Code.
- B. The hearing shall be recorded by tape recording or steno graphically by a court reporter.
- C. Subpoenas and subpoenas ducas tecum shall be authorized as provided in Government Code Section 11450.10 – 11450.50.
- D. All hearings shall be held in executive session pursuant to Government Code Section 54957, unless the employee requests a public hearing.

### 15.10 Findings

- A. The hearing officer shall render his/her judgment as soon after the conclusion of the hearing as possible and in no event later than thirty (30) working days after conducting the hearing. His/her decision shall set forth which charges, if any, are sustained and the reasons therefore. The opinion shall set forth findings of fact and conclusions of law. The opinion shall be advisory only.
- B. The hearing officer may sustain or reject any or all of the charges filed against the employee. He/she may sustain, reject, or modify the disciplinary action invoked against the employee.
- C. The hearing officer's opinion shall be filed with the City Manager and the charged employee, and shall set forth his/her findings and conclusions. If a dismissal is not sustained, the opinion shall set forth the effective date the employee is to be reinstated, which may be any time on or after the date of disciplinary action.
- D. If within thirty (30) calendar days of receipt by the parties of the hearing officer's decision, either party to the action files a written appeal with the City Council, a copy of such appeal to be served concurrently upon the opposing party, the City council will review the complete record of proceedings, and shall base upon such review, adopt, amend, modify, or reject the findings of fact, conclusions of law, and/or opinion of the hearing officer, to include imposition of discipline more severe than that imposed by the

hearing officer, but not more severe than the discipline set forth in the notice of proposed discipline. If either party requests written argument prior to the Council's decision, the parties shall be given an opportunity to submit simultaneous written argument to the City Council. If such request is granted, the opposing party shall be provided adequate time to present a responsive written argument.

If neither party files such appeal within the above thirty (30) calendar day period for appeal, the decision of the hearing officer shall be deemed adopted by the City Council. The decision of the City Council shall be final and conclusive.

- E. The City shall bear the cost of the facilities for the hearing and the hearing officer's charges. Each party shall bear its own witness expenses, court reporter and transcript expenses, and attorney's fees.
- F. If discipline imposed resulted in loss of pay, and the decision results in reduction or elimination of loss of pay, the pay loss shall be restored to the employee based on the number of standard work hours lost computed at his/her then based hourly rate.
- G. The provisions of Section 1094.5 and 1094.6 of the Code of Civil Procedure shall be applicable to proceedings under this section.

## **SECTION 16.0 RESIGNATION**

### 16.1 Effective Date of Resignation

A resignation submitted by an employee shall be effective as of the date stated therein or on such sooner date as the Department Head and/or Director of Employment and employee may agree upon. In no event will a resignation date be accepted for a date in the future so that an employee may work for another employer and still be employed in the City.

### 16.2 Failure to Submit Written Resignation

A regular employee in the classified service who leaves City service without submitting a written resignation giving two (2) weeks' advance notice to the Department Head or City's Director of Employment may be deemed ineligible for reinstatement or rehire by the City.

### 16.3 Withdrawal of Resignation

Once a resignation has been submitted to and accepted by the Department Head or Director of Employment, it may not be withdrawn without the express written approval of the Department Head or Director of Employment. A request for withdrawal of a resignation must be lodged with the Department Head or Director of Employment no later than ten (10) calendar days following its submission. A failure by the employee to request withdrawal of said resignation within said time frame shall constitute a waiver of any such right.

In the event a timely request for withdrawal of said resignation is submitted and the same is denied by the Department Head or Director of Employment, the employee may appeal said decision to the City Manager. The City Manager's decision shall be final.

## **SECTION 17.0 RE-EMPLOYMENT/REINSTATEMENT**

### 17.1 Terms for Re-Employment

An employee who has attained regular status in their classification in the classified service, has resigned in good standing, and has a satisfactory evaluation at the time of resignation, may make a request to the City Manager for reemployment within one year after the date of such resignation to a vacant position in the same class. In the event the position previously occupied by the employee has been reclassified to a higher or lower classification in the same occupational series, the City Manager shall make a determination as to whether or not the employee meets the minimum qualifications for the new class.

The following terms apply to a request for re-employment under this section:

- (a) A medical examination may be required consistent with the stated requirements of the position.
- (b) Upon re-employment there shall be no initial clothing allowance or advance other than appropriate safety equipment.
- (c) Upon re-employment, a former employee will not receive credit for prior service in determining his/her continuous service date for lay off purposes.
- (d) Upon re-employment, the employee will be required to serve a probationary period.

### 17.2 Reinstatement

An employee who is granted reinstatement or re-employment shall be treated as if they were on an unpaid leave of absence for purposes of seniority, sick leave, vacation accruals and eligibility for merit increases. In the event there are issues involving the status of employee benefits for such employee upon return to city employment, the City Manager shall make a final determination as to any eligibility for compensation and benefits that the employee may be eligible to receive.



## **SECTION 18.0 PERFORMANCE EVALUATION**

### 18.1 Purpose

Through the following written and oral review procedures, all aspects of employee work performance will be reviewed and assessed as a means of enhancing an employee's career development; identifying the level or standard of work performance being achieved; fostering constructive employer/employee relations; and providing a high and effective level of service to the public.

### 18.2 Procedures

- A. All regular employees in the classified service shall receive at least an annual written performance evaluation on forms prescribed and/or approved by the City.
- B. The Performance Evaluation forms for each employee, when completed and reviewed by the Department Head, will be filed in the employee's personnel file located in the City Hall. All forms so filed must contain the signature of at least the Department Head and a notation or signature of the employee that he/she has been apprised of the evaluation.
- C. The annual performance evaluation shall be conducted prior to an employee's salary anniversary when a salary increase is to be considered. A merit increase may be denied for performance reasons as reflected in the employee's performance evaluation.
- D. The appointing authority or Department Head may also conduct performance evaluations at such other times as he/she deems appropriate.
- E. Probationary employees shall be evaluated at least once during the probationary period.

### 18.3 Review of Performance Evaluation

Each performance evaluation must be discussed with the employee by the supervisor completing the evaluation form prior to the time the evaluation is placed in the employee's personnel file. A performance evaluation review shall include the following:

- (a) A review of the employee's performance as compared to departmental expectations;
- (b) Recommendations for further training and/or professional development; and
- (c) Recommendations, if needed, on specific courses of action to improve substandard performance. Every employee has the right to meet with his/her Department Head concerning the results of their performance evaluation. Said review must follow the formal chain of command established for the department.

#### 18.4 Written Response

Every employee has the right to respond in writing to his/her performance evaluation under the following conditions:

- (a) When an employee's evaluation contains ratings of appraisal factor(s) at or below improvement needed;
- (b) The response must be item specific and relevant; and
- (c) Must be submitted to the Department Head and/or City's Director of Employment within thirty (30) days of the date of the employee is notified of the evaluation.

The employee's written response will be made a part of the performance evaluation record if it is submitted in accordance with the above conditions.

## **SECTION 19.0 CONTINUOUS SERVICE DATE**

### 19.1 Continuous Service Date Defined

The continuous service date is the date a new employee is appointed to a probationary position in the classified service or appointed to an exempt position. Time spent as a temporary or provisional employee shall not be included in determining an employee's continuous service date. Part-time employees will have their continuous service date pro-rated.

### 19.2 Use of Continuous Service Date

The continuous service date shall be used for determining vacation accumulation, length of service in connection with layoff and any other matter involving length of service under these Rules.

### 19.3 Adjustment of Continuous Service Date

Employees who leave City service for military service shall receive service credit for such service upon returning to work. Service credit shall also be accumulated while on authorized leaves of absence with pay. Service Credit will not be credited for time spent on leave without pay.

### 19.4 Restoration of Service Credit

An employee who has been re-employed following a layoff or authorized leave of absence without pay shall receive service credit for previous time spent in the classified service in determination of his/her continuous service date.

## **SECTION 20.0 OUTSIDE WORK**

### 20.1 General Policy

Employees who work for the City on a full-time basis are discouraged from holding outside employment that has the effect of interfering with the employee's ability to safely and competently perform his/her duties for the City. Full-time employees are encouraged to use their off-duty time to rest and recuperate so they are refreshed when they return to work.

Full-time employees who decide to take on outside employment must ensure that such outside work does not create a conflict of interest, interfere with their hours of work for the City, or adversely impair performance of their City responsibilities.

## **SECTION 21.0 VIOLENCE IN THE WORK PLACE**

### 21.1 Policy Statement

It is the policy of the City to maintain a safe, lawful and productive work place. It is the intent of this policy to deter acts of violence or threats of violence and to minimize risks of such violence.

### 21.2 Conduct Prohibited

Threats, acts of aggression, intimidation, or violence towards any City employee, official, contractor, or member of the public served by the City are prohibited by this section. Prohibited conduct includes, without limitation, the following:

- (a) Threats, verbal and written, express or implied
- (b) Physically threatening language
- (c) Physical assault, attempted assault, or other acts of physical aggression
- (d) Vandalism or property damage
- (e) Bringing weapons in the workplace
- (f) Stalking
- (g) Menacing gestures

Violation of this policy may be grounds for disciplinary action up to and including discharge from City service. In addition, allegations of violent behavior or assault shall be reported to law enforcement as soon as practical.

### 21.3 Complaint Procedure

All potentially dangerous situations, including threats, should be reported immediately to your supervisor, the Director of Employment, and/ or the police. All complaints reported to City management will be promptly investigated. Retaliation against employees who make complaints under this policy will not be tolerated.

### 21.4 Threats By Outside Parties

If an employee is the recipient of a threat by a non-employee, please follow the complaint procedure detailed above. It is important for the City to be aware of any potential danger in our workplace, regardless of the source of the threat.

**SECTION 22.0**  
**SAFETY POLICY**

22.0 City of Live Oak Safety Policy

Employee safety, and the safety all individuals working for the City, is one of the City's greatest concerns. The City of Live Oak Safety Program shall be followed at all times. Any violations of the City's safety policy may result in disciplinary action.

Copies of the Injury and Illness Prevention Plan and Safety Programs applicable to a particular position are available within the department of hire or from City Hall.

## **SECTION 23.0 NON-HARASSMENT POLICY**

### 23.1 Harassment Prohibited

The City does not tolerate harassment of our job applicants, employees, or contractors by another employee, supervisor, manager, elected official, vendor, or any third party. Any form of harassment on the basis of race, color, national origin, religion, age, sex, pregnancy, childbirth and related medical conditions, marital status, sexual orientation, medical condition, disability, military service, or any other classification protected by federal, state and local laws and ordinances is a violation of this rule and will be treated as a disciplinary matter.

### 23.2 Harassment Defined

Harassment is defined in this rule as unwelcome verbal, visual or physical conduct creating an intimidating, offensive, or hostile work environment. Harassment can be verbal (including slurs, jokes, insults, epithets, gestures, or teasing), graphic (including offensive posters, symbols, cartoons, drawings, computer displays or emails) or physical conduct (including physically threatening another, blocking someone's way, etc.) that denigrates or shows hostility or aversion towards an individual because of any protected characteristic. Such conduct violates this rule, even if it does not rise to the level of being unlawful. Because it is difficult to define unlawful harassment, employees are expected to behave at all times in a professional and respectful manner.

### 23.3 Sexual Harassment Defined

Sexual harassment can include all of the above actions, as well as other unwelcome conduct, such as unwelcome or unsolicited sexual advances, requests for sexual favors, conversations regarding sexual activities and other verbal and physical conduct of a sexual or gender-based nature. Examples of conduct that violate this rule include:

- Unwanted sexual advances
- Physical touching or assault, as well as impeding or blocking movements
- Offering employment benefits in exchange for sexual favors
- Actual or threatened retaliation for rejecting sexual advances
- Leering, whistling, making sexual gestures, or displaying sexually suggestive objects such as posters, cartoons, or pictures
- Obscene or vulgar comments
- Comments about a person's body, sexual preferences, or sexual prowess
- Conversation about one's own or someone else's sex life

- Sexual jokes or suggestive comments of a sexual nature
- Sexually explicit emails or voicemails
- Derogatory stereotypes about gender or other hostile comments directed at a person's gender
- Teasing or other conduct directed toward a person because of the person's gender

All such conduct is unacceptable in the workplace or in work-related settings, regardless of whether the conduct is engaged in by an elected official, manager, supervisor, coworker, vendor or other third party.

#### 23.4 Complaint Procedure

Persons who believe they have been subjected to inappropriate conduct under this rule, or have observed inappropriate conduct towards another, should report the matter promptly to any manager or the Director of Employment. Complaints may be verbal or written. If a person reporting an incident under this policy has not received a satisfactory response from the manager to whom it was reported, such person should contact the City Manager immediately.

Every supervisor who learns of any person's concern in violation of this policy, whether in a formal complaint or informally, must immediately report the issues raised to the Department Head or the Director of Employment.

#### 23.5 Investigation Procedure

The City will promptly investigate the facts and circumstances of any claim of harassment under this rule. The City will endeavor to keep the complaint and investigation as confidential as possible, limiting disclosures to a need-to-know basis. During the investigation, the City generally will:

- Interview the complainant and alleged harasser
- Interview others as necessary
- Collect documentary and other non-testimonial evidence
- Document the findings regarding the complaint
- Document recommended follow-up actions and remedies, as appropriate
- Inform the complainant of the outcome of the complaint

Upon completion of the investigation, the City will take corrective measures against any person who has engaged in conduct in violation of this rule, as the City determines is



necessary. These measures may include firm disciplinary action up to and including termination.

### 23.6 Retaliation Prohibited

The City prohibits any form of discipline or retaliation for reporting perceived violations of this rule, pursuing any such claim, or cooperating in any way in an investigation of such claims. If an employee believes someone has violated this no-retaliation policy, the employee should promptly bring the matter to the Director of Employment or City Manager. Anyone who the City determines has engaged in retaliation under this rule will be subject to firm disciplinary action up to and including termination.

## **SECTION 24.0 HOURS OF WORK**

### **24.1 Business Hours**

Regular business hours for the City are Monday through Friday from 9:00 a.m. through 4:00 p.m. The City Council shall approve the business hours for any department that does not operate under the regular schedule.

### **24.2 Hours of Work**

Department Heads shall establish the work schedules for employees in their department. The schedule shall normally provide for a work week of forty (40) hours (8:00 a.m. to 5:00 p.m.) for all employees except for those employees assigned to shift work. The schedule for shift work employees shall be established to accomplish maximum coverage of a twenty-four (24) hour day without violating applicable local, state or federal labor laws.

### **24.3 Rest Periods**

Subject to the discretion and control of the Department Heads, all employees may be allowed a paid rest period not to exceed fifteen (15) minutes for each three (3) consecutive hours of work, but the total number of rest periods in any one (1) working day shall not exceed two (2). Rest periods shall not be combined with another rest period or meal break, combined with arrival at work, and may not be postponed until the end of the day to enable the employee to leave early. Within these limitations, rest periods shall be scheduled in accordance with the requirements of the department and shall be taken at such location as designated by the Department Head.

### **24.4 Lunch Period**

All City employees normally shall be allowed an unpaid lunch period which shall be scheduled generally in the middle of the work shift. The exact time and duration of such lunch period shall be within the discretion of the Department Head. The lunch period shall not be counted as part of the total hours worked and the employee must be relieved of all duty during the lunch period. However, for some employees a lunch period is included in the actual performance of assigned duties and included as part of the total hours worked.

## **SECTION 25.0 PAYMENT OF SALARY**

### 25.1 Compensation Plan

The compensation of all officers and employees of the City are fixed and determined pursuant to the provisions of the City's Personnel Rules and Regulations and the Salary Schedule by Classification as from time to time amended. The compensation shall represent full salary compensation for the services of those officers and employees by virtue of their respective employment.

### 25.2 Pay Periods

The pay periods for all employees shall be bi-weekly. Salaries will normally be paid on the first Friday following the completion of a pay period. When a holiday falls on a payday, the payday will be transferred to the previous work day.

### 25.3 Temporary and Part-Time Employee Compensation

Except as otherwise provided in these rules, all temporary employees and part time employees working fewer than 40 hours per pay period on a regular basis shall not be entitled to any type of fringe benefits afforded to regular full-time and part-time employees. The hourly rates of pay for such employees constitute complete compensation for services rendered.

(Resolution 34-2013, Amended 09/04/13)

### 25.4 Limited Term Employee Compensation

Salaries for limited term employees shall be at the hourly rate established for such limited term employees at the time of employment; provided that a regular employee temporarily transferred or assigned a limited term employment shall not receive less than the compensation which he/she would have received had the temporary transfer or assignment not been made including any merit increases to which he/she would otherwise have been entitled. If such regular employee is temporarily appointed to a position in a class having a higher salary range, such employee's salary shall be computed in accordance with applicable regulations. Limited term employees shall be paid in proportion to their normal hours of work compared to regular full or part-time employees consistent with the date of employment and length of service.

### 25.5 Separation Pay

When an employee separates from the City service in the middle of a payroll period, said employee shall receive his or her final check at the next regularly scheduled payday for that period. Notice of such separation shall be filed immediately with the Director of Employment.

## 25.6 Fees, Commissions and Compensation

Any City employee who receives a fee, commission, or compensation for performance of any regularly assigned City duty or function, other than the compensation paid to the employee by the City by virtue of his/her office or position, shall promptly tender such money to the City to be deposited in the City treasury and upon receipt shall become the property of the City of Live Oak.

## 25.7 Official Payroll Records

The Director of Employment maintains the official City payroll records. The Department Head is responsible for ensuring the accuracy of departmental input to said records, including proper documentation of employee overtime and compensatory time.

## 25.8 Retirement System

Adhering to the Public Employees Retirement System (PERS) law with regard to eligibility and payroll deduction, regular employees and appointed department heads employed by the City shall be members of PERS. Elected officials may be members, as provided by law and the terms of the contract in effect between the City and PERS. The City Council may amend the contract as provided by law. The City Manager shall advise the Council regarding policy matters concerning the contract or amendments to it.

## 25.9 Retirement Benefits for New Members of PERS after January 1, 2013

Effective January 1, 2013, all new permanent employees who are also new members of PERS, hired by the City of Live Oak will be subject to the retirement benefit limitations established by AB340 (Chapter 296, Statutes of 2012) and AB 197 (Chapter 297, Statutes of 2012) .

New employees who are determined to be classic members of PERS will receive the same retirement formula as employees of the City of Live Oak as of December 31, 2012.

(Resolution 22-2013, 06/19/13)

## 25.10 Employee Contribution for New Employees after July 1, 2013

Effective July 1, 2013, all new permanent employees, including those defined as classic members of PERS, who are hired by the City of Live Oak will pay the full employee share of PERS, as implemented in Government Code Section 20691 and determined by City of Live Oak Resolution 16-2013.

(Resolution 22-2013, 06/13/13)

## **SECTION 26.0 OVERTIME, CALLBACK AND STANDBY TIME**

### 26.1 Eligibility

Employees are eligible to earn overtime, callback, and standby pay except for those employees in bona fide professional, administrative and executive positions and elected officials, all as defined by the Fair Labor Standards Act (FLSA). All positions in City government are classified as either overtime exempt or non-exempt under the FLSA. The rules in this section apply to non-exempt employees. Any time worked in excess of a normal workweek by overtime exempt employees is considered part of the duties and responsibilities of the position and overtime shall not be paid.

### 26.2 Overtime Policy

It is the policy of the City to limit overtime scheduling to mission essential activities that cannot be performed at any other later date or during the normal workday. Managers are expected to aggressively manage overtime to ensure such expenses are incurred only for unusual, occasional situations beyond the manager's control, which must be handled within a given time.

The City reserves the right to direct and schedule overtime when the City determines that necessity demands additional service. While overtime work will normally be on a voluntary basis, the City may direct that employees perform overtime when the work situation dictates, with the scheduling of that overtime left to the City.

All overtime worked must be pre-approved by the employee's supervisor or manager. It is the responsibility of each employee to adhere to assigned work schedules. At no time shall an employee work overtime without prior express approval by the employee's supervisor or manager. Failure to secure pre-approval for overtime may result in disciplinary action.

It is further the policy of the City to adhere to the requirements of the FLSA. If any of the provisions of this Rule conflict with the FLSA, the FLSA controls.

### 26.3 Overtime Defined

"Overtime" is authorized work in excess of forty (40) hours within a workweek. The City's workweek is a seven (7) day cycle from 12:00 a.m. on Sunday to 12:00 midnight on Saturday.

Overtime is computed on all hours, including sick leave, vacation, holiday and compensatory time off, in excess of 40 hours for the entire workweek.

Work in excess of 8 hours during a regular work day is not considered overtime. Where employees are required to work hours in excess of their normal workday hours, departments may adjust work hour schedules for such employees during the remainder of the workweek.

#### 26.4 Compensation for Overtime

- A. Overtime shall be paid at a rate equal to one and one-half (1½) times the employee's regular rate of pay.
- B. All overtime shall be paid on the payday relating to the pay period that the overtime is worked except where work periods require payment subsequent to such work period or unless an eligible employee requests that the overtime be credited as compensatory time and such request is granted by the Department Head or designated representative in accordance with these Rules and Regulations.
- C. All overtime entitlement shall be computed to the nearest quarter of an hour.

#### 26.5 Compensatory Time

Based on business need and with approval of the City Manager, non-exempt employees who work in excess of forty (40) hours in a workweek, may accrue compensatory time off in lieu of overtime pay, as provided herein. Compensatory time off accrues at the rate of one and one-half times the employee's regular rate of pay for each hour worked during the workweek in excess of 40 hours. Employees may accrue and use compensatory time in lieu of overtime only upon pre-approval of their Department Head or his/her designated representative. Compensatory time may be accumulated to a total of not more than eighty (80) hours per calendar year. In no event may an employee be allowed to accrue compensatory time above the maximum provided in this Section. The City, at its option, may reimburse an employee for up to eight (8) hours of compensatory time accrued at the end of any fiscal year to minimize the unfunded liability of high balances. Any employee may request in writing that a portion or all of the time on record with the City be paid at the earliest possible payroll period. Upon termination, employees shall be paid for all unused compensatory time.

#### 26.6 Standby Pay

A non-exempt employee may be scheduled or assigned to perform standby duty. The City Manager must approve all standby duty assignments.

Standby duty is where a non-exempt employee is required to respond to a call for service which is received after normal working hours within a required response time. During standby duty, the employee has freedom of movement in personal matters but must be available to be contacted by the department by telephone as necessary and be able to respond within a required response time. Standby duty is compensated at a rate of \$40 per twenty-four hour shift for both weekdays and weekends. Refusal to be available for scheduled or assigned standby duty or not responding to a call in the required time period may result in disciplinary action.

(Amended 03/18/15, Resolution 07-2015)

### 26.7 Emergency Callback Pay

A non-exempt employee who is called back to work by his/her manager after the employee has left the worksite for the day or on a scheduled day off shall be compensated at the rate of time and a half pay for the time worked with a minimum of pay equivalent to three (3) hours at straight time. Such overtime shall be computed for work performed from the time of reporting to the place of work, to the time of completion of work at such place. When an employee on standby duty responds to a phone call not requiring return to work, he or she shall be compensated for the actual time worked.

### 26.8 Compensation for Holiday Work

Full-time non-exempt employees who are required to work on paid City holidays shall be compensated at the overtime rate for any work during the holiday in addition to their normal rate of pay.

### 26.9 ~~DELETED~~ - State Certification Employee Incentive Program for Water and Wastewater Facilities

(Amended 04/04/12, Resolution 09-2012; Amended 01/20/16, Resolution 02-2016)

## **SECTION 27.0 ALTERNATIVE WORK SCHEDULES**

### 27.1 Alternative Work Schedules

An alternative work schedule is a pre-scheduled, fixed and continuous schedule of hours that deviates from the standard schedule of the City. Alternative work schedules may be established by mutual written agreement between individual employees and their respective Department Heads, with approval by the Director of Employment. Such schedule shall allow the employee to work the standard number of hours within each workweek and shall not exceed ten (10) hours in any workday.

The purpose of permitting alternative work schedules including enabling employees to travel off-peak, meet transit and ride-sharing schedules, extend office hours, and help employees meet personal and professional responsibilities.

Alternative work schedules must be in the best business interests of the employing department. Factors to be considered by the Department Head include safety concerns, customer service requirements, equipment availability, administrative burden, need for supervision, job performance, budgetary limitations, access to support staff, and other liability concerns. Department Heads have the right to return employees to a standard schedule with reasonable notice.



## **SECTION 28.0 BENEFIT COVERAGE**

### 28.1 Benefit Program Coverage

Except as otherwise provided, the following categories of employees are generally eligible for the benefits described herein:

- (a) Full-Time Regular Employees: This category of employment is entitled to full benefit coverage provided by City employment except as otherwise herein provided in these Rules.
- (b) At-will Employee: This category of employment is defined by contract approved by the City Council and is entitled to those benefits contained in the contract.
- (c) Part-Time Regular Employees: This category of regular employment is entitled to coverage under the benefit program if (1) they occupy a permanent position in the classified service and (2) the employee works at least forty (40) hours per pay period on a regular basis. The accrual rate of benefits will be prorated based on the actual number of hours worked except life and health plan coverage.
- (d) Part-Time Employees - less than half time: This category of employment is not entitled to coverage under the benefit program if (1) they occupy a position in the classified service and (2) the employee works less than 40 hours per pay period.
- (e) Temporary Employees: Persons employed in this category are not covered under the benefit programs unless specifically included or covered by applicable laws or regulations.
- (f) Limited Term Employees: Persons in this category of employment may be covered under one or all of the benefit programs at the discretion of the City Council.

### 28.2 Right to Modify

The benefits described herein may be modified from time to time by the City Council after written notice to employees.

## SECTION 29.0 VACATION LEAVE

### 29.1 Purpose

The City recognizes the importance of uninterrupted periods of rest and relaxation for its employees. Therefore, the City provides a vacation plan based upon continuous length of service to the City as set forth herein.

### 29.2 Eligibility

All exempt employees, regular full-time employees and regular part-time employees who are eligible for benefit coverage under the “Benefit Program” section of these rules are eligible to accrue vacation leave as outlined below. Temporary employees are not eligible for vacation accrual. Limited term employees are only eligible for vacation accrual with written approval of the City Manager.

### 29.3 Rate of Accrual

Eligible employees who are in a paid status of eighty (80) hours per pay period shall earn vacation leave with pay at the following bi-weekly rates per pay period. Eligible part-time employees who are in a paid status for at least forty (40) hours per pay period shall earn vacation at a pro-rated rate based on actual hours in paid status per pay period.

Length of Continuous City Service	Beginning on employee's one year anniversary, and until the employee's 3 year anniversary	3 Years up to 10 Years Beginning on employee anniversary date.	10 Years up to 15 Years Beginning on employee anniversary date.	15 Years up to 24 Years Beginning on employee anniversary date.	24 Years and Over Beginning on employee anniversary date.
Days Per Year	<b>10</b>	<b>15</b>	<b>17</b>	<b>19</b>	<b>20</b>
Hourly Accrual for each hour of pay during the regularly scheduled work period	<b>.0384615</b>	<b>.0576923</b>	<b>.0653846</b>	<b>.0730769</b>	<b>.076923</b>
Hours Per Year	<b>80</b>	<b>120</b>	<b>136</b>	<b>152</b>	<b>160</b>

Employees shall not exceed credit for more than the maximum listed above in any pay period. Such credit shall be applied to the employee's vacation accumulation account only after completion of each pay period.

#### 29.4 Maximum Accumulation

Earned vacation for each eligible employee with less than five (5) years of continuous service as a regular employee shall be credited at the end of each biweekly payroll period, computed on the basis of hours of paid service, and may be accumulated to a total of not more than thirty (30) working days. Earned vacation for each eligible employee with more than five (5) years of continuous service as a regular employee shall be credited at the end of each biweekly payroll period, computed on the basis of hours of paid service, and may be accumulated to a total of not more than forty (40) working days. Earned vacation for each eligible employee with more than ten (10) years of continuous service as a regular employee shall be credited at the end of each biweekly payroll period, computed on the basis of hours of paid service, and may be accumulated to a total of not more than forty-five (45) working days. After reaching the maximum accrual, an employee does not accrue additional vacation time until the employee uses sufficient vacation time to fall below the maximum permissible accrual.

#### 29.5 One Year Defined as Twenty-Six Biweekly Pay Periods

For purposes of this section, one year shall be equivalent to twenty-six (26) biweekly pay periods.

#### 29.6 No Vacation Accrual While on Leave Without Pay

Eligible employees who are on leave without pay shall not accrue vacation during such unpaid absence. Eligible full-time employees who are not in a paid status for a full eighty (80) hours during a pay period will be credited with the appropriate prorated accrual based on the above hourly rates and actual hours in a paid status.

#### 29.7 Vacation Accrual During Probation

Vacation begins accruing with the first pay period following hire as outlined above, but is not available for use until employee has served six cumulative months with the City. Eligible part-time regular employees shall receive a pro-rated vacation credit. Future vacation accruals shall be in accordance with the vacation accrual rates specified herein.

#### 29.8 Scheduling and Granting Vacation

For regular employees in the classified service, each Department Head or appointed designee shall be responsible for scheduling the vacation of his/her employees in such a manner as to achieve the most efficient functioning of the department and City service. A request for vacation by an employee shall be submitted in writing in advance to the Department Head or designee. Vacations shall be taken at such time as may be approved by the Department Head or designee, but also, as far as practical, considering the wishes of the employee. No vacation shall be granted to, or taken by an employee, without the consent of the Department Head or his/her designated representative.

## 29.9 Terminal Vacation Pay

An eligible employee separating from City service who has not taken his/her earned vacation, if any, shall receive the hourly equivalent of his/her salary for each hour of vacation earned up to the end of the last full pay period worked, based on the pay rate in effect for each person on the last day actually worked. When separation is caused by death of an employee, payment shall be made to the estate of such employee, or in applicable cases, as provided by Section 630 of the Probate Code.

## **SECTION 30.0 SICK LEAVE**

### **30.1 Purpose**

The purpose of sick leave pay is to further the health and general welfare of City employees, as well as ensuring maximum and reasonable job attendance. Sick leave is not a right to be used at the employee's discretion; rather it is a privilege of paid time away from work when an employee's absence becomes necessary for one of the following reasons:

- (a) The employee's injury or illness;
- (b) the employee's exposure to contagious disease;
- (c) the employee's dental, eye and other physical or medical examination or treatment by a licensed practitioner;
- (d) illness or disability caused or contributed to by pregnancy, miscarriage, abortion, childbirth or recovery from any of the foregoing;
- (e) to attend to the death or illness or other health needs of the employee's child, parent, spouse or domestic partner; and
- (f) for specified purposes for an employee who is a victim of domestic violence, sexual assault, or stalking.

### **30.2 Eligibility**

All employees are eligible to accrue sick leave as outlined below.

### **30.3 Rate of Accrual**

Paid sick leave shall accrue as follows:

- (a) All eligible full-time employees shall accrue 4.0 hours of sick leave per pay period to be used in accordance with the sick leave rules and regulations of this Section.
- (b) Any part-time employee shall accrue sick leave on a pro-rata basis of actual hours worked.
- (c) No sick leave credit shall be earned when an employee is on leave without pay.

### **30.4 Sick Leave Use**

- A. Employees who are unable to work for one of the reasons specified in this Section are required to contact their Department Head or other designee before the beginning of their work shift on each day of absence, unless the employee is on an approved leave of absence.

- B. When an employee has been absent due to his or her own illness or injury for four or more consecutive work days, the employee will be required to provide a note from his or her health care provider releasing the employee to work.
- C. Department Heads are responsible for approving sick leave use for the purposes identified in this Section.
- D. Where a Department Head or the Director of Employment believes there has been a misuse of sick leave time, an employee may be required to provide substantiation of the need for sick leave from a health care provider.
- E. Where an eligible employee has exhausted all paid sick leave, upon request of the employee, the absence may be charged to accrued vacation leave.
- F. An employee who is absent from work by reason of disability and is receiving State Disability Insurance (SDI) benefits shall be required to integrate any paid time off used (sick leave, vacation, administrative leave, holiday, compensatory time off, etc.) as when added to his/her disability indemnity will result in payment to him /her of his/her full salary. An employee shall accumulate vacation leave and sick leave only during such portion of absence from work during which he/she uses previously earned vacation leave, sick leave, administrative leave or compensatory time off.
- G. An employee, who previously used paid leave balances, pending payment from SDI or Workers' Compensation, shall be entitled to reinstate a portion of such balances equal to the hourly value of the SDI or Workers' Compensation payment.

### 30.5 Recordkeeping

- A. Sick leave shall be certified by the Department Head to the City's Director of Employment on payroll forms provided by the City's Director of Employment. The City's Director of Employment shall maintain complete and accurate sick leave records for all employees.
- B. When a regular employee is transferred to or appointed to another City Department, sick leave credit shall be assumed by the new department.
- C. When an employee terminates employment for any reason other than layoff or retirement, his or her sick leave balance will be eliminated. When an employee is reinstated from layoff, he or she will be credited with any accrued sick leave which accumulated prior to layoff. When an eligible employee retires, any unused sick leave days will be converted to service credit at the rate of .004 years of service for each day of sick leave provided there is less than 120 days between the member's separation date and retirement date.
- D. Accrued sick leave will not be cashed out on termination.

### 30.6 Bereavement Leave

Whenever any regular full-time employee or regular part-time employee who is eligible for benefit coverage under the "Benefit Program" section of these rules believes it necessary to be absent from duty because of the death of a father, father-in-law, mother, mother-in-law, stepparent, brother, sister, wife, husband, spouse, registered domestic partner, child, stepchild, grandparent, grandchild, person for whom the employee is legal guardian or other family member living the employee's household, he/she may request from his/her Department Head to be absent for not more than forty (40) working hours with pay for purposes of bereavement leave. A copy of the death certificate may be required prior to payment for such leave.

(Amended 06/17/15, Resolution 15-2015)

## **SECTION 31.0 HOLIDAYS**

### 31.1 Eligibility

All regular full-time and regular part-time employees of the City shall be entitled to holiday time off with pay as provided herein.

In order to be eligible for holiday pay, an employee must either be at work or on paid leave on the work day immediately preceding the holiday or day observed in lieu of the holiday and the work day immediately following the holiday or day observed in lieu of the holiday.

### 31.2 Established Holidays

Except as otherwise provided in this Section, the following are City-recognized holidays:

1. January 1, New Year's Day
2. Third Monday in January, Martin Luther King, Jr. Day
3. Third Monday in February, President's Day
4. Last Monday in May, Memorial Day
5. July 4, Independence Day
6. First Monday in September, Labor Day
7. November 11- Veteran's Day
8. Thanksgiving Day
9. The Friday following Thanksgiving Day
10. December 24, the day before Christmas
11. December 25, Christmas Day
12. One floating holiday to be taken by the employee during the calendar year
13. Any business days between December 25 and January 1.

### 31.3 Floating Holiday

Credit for one floating holiday shall be posted to an eligible employee's balance on January 1 of every year. An eligible employee may take his/her floating holiday at any time within 12 months of the credit, contingent upon approval of his/her Department Head. The floating holiday must be taken within the calendar year and does not carry forward into the next calendar year.

Each employee must consider the needs of the service when requesting floating holiday leave and must receive advance approval from the Department Head prior to taking the time off.

### 31.4 When a Holiday Falls on Saturday or Sunday

Whenever a holiday falls on Sunday the following Monday shall be observed as a holiday, and whenever a holiday falls on a Saturday the preceding Friday shall be observed as a holiday.



### 31.5 When Scheduled Day Off Falls on a Holiday

A regular employee who's regularly scheduled days off fall on any holiday shall be entitled to an additional day off typically within the same pay period as the holiday occurs.

### 31.6 Part-Time Regular Employees - Holiday Pay

Part-time regular employees shall be entitled to paid time off for holidays on a pro-rata basis based on actual hours worked in the biweekly pay period which included the holiday.

### 31.7 No Pay for Holiday Following Last Day in Pay Status

A regular employee who is terminating his/her employment for reasons other than paid City retirement, and whose last day as a paid employee is the day before a City holiday, shall not be paid for such holiday.

### 31.8 Holiday Pay for Non-Exempt Employees

A regular full or part-time employee who is non-exempt from the FLSA and who is required to work a holiday, in addition to receiving the regular rate of pay, shall receive either equivalent time off at the rate of time and one-half, or pay at the rate of time and one - half in accordance with the provisions governing overtime.

## **SECTION 32.0 PREGNANCY DISABILITY LEAVE**

### 32.1 Eligibility

Employees who are disabled by pregnancy, childbirth or related medical conditions are eligible to take a pregnancy disability leave ("PDL"). Such an employee may also be eligible to transfer to a less strenuous or hazardous position or to less strenuous or hazardous duties, if such a transfer is medically advisable and can be reasonably accommodated. In addition, if it is medically advisable for the employee to take intermittent leave or work a reduced leave schedule, the City may require the employee to transfer temporarily to an alternative position with equivalent pay and benefits that can better accommodate recurring periods of leave.

### 32.2 Duration of Leave

PDL is for any period(s) of actual disability caused by pregnancy, childbirth, or related medical condition up to four (4) months (or 88 work days for a full-time employee) per pregnancy. PDL does not need to be taken in one continuous period of time, but can be taken on an as-needed basis. Time off needed for prenatal care, severe morning sickness, doctor-ordered bed rest, childbirth, and recovery from childbirth is covered by PDL.

### 32.3 Medical Certification

An eligible employee is required to obtain a certification from her health care provider reflecting a pregnancy disability or the medical advisability of a transfer. The certification should include: (1) the date on which the employee became disabled due to pregnancy or the date of the medical advisability of a transfer; (2) the probable duration of the period(s) of disability or the period(s) for the advisability of a transfer; and, (3) a statement that, due to the disability, the employee is either unable to work at all or to perform any one or more of the essential functions of her position without undue risk to herself or to other persons, or a statement that, due to pregnancy, a transfer to a less strenuous or hazardous position or duties is medically advisable.

An eligible employee is also required to obtain a release to return to work from her health care provider stating she is able to resume her original job duties.

### 32.4 Leave Is Unpaid

PDL leave is unpaid. However, at the employee's option, any accrued vacation time or compensatory time off may be applied to PDL before taking the remainder of leave on an unpaid basis. The City requires, however, that an eligible employee use any available sick leave prior to accessing other forms of paid leave during PDL. The use of any paid leave will not extend the duration of PDL.

### 32.5 Return to Work

If an eligible employee does not return to work on the originally-scheduled return date or request in advance an extension of the agreed upon leave with appropriate medical

documentation, the employee may be deemed to have voluntarily terminated employment with the City. The failure to notify the City of the employee's ability to return to work when it occurs, or continued absence from work because leave must extend beyond the maximum time allowed, may be deemed a voluntary termination of employment with the City, unless another form of leave is available under these Rules. Upon return from PDL, the employee will be reinstated to the same position in most instances.

**SECTION 33.0**  
**LEAVE OF ABSENCE WITHOUT PAY**

33.1 Short-Term Leave

A Department Head may authorize a departmental leave without pay for a regular employee for a period of time not to exceed ten working days. An employee shall be authorized a short-term leave only after all accumulated vacation leave and compensatory time off has been utilized by such employee. If such a short-term leave is requested because of illness or injury of an employee, such employee shall also utilize all accrued sick leave before taking such leave of absence, unless waived by the Director of Employment. Any request for leave that exceeds ten (10) eight-hour days shall be referred to "Long-Term Leave" below.

33.2 Long-Term Leave

A long-term leave of absence may be authorized for any regular or exempt employee for a period of time not to exceed one (1) year, inclusive of all other leaves. A long-term leave of absence may be authorized only after all accumulated vacation leave and compensatory time off have been utilized by such employee. If such long-term leave of absence is requested because of illness or injury of an employee, such employee shall also utilize all accrued sick leave before taking such leave of absence.

- A. A request for a long-term leave of absence shall be made upon forms prescribed by the City's Director of Employment and shall state specifically the reasons for the request, the date when it is desired to begin the leave of absence and the date of return. The Department Head shall indicate on the request form his/her recommendation as to whether the request should be granted, modified or denied and shall promptly transmit the request to the City's Employment Director. The City's Director of Employment shall determine whether the request shall be approved or denied.
- B. The City's Director of Employment shall be promptly notified by the Department Head of the return of an employee from a long-term leave of absence.
- C. When a regular position is vacant due to a long-term leave of absence, the position may be filled for the length of that leave and any extension, thereof with the approval of the City Council. Any person filling such position shall be a temporary or limited term employee.
- D. Any employee who is granted a leave of absence without pay under this Section shall not accrue any annual vacation time or sick leave benefits during the period of such leave. In addition, during the period of such leave the employee will not be credited with time in step for the purposes of a merit step increase.
- E. An employee who takes long-term leave under this Section may be eligible to continue health coverage insurance benefits at his or her own expense pursuant to the requirements of COBRA.

- F. If said employee wants to return to work prior to the scheduled end of their leave, the employee must request approval from their Department Head at least five (5) days prior to the date of returning to work. If the leave was taken for the employee's own illness or injury, the employee will be required to provide a work release from his or her health care provider confirming they are able to return to work and the employees' ability to perform the essential functions of the employees' position, with or without reasonable accommodation.
- G. A long-term leave may be granted for the following reasons:
1. The employee's non job-related illness, injury or disability
  2. Education or training which will benefit the City; and
  3. Other personal reasons provided the needs of the City are considered.

### 33.3 Unauthorized Leave of Absence

No employee may be absent from duty, whether voluntary or involuntary, without permission of his or her Department Head. An employee, absent for three (3) consecutive or accumulative days without authorization, shall be deemed to have automatically resigned from City service and to have severed by that action his or her employment relationship with the City as of the last day on which the employee worked.

## **SECTION 34.0 JURY/WITNESS DUTY/VOTING**

### 34.1 Witness Duty

Each regular employee shall be allowed leave with pay in any case where such employee is required by law to appear as a witness in any judicial or administrative proceeding connected with or arising out of the performance of such employee's official duties as a City employee; provided, however, that payment shall be made for such leave only upon remittance to the City of all witness fees to which the employee is entitled by law.

Employees who are subpoenaed to appear in any other legal proceedings shall be entitled to unpaid leave for the period of time necessary to respond to the subpoena. Exempt employees will be paid their full salary for any work week in which they are required to appear providing the proceedings do not exceed one week.

Employees must give their supervisor as much advance notice of such witness duty as possible.

### 34.2 Time Off for Jury Duty

Each regular employee shall be allowed such time off with pay as is required in connection with jury duty; provided, however, that payment shall be made for such time off only upon remittance of full jury fees or upon submittal of acceptable evidence that jury fees are waived.

- A. An employee shall notify his/her Department Head immediately upon receiving notice of jury duty and shall provide a copy of the summons.
- B. Employees are required to report for work during hours or days when their presence is not required on the jury panel. An employee who does not report for work when available may not receive pay for the day.

### 34.3 Time Off for Voting

In the event an employee does not have sufficient time outside working hours to vote in a statewide election, the employee may take off sufficient working time to vote. This time should be taken at the beginning or end of the regular work schedule, whichever allows the freest time for voting and the least time off work. An employee will be allowed a maximum of two (2) hours of voting leave on Election Day without loss of pay. Where possible, the supervisor shall be notified of the need for leave at least two (2) working days prior to the Election Day.

### 34.4 Time Off for Crime Victims

Employees who have been victims of serious or violent felonies, as defined by California law, may take time off from work to attend judicial proceedings relating to the crime. Employees may also take time off from work if an immediate family member or domestic partner has been the victim of such crime. Where possible, employees must provide their

supervisor as much advance notice as possible of the need for leave under this Section. Supervisor may request documentation from the employee evidencing the judicial proceeding. Employees may elect to use any accrued vacation or compensatory time off for crime victim leave. If the employee does not elect to use paid time off, the leave will be unpaid. However, exempt employees will be paid their full salary for any workweek interrupted by the need for time off under this rule unless the absence extends into a second consecutive week.

#### 34.5 Time Off for Victims of Domestic Violence or Sexual Assault

Victims of domestic violence or sexual assault may take unpaid time off work to obtain help from a court, seek medical attention, obtain services from an appropriate shelter, program, or crisis center, obtain psychological counseling, or participate in safety planning, such as permanent or temporary relocation. A supervisor may require proof of an employee's participation in these activities. Whenever possible, the employee should provide as much advance notice as possible of the need for leave under this Section. An employee who takes leave under this Section may substitute any accrued vacation, compensatory time off, or sick leave as appropriate for the unpaid leave provided herein.

## **SECTION 35.0 MILITARY LEAVE**

### 35.1 Purpose

The City is supportive of individuals who provide service to the United States armed forces and the National Guard and will not discriminate against applicants or employees because of their military service. The City provides employees with military leave and reemployment rights consistent with the federal Uniformed Services Employment and Reemployment Rights Act (38 U.S.C. §§4301-4334) and the California Military and Veterans Code §§ 395 et seq.

### 35.2 Leave Allowances

A. Temporary Military Leave of Absence. Any employee who is a member of the armed forces or reserve corps of the armed forces of the United States or of the National Guard or the Naval Reserve shall be entitled to temporary military leave of absence while engaged in military duty ordered for the purposes of active military training, inactive training, encampment, naval cruises or special exercises providing that the period of ordered duty does not exceed one hundred eighty (180) calendar days, including going to and returning from such training.

Extended Military Leave of Absence. Any employee who enters the armed forces of the United States or is ordered to report for active military duty in any branch of the United States armed forces will generally be entitled to leave for up to five years of cumulative military service while employed by the City.

### 35.3 Notice

Employees who require military leave should provide as much advance verbal or written notice of the need for leave as is possible under the circumstances. Generally, an employee should provide 30 days advance notice, unless such notice is impossible or precluded by military necessity.

### 35.4 Military Leave Pay

Employees who have been employed by the City for at least one year prior to the start of the leave, shall receive paid leave for the first thirty (30) calendar days of a military leave of absence. Military leave pay shall not exceed thirty days in any fiscal year. The remainder of the period of military leave shall be unpaid. An employee may elect to apply accrued vacation or compensatory time off to the unpaid military leave.

An employee who is a member of the National Guard and who is ordered to military or naval duty during a proclaimed state of extreme emergency, or for other reasons set forth in Military and Veterans Code §146, shall receive up to thirty (30) calendar days of military leave pay without regard to the employee's length of service with the City. The remainder of the period of military leave shall be unpaid. An employee may elect to apply accrued vacation or compensatory time off to the unpaid military leave.



### 35.5 Reemployment

Generally, a service member returning to work from military leave will be reemployed in his or her position, the position he or she would have attained had he/she not been absent for military leave, or a comparable position. The position to which the employee is reinstated is determined by various factors including the length of the leave, whether the position still exists, whether the position the employee vacated was merely temporary, whether the service member was honorably discharged, and whether the returning service member reported back to work within appropriate time constraints. The City will follow federal and state law when making reemployment decisions.

### 35.6 Effect on Benefits

An employee returning from military leave shall be entitled to the same vacation, sick leave and holiday privileges, seniority, service credit, and the same rights and privileges to promotion, continuance of employment as the employee would have been had he or she not been absent for military leave, provided that any uncompleted probationary period must be completed upon reemployment.

An employee who takes unpaid military leave may, at his or her own expense, continue the employee's health care coverage for up to 24 months while in the military.

Returning service members are entitled to immediate reinstatement of health insurance for the member and previously covered dependents with no waiting period.

### 35.7 Military Family Leave

An employee whose spouse or registered domestic partner is a member of the United States armed forces, National Guard or reserves and who has been deployed during a period of military conflict, is entitled to up to 10 days of unpaid leave during the period in which the spouse or partner is on leave from such deployment.

## **SECTION 36.0 WORKER'S COMPENSATION PROGRAM**

### 36.1 General Policy

Any employee who is injured in the performance of assigned duties shall receive such medical examination, medical care, compensation and other benefits as provided under the Worker's Compensation laws of the State of California.

### 36.2 Report of Injury

It shall be the responsibility of an employee to report any job injury or illness on the date of occurrence to his/her immediate supervisor or if unavailable to the City Manager or if unavailable the employee shall leave a message on the City's answering machine. The failure of an employee to promptly report a job related injury or illness may be cause for disciplinary action.

### 36.3 Medical Examination

Any employee who has suffered possible injury or illness in the performance of assigned duties shall immediately undergo such medical examination as the City shall deem necessary. He/she shall not be considered absent from duty during the time required for such examination and shall not be charged with sick leave during such time. This provision shall not apply to medical care received during periods when the employee has been disabled from work and is not at work. It shall also not apply for any treatment received during hours when the employee is not scheduled to work.

An employee may seek medical care for a work related illness or injury from the physician of his/her choice, subject to any conditions imposed by the Labor Code related to changing treating physicians. Time missed from work under this provision to seek initial medical care or necessary follow-up care shall be charged to the employee's appropriate leave balance, or unpaid status if appropriate leave balances are not available. To the extent that temporary disability indemnity is paid for any time off work to seek initial or follow-up medical care, it shall be integrated with any leave balances.

### 36.4 Use of Paid Accruals and Leave

When an injury is determined to be job related by the City, or its workers' compensation carrier, and the employee is temporarily precluded from returning to work by a licensed physician such employee shall be placed on leave and may utilize sick leave, vacation and/or compensatory time. To the extent that temporary disability benefits are paid for any time off work, such benefits shall be integrated with any paid leave time. Such integration shall be done in a manner that when the employee's disability indemnity and paid accruals will result in payment of the employ's full salary. If the employee exhausts or has exhausted all sick leave, vacation and/or compensatory time balances, the employee shall be placed on a leave of absence without pay. In cases where the City or its workers' compensation carrier has denied the compensability of an employee's claim for benefits, and the employee is contesting the claim with the Workers' Compensation Appeals Board, the City

may extend a leave of absence without pay pursuant to leave opportunities described in these Rules.

### 36.5 Notification by Immediate Supervisor

When the employee's immediate supervisor is notified by the employee or has information that leads the supervisor to believe a work related injury or illness has occurred, such supervisor shall immediately provide such forms and other information which may be required to the employee with said injury, and shall notify the City Manager.

### 36.6 Probation Period, Performance Evaluation, Merit Increases and Seniority

The merit increase eligibility date, the performance evaluation date and probation period of any employee who is on leave from work due to injury or illness shall be extended by the length of time the employee is on leave from work, except that the first (1st) fifteen (15) consecutive calendar days from the date of the injury shall be considered City service for merit increase eligibility, performance evaluation and completion of the probation period.

Time during which an employee receives workers' compensation temporary disability benefits shall be counted toward the computation of City seniority and determination of sick leave and vacation earning rates. Employees who exhaust all paid accruals shall be placed on leave without pay, and shall not be entitled to accrue vacation, sick leave or floating holidays.

### 36.7 Absence Paid for Job Related Injury

All employees shall receive, once a disabling injury or illness is determined to be job related by established authority, the appropriate Worker's Compensation benefits for lost time as provided by law.

### 36.8 Leave Status

An employee placed on unpaid leave shall continue on such leave until the employee:

- (a) Is determined to be physically able to return to work and such medical determination, if disputed, is confirmed by Workers' Compensation Appeals Board; or
- (b) Accepts employment outside the City; or
- (c) Accepts employment in another City position; or
- (d) Has been found to be permanent and stationary and precluded from returning to work by the Workers' Compensation Appeals Board; or
- (e) Resigns or is retired pursuant to Government Code provisions.

## **SECTION 37.0 HEALTH INSURANCE COVERAGE**

### 37.1 Eligibility

All at-will employees (unless excluded by contract), regular full-time employees, regular part-time employees working at least 40 hours per pay period on a regular basis, and City Council members are eligible to participate in the City's health insurance programs.

(Amended 09/17/14, Resolution 36-2014)

### 37.2 Employee Co-Pay

Eligible employees shall be required to make premium contributions towards health, dental, vision and life insurance programs. The amount of such employee co-pay for any given fiscal year shall be available from the Director of Employment and may be adjusted from time to time based upon changes in health care insurance costs to the City.

### 37.3 Employees With Other Group Health Insurance Coverage and Not Enrolled In A City Sponsored Health Plan

A. When an eligible employee or City Council member elects not to enroll in a City sponsored health plan and she/he is covered, as primary or as a dependent, on another employer group health plan, the City may provide such employee with a compensation payment in lieu of coverage, upon proof of such other coverage and signing of a health insurance waiver form. The amount of such compensation shall be set by the City Council and may be adjusted from time to time. Such special compensation shall begin on the first day of the month following receipt by the City Manager or other designated employee of satisfactory evidence of such other insurance coverage and a fully executed waiver form. If other insurance is provided by a PERS sponsored health plan, the employee shall comply with all requirements established by PERS for members who are eligible for coverage under one or more PERS plans.

To continue eligibility for special compensation, health insurance coverage must be re-verified and a new waiver form signed during the open enrollment period each year.

This special compensation is separate from and is not included in the City sponsored IRS 125 Plan.

### 37.4 Coverage During Leave of Absence

All exempt and regular employees on leaves of absence with pay will have their health insurance premium paid in accordance with this Article. An exempt or regular employee on leave of absence without pay may continue their coverage on the City's health plan under the following conditions:

- (a) If the employee returns prior to the end of the calendar month in which the leave started there will be no charge for the continuance of the City's health plan premium;
- (b) If the leave extends past the end of the calendar month in which the employee leaves, the employee will be charged with the insurance premiums based on an appropriate daily rate until he/she returns to work. The employee must pay for such coverage on or before the first day of the month and will be reimbursed for a daily rate of return; and
- (c) If the employee decided not to pay, the employee shall be terminated from coverage (effective the first day of the calendar month) for the duration of the leave of absence. The employee shall be notified that coverage shall not be reinstated until the first of the month following his/her return to duty unless the employee returns on the first of the month at which time the insurance will be started immediately or the employee is returning from approved military leave.

### 37.5COBRA Continuation Benefits

The City provides COBRA continuation benefits consistent with the requirements of law. Following a termination of employment, or other qualifying event, an eligible employee may be able to continue their health care coverage at their own expense.

**SECTION 38.0**  
**EXECUTIVE LEAVE**

**38.1 Eligibility**

Classified service-exempt employees and regular full-time employees who are exempt from overtime eligibility shall be eligible for executive leave as provided herein. The purpose of such leave recognizes that high-level overtime exempt managers and employees frequently work long hours and in excess of the standard workweek without compensation.

**38.2 Amount of Leave**

An eligible employee shall be credited with 10 days of paid executive leave each calendar year which shall not be cumulative from year to year and shall not be cashed out. Eligible employees who begin employment with the City of Live Oak after January 1 each calendar year shall receive a prorated allowance during the first calendar year of employment, rounded off to the nearest whole day.

**38.3 Prior Approval**

Other than the City Manager, employees shall seek prior authorization from the appointing authority or their designated representative before using any administrative leave.

## **SECTION 39.0 ALLOWANCES**

### 39.1 Uniform Allowance

Regular maintenance employees are given a \$200.00 allowance for steel toed boots per fiscal year and temporary employees are given a \$100.00 allowance for steel toed boots. All maintenance employees are furnished with uniforms and proper safety equipment as needed. In addition, the maintenance employees shall be provided with either a work jacket or vest type jacket.

### 39.2 Technology Allowance

The City Council may establish a technology fund to provide specified employees with computers and other technological equipment for their personnel use and possession in order to update technology skills and work off site when necessary. Specified employees may receive equipment upon recommendation of the department head and approval of the City Manager. The cost of the equipment may not exceed \$2,500 per occurrence, and at no time shall the City Manager approve amounts that exceed appropriations approved by the City Council in the current annual budget.