

# Personnel Rules & Regulations



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**CITY OF SCOTTS VALLEY**  
**PERSONNEL RULES AND REGULATIONS**  
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## **CITY OF SCOTTS VALLEY**

### **PERSONNEL RULES & REGULATIONS**

#### **RULE 1 PURPOSE**

1.01 These Personnel Rules and Regulations are established as a replacement for the Personnel Rules and Regulations adopted by Resolution 680 through 680.06 of the City Council of the City of Scotts Valley.

These Rules and Regulations are intended to implement a personnel system and to insure:

1. The establishment of an equitable and uniform procedure for dealing with personnel matters.
2. The recruitment of the Municipal Service of the most competent personnel available.
3. The assurance that appointment and promotions of personnel shall be based upon merit and fitness.
4. The provision for a reasonable degree of security for qualified personnel.

These rules shall be subordinate to all applicable State and Federal laws and all negotiated and executed Memoranda of Understanding.

#### **RULE 2 COVERAGE**

2.01 These Rules and Regulations shall apply only to personnel holding positions in the Municipal Service unless a broader coverage is expressly extended by a specific provision or procedure contained herein.

The Municipal Service shall consist of all permanent full-time and permanent part-time positions except:

1. The City Manager and City Attorney.
2. All department heads.
3. All elected officials and members of appointive boards, commissions and committees.
4. All temporary and part-time personnel whether employed directly by the City or retained under contract for services.
5. All volunteer personnel.

All personnel excluded from the Municipal Service as provided above shall comprise the Exempt Service.

Nothing herein shall preclude the City Council, upon recommendation of the City Manager, from extending a provision or provisions of these Rules to all or certain categories of exempt personnel. Such action would constitute an amendment to these Rules and shall be processed pursuant to Rule 3.01.

### **RULE 3 GENERAL PROVISIONS**

#### **3.01 Amendments to Rules**

Amendments to these Rules shall be proposed by the City Manager to the City Council. Notice of proposed amendments shall be publicly posted and furnished to each recognized employee organization at least five days prior to consideration by the City Council. Such notice shall include the content of the proposed amendments as well as the date, time and place on which it is to be heard by the City Council. At the time of consideration, interested parties may appear and be heard.

Amendments to these Rules shall be by Resolution and shall become effective upon adoption by the City Council.

#### **3.02 Violation of Rules**

Violation of the provisions of these Rules shall be grounds for discharge, suspension, or other disciplinary action, as stated within Section 13 of these Rules.

#### **3.03 Fair Employment**

No question in any test, in any application form, or in any other personnel proceeding, or of any City official or employee, shall be so framed as to attempt to elicit information concerning political or religious opinions or affiliations of an applicant, candidate, eligible, or employee. No appointment to or removal from a position in the Municipal Service shall be influenced in any manner by considerations of race, sex, color, marital status, ancestry, national origin, age, physical handicap, or political or religious opinion or affiliation, unless determined to be a bona fide occupational requirement.

#### **3.04 Off-Duty Employment**

City employees shall not carry on, concurrently with their public employment, any other employment, business or undertaking which conflicts or interferes with their City employment.

Under no circumstances shall any employee be authorized to perform any function related to outside employment or activities during their work hours.

3.05 **Political Activities**

The political activities of all City employees shall be governed by the provisions of applicable State and Federal law.

3.06 **Department Rules**

Each Department in the City may adopt its own set of Personnel Rules and Regulations to further clarify procedure within that Department. Implementation of any such Departmental Rules and Regulations must have prior approval of the appointing authority and where conflicts may arise between City and Departmental Rules and Regulations, the City Rules shall prevail.

**RULE 4 PERSONNEL OFFICER**

4.01 The City Manager shall be the Personnel Officer. In this capacity, the City Manager or his designated representative, shall be responsible for discharging the following functions related to the administration of the City personnel system.

1. Administer all provisions of these Rules except as may be specifically reserved to the City Council.
2. Prepare and recommend to the City Council amendments to these Rules.
3. Prepare the classification and pay plan encompassing positions in the Municipal Service and revisions thereto.
4. Conduct or cause to be conducted the complete examination and selection process for positions in the Municipal Service, including the publication of examinations announcements, the development of appropriate examinations and the certification of individuals eligible for appointment.

Nothing herein shall preclude the Personnel Officer from recommending to the City Council that any one or more of the aforementioned functions be performed under contract by a qualified person, or organization.

**RULE 5 DEFINITIONS**

5.00 **Definitions**

The terms used in these Rules shall have the meaning indicated as follows unless the context clearly indicated otherwise.

5.01 **Allocation**

The assignment of a position to its proper job classification in accordance with its duties and levels of responsibility.

5.02 **Appointing Authority**

The City Manager.

5.03 **Appointment**

The offer and acceptance of a position in the Municipal Service pursuant to Rule 10 of these Regulations.

5.04 **Appointments**

1. **Original**: The initial appointment of an employee to a position in the Municipal Service.
2. **Promotional**: A subsequent appointment of an employee to a position in a higher classification in the Municipal Service.
3. **Provisional**: The appointment of an eligible or, where no employment list exists, a qualified person to fill a position in the Municipal Service for a limited period of time.
4. **Interim**: An appointment made to a position for a limited period of time not to exceed 18 months.

5.05 **Candidate**

An applicant accepted for participation in the examination process.

5.06 **Certifications**

The submission of names of eligibles from an appropriate list or lists to department head by the Personnel Officer.

5.07 **City**

The City of Scotts Valley.

5.08 **Class**

A group of positions having duties and levels of responsibility sufficiently similar that the same job title, examples of duties, minimum qualifications and methods of selection may be applied.

5.09 **Classification Plan**

The arrangement of positions in classes, together with the title for and specification describing each classification.

5.10 **Days**

Calendar days unless otherwise indicated.

5.11 **Demotion**

A change of status of an employee from a position in one classification to a position in another carrying a lower maximum rate of pay.

5.12 **Discharge/Dismissal**

Removal of an employee by the City from City employment.

5.13 **Eligible**

Any person on an open-competitive or promotional employment list for a given classification.

5.14 **Employment List**

1. **Open Competitive**: A list of candidates who have qualified in an examination open to all qualified individuals and who are eligible for appointment.
2. **Promotional**: A list of candidates who have qualified in an examination open only to qualified City employees and who are eligible for appointment.
3. **Re-employment**: A list of former employees who have been laid off and who are eligible for re-employment in their former classification or in a comparable classification carrying the same or lower maximum rate of pay.

5.15 **Exempt Service**

Those positions and employment categories set forth in Rule 2 of these Regulations.

5.16 **Immediate Family**

Employee's spouse, parents, stepparents, children, stepchildren, sister, brother, grandparents, mother-in-law, father-in-law and grandchildren.

5.17 **Layoff**

Termination of employment due to lack of work, funds or needs.

5.18 **Leave of Absence**

Permission to be absent from duty for a specified purpose, with the right to return before or upon the expiration of the leave period.

5.19 **Memorandum of Understanding**

Written agreement on matters within the scope of representation as defined by the Meyers-Milias-Brown Act.

5.20 **Month**

Calendar month unless otherwise indicated.

5.21 **Municipal Service**

Those positions or classes of positions set forth in Rule 2 of these Regulations.

5.22 **Permanent Employees**

An employee in the municipal service who has successfully completed the prescribed probationary period for the classification and has been retained as provided in the Personnel Rules & Regulations. These appointments are eligible for all benefits in accordance with the Personnel Rules & Regulations, Memorandum of Understanding, and any applicable federal or state regulations.

5.23 **Permanent Position**

Any full-time or part-time budgeted position in the Municipal Service which will require appointment for more than 1040 hours in a fiscal year.

5.24 **Personnel Resolution**

Resolution No. 680.7 which creates a personnel system for the City.

5.25 **Personnel Officer**

The City Manager or his designated representative.

5.26 **Position**

A combination of duties regularly assigned to be performed by one person.

5.27 **Probationary Employee/Probationer**

An employee whose permanent status under an original or promotional appointment is contingent upon successful completion of a prescribed period of observation to determine fitness for the work being performed.

5.28 **Probationary Period**

A prescribed period of time under an original or promotional appointment where the employee's performance is observed to determine fitness for the work being performed.

5.29 **Promotion**

Advancement from a position in one classification to a position in another carrying a higher maximum rate of pay.

5.30 **Resignation**

A voluntary termination of employment.

5.31 **Separation**

Any termination of employment.

5.32 **Specification**

The official description of a job classification including: the title; a statement of duties and levels of responsibility; and standards of employment such as required training, experience, knowledge, skills and abilities.

5.33 **Suspension**

An involuntary absence imposed by the appointing authority for disciplinary purpose or pending investigation of charges.

5.34 **Transfer**

A change between positions within the same classification or a similar classification carrying the same maximum rate of pay.

5.35 **Vacancy**

Any unfilled position in the Municipal Service.

5.36 **Waiver**

The voluntary relinquishment by an eligible of the right to consideration for appointment to a specific position.

5.37 **Workweek**

A seven day period beginning on Saturday and ending on Friday.

5.38 **Year**

The calendar year unless otherwise indicated.

5.39 **Y-Rate**

The freezing of a salary pursuant to Rule 12.6

**RULE 6 CLASSIFICATION AND PAY PLAN**

6.01 **Responsibility**

The responsibility for the development and administration of the City's Classification and Pay Plan shall reside with the Personnel Officer. Amendments to the Plan caused by modifications to positions, classes and salary ranges shall be submitted by the Personnel Officer to the City Council for adoption by Resolution.

6.02 **The Plan**

The plan shall cover all non-exempt positions in the Municipal Services and shall consist of the following components:

- a. An Allocation List reflecting the number and departmental location of positions allocated to the respective job classification. The allocation of a position or positions to the proper classification shall be based upon common job characteristics, which shall include the:
  - i. Basic tasks performed.
  - ii. Basic skills and abilities required.
  - iii. Minimum education, experience and training considered prerequisite or preferred for standard performance.
  - iv. Working conditions.
  - v. Amount and type of supervision given.
  - vi. Amount and type of supervision exercised.

The title established for each classification shall be generally descriptive of the type and level of work performed by the positions allocated to it. The official class title shall be that used in all Personnel or other City documents applicable or referring to the class, its positions or the employees appointed to it.



- b. A Class Specification Manual containing descriptions of all job classifications currently in the Municipal Service. The class description is intended to clearly set forth the basic work tasks, knowledges, skills, abilities, and minimum employment qualifications applicable to each classification. The specifications shall not be construed as an all inclusive list of tasks performed; or be interpreted as restricting the assignment of related tasks not specifically listed therein; or as limiting the authority of supervisory personnel to assign, direct and control the work of subordinate employees.

Each class specification shall contain the following information:

- i. The class title.
  - ii. A brief definition of the scope, nature and responsibilities of the class.
  - iii. A listing of examples of typical tasks performed.
  - iv. A statement delineating characteristics which distinguish the class from related classifications.
  - v. Knowledge, skills and abilities required.
  - vi. Minimum employment qualifications in terms of education, experience, training and personal or physical characteristics.
- c. A Pay Plan to which each classification shall be assigned a specific salary range or salary rate in accordance with such factors as:
    - i. The duties and responsibilities of the individual classification relative to those of related classifications in the Municipal Service.
    - ii. Existing levels of compensation for generally comparable work in public and private employment.
    - iii. The availability of qualified personnel for the individual classification.

The Pay Plan shall be modified as necessary to reflect negotiated and/or Council approved general or special salary adjustments, classification actions and other actions impacting upon the individual classification's salary level.

The Personnel Officer may, with approval of the City Council, assign a classification to a special range in the Pay Plan carrying fewer than five salary steps. Use of this option shall normally be limited to managerial positions in the Municipal Service where such flexibility is incorporated as part of an overall management compensation program approved by the City Council.

### 6.03 **Maintenance of Plan**

When it is proposed that a new position be created in the Municipal Service or an existing one reclassified or abolished, the City officer or administrator proposing such action shall submit the justification therefore to the Personnel Officer who shall conduct whatever study may be required.

The Personnel Officer shall have the authority to initiate at any time a study to determine the appropriateness of any position's classification allocation. Employees shall also have the right to request reclassifications through their department head. If the department head concurs, the request shall be forwarded to the Personnel Officer for study. The Personnel Officer shall make the final determination on all actions arising under this provision, subject to approval by the City Council where the determination results in a substantive amendment to the plan.

#### 6.04 **Salary Administration**

- a. Upon original appointment, the employee shall be assigned the first step in the salary range applicable to the classification of appointment; provided, however, that the appointing authority may appoint at other than the first step if he determines that it is not feasible or is not in the best interest of the City to appoint personnel at this level.
- b. Upon promotion appointments within the Municipal Service, the employee shall be assigned that step in the new range which produces the equivalent of at least one full step salary increase over the employee's former salary step, but no higher than the fifth step of the new range.
- c. Advancement to higher steps in the employee's salary range shall be determined by length of service at the current salary step and by job performance. Advancement to Steps 2 - 5 in the salary range shall be granted for continued improvement and efficient and effective service by the employee in the performance of his/her duties. Such merit advancements shall be made only upon the recommendation of the department head with the approval of the City Manager. Normally, the step increases will be given at one year intervals. In the case of unsatisfactory service, salary step increases shall be withheld until such time as the employee's performance merits the increase.

Nothing herein prohibits the granting of a merit salary advancement prior to the annual interval as established in the employee salary schedule. All merit salary advancements shall be effective on the first day of the payroll period immediately following the date the advancement was approved. All advanced merit salary advancements shall be subject to City Manager approval. Advanced merit increases shall establish a new anniversary date for payroll purposes only.

In order for any step increase to be granted a performance rating must be submitted to the Personnel Officer at least fifteen (15) days prior to the date on which the employee will become eligible for such increase. This report must conform to the procedures governing performance ratings set forth in Rule 11.06 of these Regulations.

Final approval of all merit salary increases provided for in this section shall rest with the appointing authority.

It shall be the joint responsibility of the Personnel Officer and department head to insure that the required performance evaluation is submitted in a timely and complete fashion. In no event shall a merit increase be granted before the requirements of this provision have been satisfied.

All salary step advancements shall become effective the first day of the pay period following final approval of the step advancement.

6.05 **Anniversary Date**

The employment anniversary date shall be the date of hire under an original appointment to a position in the Municipal Service. Irrespective of subsequent personnel transactions which affect an employee's pay status, the employment anniversary date shall remain unchanged and be controlling for purposes of establishing total time in the Municipal Service and for establishing eligibility for such service related benefits as vacation leave. Pay anniversary dates shall be modified to reflect changes in appointment status such as promotion, demotion, reclassification or advanced merit step increases. Modifications to such dates shall coincide with the effective date of the change in appointment status. Effective dates shall correspond to the beginning of a pay period. The new pay anniversary date shall control for purposes of determining eligibility for future merit increases in the new class.

**RULE 7 EMPLOYMENT ANNOUNCEMENTS AND APPLICATIONS**

7.01 **Job Announcements**

All examinations for classifications in the Municipal Service shall be published by distributing announcements of the examination to all City departments and/or through such other sources as are deemed necessary by the Personnel Officer to attract a sufficient number of qualified applicants.

Announcements shall specify:

- a. The class title.
- b. The current monthly salary range.
- c. The nature of the work to be performed.
- d. The minimum job requirements.
- e. Any special requirements (including licenses).
- f. A statement of required medical examinations.
- g. Citizenship requirements.
- h. The place and closing date to file application.
- i. Such other information as will assist applicants in understanding the nature of employment and the specific examination procedure.
- j. The statement "Equal Opportunity/Affirmative Action Employer".

## 7.02 **Application Forms**

All applications for employment must be made on official, standard forms furnished by the Personnel Offices. Such applications shall not be returned to the individual applicant, nor shall the names of any applicant be made public.

Information requested on the application form shall be relevant, conform to applicable legal requirements and may provide for employment and personal references, physicians statements, fingerprinting and such other information deemed reasonable and necessary by the Personnel Officer.

## 7.03 **Acceptance of Application**

In order to be accepted, all applications must be submitted by the official closing date of the filing period, be complete and bear an original signature of the applicant. Failure to conform to these requirements shall result in its rejection by the Personnel Officer. In addition, an application may be rejected on any of the following grounds where the applicant

- a. Does not meet the requirements set forth in this policy or in the bulletin announcing the examination.
- b. Is found to be physically or mentally unfit to perform the duties of the position which he/she seeks.
- c. Is addicted to the use of intoxicating liquors or narcotics or habit-forming drugs.
- d. Has been convicted of a felony or of a misdemeanor involving moral turpitude.
- e. Is addicted to gambling or immoral practice or habits.
- f. Has been dismissed or has resigned in lieu of discharge in, any position, public or private, for any cause which would be a cause for dismissal from the Municipal Service insofar as the same renders the person presently unfit.
- g. Has abandoned any position in Municipal Service without good cause or been absent from duty without leave of absence duly granted.
- h. Has made any material false statement or who has attempted any deception or fraud in connection with this or any other examination.
- i. Refuses to execute any oath prescribed by law.
- j. Has assisted in preparing, conducting, or scoring the confidential information which might give him/her an unfair advantage over other applicants in the examination.
- k. Fails to present himself/herself for or fails to pass the medical examination required by this Policy.
- l. Has failed the examination for the class to which application is made within the previous 90 days; or who has twice previously failed such examination unless evidence or substantial additional training or experience obtained subsequent to such failures which would indicate better preparation and qualification for the examination.

The foregoing shall also constitute grounds for disqualification or discharge at any point during or subsequent to the examination process, or following appointment.

The Personnel Officer may establish prior to the commencement of recruitment, the closing date for applications which may be accepted for the examination. This condition shall be clearly stated in the examination announcement and shall be administered in accordance with the date and time on which the individual application is received by the Personnel Office.

The Personnel Officer may, however, extend or reopen the application period as the needs of the service require providing that notice is immediately posted.

7.04 **Notice to Applicants**

Each applicant accepted for examination shall be so notified at least seven (7) days prior to the established date of examination by means of mail directed to the address shown on the application, unless otherwise provided for in the examination announcement. Rejected applicants shall be given reasonable notice of their rejection.

**RULE 8 EMPLOYMENT EXAMINATIONS**

8.01 **Types of Examinations**

Prior to the distribution of any examination announcement, the Personnel Officer and department head shall determine whether the examination is to be administered on an open-competitive basis or on a promotional basis.

Where an open-competitive examination is to be utilized, applications may be accepted from any qualified individual, subject to limitations which may be imposed on the scope of recruitment or number of applications based upon the known labor market for the individual class of employment.

Promotional examinations shall be open only to qualified, permanent City employees. Applications may be accepted from otherwise qualified probationary employees provided that the probationary period must be satisfied prior to the time the appointment is scheduled to be made.

At the discretion of the Personnel Officer, the examination may be administered on both an open-competitive and promotional basis. In such instances, eligibles on the promotional employment list shall be certified ahead of those on open lists.

In making a determination concerning the type of examination to be conducted, the Personnel Officer shall consider such relevant factors as the complexity of the work performed by the classification, the known labor market for such personnel and the availability within the City of positions or classifications which are likely to yield a sufficient number of qualified applicants.

#### 8.02 **Continuous Testing**

The Personnel Officer may, as needs of the service require, conduct recruitment for certain classes of employment on a continuous basis which would permit the acceptance, testing and placement of qualified applicants on open employment lists as they become available. This type of examination shall only be utilized where the need for qualified personnel occurs frequently and/or where there is a demonstrated shortage of qualified persons. This process may either be instituted on an interim or permanent basis and, in all cases, shall be administered in full compliance with applicable provisions of this Rule and of Rules 8, 10, and 11 of these Regulations.

#### 8.03 **Components of Examinations**

The Personnel Officer shall adopt selection techniques which are impartial and related to the primary task of the job classification. The examination for a given class of employment may include any of the following components:

- a. A written test measuring the candidate's job knowledge.
- b. An evaluation of each application accepted using objective and standard criteria to measure the candidate's qualifications in terms of training and experience.
- c. A performance test whereby candidates demonstrate the degree of job knowledge and ability possessed.
- d. A physical agility test whereby candidates demonstrate their physical capacity to perform a task or series of tasks directly related to the job.
- e. A personal interview designed to evaluate the candidate's personal characteristics, background and job knowledge.
- f. A physical examination.
- g. Such other examination which, in the judgement of the Personnel Officer, is necessary to evaluate the candidate's capacity to perform the job tasks. These may include, but will not be limited to a psychiatric examination, background investigation and references check.

8.04 **Conduct of Examinations**

It shall be the responsibility of the Personnel Officer to assure that the examination process is conducted in an objective, timely and efficient manner. The Personnel Officer may contract with any competent individual, organization or agency for preparation and/or administration of a given examination or portion thereof.

8.05 **Scoring of Examinations**

A candidate's final score in the examination shall be the average of the candidate's score in each competitive part of the examination. On any examination where test scores are to be weighted by relative significance or difficulty, notice to that effect shall be included in the examination announcement. At the discretion of the Personnel Officer, one or more examination components may be for qualifying purposes.

Failure on the part of a candidate to pass any one phase of the examination shall result in that candidate being eliminated from consideration for employment. Except for tests designated as "qualifying only," candidates shall be required to attain a passing score on each test. However, the minimum pass point need not be the arithmetic 70% of the total possible score, but may be an adjusted score based upon consideration of the difficulty of the test, the quality of competition and the needs of the Municipal Service.

8.06 **Notification of Examination Results**

Following each phase of the examination, all candidates shall be advised of their satisfactory completion or failure of that test.

Upon completion of the examination process, each candidate successfully completing all phases shall be placed on the appropriate employment list in accordance with Rule 9 of these Regulations and be notified in writing of their final score and relative position on the list.

8.07 **Review of Written Examinations**

All candidates may be allowed to review their own written examinations where permitted by the testing agency.

All examination materials shall remain confidential and no copying of questions or answers from any paper made available for inspection shall be permitted. Any candidate violating this provision is subject to disqualification from the examination and, on promotional examinations, to disciplinary action. Decisions regarding disqualification shall reside with the Personnel Officer; decisions regarding disciplinary action shall be processed in accordance with Rule 13 of these Regulations.

8.08 **Examination Records**

Applications and related examination records shall be retained for the life of the employment list. Application and examination records of appointees may be retained for a longer period as determined by the Personnel Officer.

**RULE 9 EMPLOYMENT LISTS**

9.01 **Placement of Lists**

Candidates who successfully complete all components of the examination shall be placed, from the highest to lowest percentage score, on the appropriate employment list. In the event two or more candidates receive the identical final average score, the score earned by each candidate on the test given the greatest weight shall determine position on the list. Should this means fail to break the tie, the date and time on which each candidate's application was filed shall be applied as the determining factor.

Preparation and position of employment lists under these Rules shall be the responsibility of the Personnel Officer.

9.02 **Duration of Lists**

All open-competitive and promotional lists shall remain in effect for twelve months unless exhausted or abolished within that period as provided below. The Personnel Officer may extend any such list for up to one additional year, in six month increments. Decisions regarding list extensions shall be made at the sole discretion of the Personnel Officer. The effective date on which it was approved for posting by the Personnel Officer.

The Personnel Officer may abolish any employment list which has fewer than three available eligibles on it.

9.03 **Re-Employment List**

A permanent employee laid off in accordance with Rule 12.02 of these Regulations may, at the option of the Personnel Officer, be placed on a re-employment list for his/her former classification. Where more than one employee in the same classification is laid off, the names of such employees shall be placed on this list in accordance with the date of layoff. Lists shall be maintained by Department. If an opening occurs for a department other than that from which the employee was laid off, the Personnel Officer shall determine if the employee is qualified to fill the position.

Employees placed on such a list shall remain eligible for recall for a period of one year from the effective date of layoff. Re-employment may be in the employee's former classification or in a comparable classification which does not carry a higher maximum rate of pay and which the employee is qualified to perform as determined by the Personnel Officer. Recall shall be in the reverse



order of layoff with the last employee to be laid off to be the first employee offered re-employment in either his/her former classification or in a comparable classification for which he/she is qualified, and shall automatically be removed from the employment list.

#### 9.04 **Removal from Lists**

The Personnel Officer shall remove the names of eligibles from promotional and open-competitive employment lists:

- a. Upon written request of the eligible.
- b. Upon appointment to a permanent position in the class for which the list was established.
- c. Upon failure of the eligible to respond to a notice of certification sent by certified mail to his last address of record.
- d. Upon the eligible having been refused appointment after three (3) certifications and employment interviews.
- e. Upon the eligible having waived certification or refused appointment two times.
- f. Upon resignation, layoff or discharge from the Municipal Service; provided that employees who resign are laid off shall, at their request be retained on open-competitive lists.
- g. On any of the grounds set forth in Rule 7.03 of these Regulations.
- h. For failure of the eligible to continue to meet any of the employment standards established for the class.
- i. Failure to submit to fingerprinting and background check.

Notification of removal, and the reasons therefore, shall be sent to the eligible by certified mail at his/her last address of record.

### **RULE 10           EMPLOYMENT APPOINTMENTS**

#### 10.01 **Filling of Vacancies**

Except as provided below and where appropriate lists exist, vacancies in the Municipal Service will be filled by appointment in one of the following ways:

- a. Re-employment
- b. Promotional
- c. Open-competitive

However, nothing herein shall preclude filling such vacancies by means of transfer, demotion or reinstatement as provided in Rule 12 of these Regulations and with the approval of the Personnel Officer.

If appointment is not made in this manner and there are fewer than three available eligibles on the applicable promotional or open list, the Personnel Officer may either:

- a. Order a new examination and, where applicable, cancel the existing list. The Personnel Officer may also authorize a temporary appointment for the interim period as provided in Rule 10.02.
- b. Declare an alternate list as appropriate in accordance with Rule 10.03.

When a request by a department head to fill a vacant position in the competitive service has been approved by the City Manager the Personnel Officer shall forward to the department head the eligibility list of persons eligible for appointment. The appointment shall be made by the appointing authority, following consultation with the department head.

If a department head believes that a valid reason exists for canceling an eligible list, he will submit the reasons to the Personnel Officer. If the Personnel Officer cancels the eligible list, the reason(s) for expiration will be mailed to all affected applicants.

#### 10.02 **Temporary Appointments**

Subject to available funding and the approval of the City Manager, the Personnel Officer may authorize temporary appointment to meet short-term employment needs such as periods of peak workload, special projects, illness or pending the establishment of a new eligible list.

Such appointments may be made from an appropriate employment list or from among other qualified persons where there is no active list or where there are insufficient eligibles directly available for appointment.

Unless extended by the Personnel Officer, temporary appointees shall not be employed for more than 1040 hours in a fiscal year.

Temporary employees shall not be covered by these Rules nor shall the period of temporary appointment constitute satisfactory completion of any part of a probationary period for any class in the Municipal Service. All terms and conditions of employment for temporary employees shall be set forth in the Personnel Transaction Reports at time of hire.

#### 10.03 **Alternate Employment Lists**

In the absence of an existing employment list for a classification in which a vacancy exists, the Personnel Officer may authorize certifications from an active list for another classification having similar duties and employment standards. Appointments made in this manner shall be the equivalent in all respects to having been appointed from a list for the classification in which the vacancy occurred.

#### 10.04 **Appointment of Relatives**

The following policies shall govern the employment of members of the immediate family or any official or employee of the City:

- a. Members of the immediate family of the following shall not be appointed to any City position: Elected officials; Council appointed officials; and the City Manager.
- b. Members of the immediate family of City employees shall not work in the same department as the employee.
- c. The appointing authority may waive the restriction in Paragraph b., above, if the affected department head and appointing authority determine that because of the nature of the department and the work assignments in question, the members of the immediate family would have minimal job-related contact with one another and neither would be placed in such a position as to supervise or evaluate the other.

#### 10.05 **Acting Appointments**

Upon the recommendation of the department head and Personnel Officer, the City Manager may approve acting appointments of permanent City employees to higher level positions pending regular appointment in accordance with these rules.

Acting appointments shall be reviewed on six (6) month intervals, up to a maximum of eighteen (18) months. Time served on an interim appointment may be credited to a probationary period when applicable, upon recommendation of the department head and approval by the City Manager.

#### 10.06 **Student Appointments**

Student appointments have the purpose of affording students an opportunity to gain actual work experience. Such appointments are for a definite period of time, established by the City Manager on the date of employment.

#### 10.07 **Part-Time Appointments**

**Permanent Part-Time Employee:** An employee in the municipal service who is appointed to an authorized budgeted position and is regularly scheduled for 20 hours or more per week, but less than 40 hours per week. These appointments shall be eligible to receive all benefits (same as regular employees) on a pro-rated basis; i.e. medical, life, vision and dental insurance, employee assistance, retirement, vacation, sick leave and holiday pay in accordance with the Personnel Rules & Regulations, Memorandum of Understanding, and any applicable federal or state regulations. All benefits except retirement shall be pro-rated on a 40-hour work week related to the number of hours worked by each employee and the difference shall be reimbursed to the City.

Part-Time Hourly Employee: An employee who is appointed to an unrepresented non-permanent position for an indefinite period of time on an as-needed basis, and is limited to 1000 hours per fiscal year. These appointments are covered by the Personnel Rules & Regulations and do not receive benefits other than those prescribed by any applicable federal or state regulations; i.e. workers' compensation and social security (FICA).

## **RULE 11            PROBATIONARY PERIOD AND PERFORMANCE RATINGS**

### **11.01            Objective of Probationary Period**

The probationary period shall be regarded as part of the testing process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of the employee to the new position and for rejecting any probationary employee whose performance does not meet the required standards of work.

### **11.02            Duration**

All original appointees to positions in the Municipal Service shall serve a probationary period of either twelve months or, in the case of Public Safety Officers, eighteen months. Probation may be ended up to six months earlier upon the recommendation of the department head and the approval of the appointing authority. Promotional appointees shall serve a probationary period of six months, except for Public Safety Officers who shall serve a probationary period of twelve months.

Should the department head and appointing authority subsequently determine that a longer period of probation should be required the appointee shall be informed, in writing, of the amount of extension and reasons therefore. Except as provided below, no such extension shall serve to increase the total period of probation more than six months.

Where the probationer loses time from the job, whether paid or unpaid, in sufficient amounts as to detract from the stated objectives of Rule 11.01, the appointing authority may further extend the period of probation. This extension may not exceed the aggregate amount of lost time which caused the extension. The probationer shall be so advised prior to the effective date of the extension.

### **11.03            Evaluations**

It shall be the duty of each department head and immediate supervisor to investigate carefully the probationer's adjustment and performance to determine whether or not the probationer is qualified for permanent status. The department head shall submit to the Personnel Officer an evaluation of the probationer's performance every three months of the probationary period, or more frequently, if so desired by the department head or appointing authority.

The final probationary report on each probationer shall include, and earlier reports may include, the department head's recommendation regarding retention. Such reports shall be made on standard forms prescribed by the Personnel Officer and in accordance with the performance rating system set forth in Rule 11.06.

11.04 **Rejection During Probationary Period**

During the probationary period, an appointee may be rejected at any time by the appointing authority without cause and without right of appeal, except as provided for promotional appointees in Rules 12.03 (Demotion), 13 (Discipline), and 14 (Appeals). Notice of rejection shall be served in writing on the probationer with a copy to be retained in the Personnel Office.

11.05 **Performance Reports - Permanent Employees**

Unless otherwise directed by the Personnel Officer, performance reports shall be completed at least annually for all personnel having permanent status in positions in the Municipal Service. Such reports may be required more frequently by the appointing authority.

These reports shall be submitted by the department head to the appointing authority consistent with the standard form and rating system set forth in Rule 11.06.

11.06 **Performance Rating System**

A uniform system of appraisal shall apply to all performance evaluation reports. The system utilized shall insure that each employee is evaluated only upon factors which bear directly upon job performance. These factors may include, but need not be limited to: Quantity and quality of work; initiative and judgement demonstrated; conduct; and attendance. In addition to ratings based upon individual factors such as those named above, a final rating shall be made on each evaluation report which shall represent an aggregate, overall rating of the employee's performance during the rating period.

All evaluation reports must be completed by the employee's immediate supervisor, reviewed by the next higher-level supervisor and approved by the department head. Following review and approval of the report, a copy shall be made available to the employee and discussed with him/her by the immediate supervisor and such other managers whose participation would be appropriate and beneficial to the discussion. Upon review with the employees, the final report shall be submitted to the appointing authority, with a copy to be retained in the employee's personnel file. Employees disagreeing with the evaluation have the right to submit within ten (10) working days, a reasonable amount of relevant rebuttal material to be filed with the evaluation.

The primary purpose of the evaluation report is to provide both the employee and departmental management with a current assessment of the individual's development. These performance ratings shall also be utilized for:

- a. Determining fitness for appointment to permanent status.
- b. Determining advancement to higher steps in the salary range.
- c. As a guide in awarding promotions.
- d. As a record of matters involving disciplinary action.
- e. As the determining factor in effecting layoffs where seniority is equal among two or more employees.
- f. Determining eligibility for reinstatement.

## **RULE 12 PERSONNEL ACTIONS: NON DISCIPLINARY**

### **12.01 Resignations**

An employee desiring to leave the Municipal Service in good standing shall submit a letter of resignation to his/her immediate supervisor. This letter shall be submitted no later than two weeks in advance of the effective date of separation, except under extraordinary circumstances. The letter of resignation shall be forwarded to the Personnel Officer, together with a final evaluation of the employee's performance prepared by the immediate supervisor and approved by the department head.

Provided the employee's service at the time of separation was rated at least acceptable, the employee may, in the sole discretion of the appointing authority, be reinstated within two years of the effective date of resignation. Such reinstatement may be to a vacant position in the employee's former classification or to one in a comparable classification which does not carry a higher rate of pay and which the employee is qualified to perform.

If an employee is reinstated as provided above, all or part of earned service credits and sick leave accrued to the date of separation may be restored, at the discretion of the Appointing Authority. In no event, however, will the City restore credits for vacation and sick leave paid out at the time of separation. Employees reinstated may be required to serve a probationary period at the option of the appointing authority.

Upon separation, the resigning employee's name shall be removed from all promotional eligible lists, but at the employee's request, shall be retained on an open-competitive eligible list subject to the provisions of Rule 9.04 of these Regulations.

12.02 **Retirement**

The City shall enforce those mandatory retirement ages authorized by State and Federal law.

12.03 **Layoff**

The City Council may abolish any position in the City Service due to lack of funds, work or need.

The layoff of employees resulting from the elimination of positions shall be governed by the following procedure:

- a. Layoffs shall be made from within the affected job classification in reverse order of total time in that classification, including any period of probation, paid leave or active military leave. Except as regards military leave, no service credits shall be earned during any leave of absence without pay in excess of thirty (30) days. Where time in service is equal between two (2) or more affected employees, their performance evaluations shall service as the determining factor.
- b. The order of layoff in the affected classification or classification shall be:
  - i. temporary employees;
  - ii. probationary employees;
  - iii. permanent employees.

The treatment of personnel employed by means of State or Federal grant monies shall be in accordance with regulations for retention as established by the grantor. In the absence of such regulation, the type of position (Municipal Service or Exempt) shall govern treatment of such personnel.

- c. Probationary and permanent employees in the Municipal Service who, under paragraph 2 above, are scheduled to be laid off shall receive at least twenty-one (21) days written notice to this effect.

In lieu of layoff, an employee may elect transfer or demotion to a vacant position in the Municipal Service which the City intends to fill and for which the employee is qualified, in the sole judgment of the City. Such actions shall be governed by the terms of Rules 12.03 and 12.04, and in no event shall result in an employee being placed in a classification carrying a higher maximum rate of pay.

Within ten (10) days from the date layoff notices are issued, an employee who would otherwise be laid off may elect to displace an employee in a classification carrying a lower or the same maximum rate of pay; provided, however, that the displacing employee must have held permanent status in such classification and have greater time in the Municipal Service than the employee being displaced.

A probationary or permanent employee displaced in accordance with this paragraph shall, in turn, be provided the same notice and "bumping" privilege as set forth in this paragraph.

- d. Probationary and permanent personnel laid off in accordance with this Rule may be placed on a re-employment list as provided by Rule 9.03 of these Regulations. If an employee is re-employed from such a list, all service credits and sick leave accrued to the date of layoff shall be restored. In no event, however, shall the City restore credits for vacation and sick leave paid out at the time of layoff.

At the time of layoff, the employee's name shall be removed from all promotional eligible lists, but, at the employee's request, shall be retained on open-competitive lists subject to the provisions of Rule 9.04 of these Regulations.

Prior to the effective date of layoff, the department head shall furnish the Personnel Officer a final evaluation of the employee's performance.

#### 12.04 **Demotion (Non-Disciplinary)**

Based upon an employee's request or upon an employee's demonstrated inability to perform the tasks of the position, the appointing authority may demote an employee to a position in a classification which carried a lower maximum rate of pay and which the employee is qualified to perform. Under these circumstances, the employee's new rate of pay shall be no lower than that step in the new salary range which most closely corresponds to the employee's former salary step.

Where such action is based upon an employee's inability to perform the work of the current position, the employee may appeal the action of the appointing authority pursuant to the disciplinary appeals procedure.

Advance written notice of demotion, together with the effective date, shall be provided the employee, the employee's department head and the Personnel Office.

#### 12.05 **Transfer**

An employee may be transferred by the appointing authority from one position to another position in the same classification or in a comparable classification carrying the same maximum salary rate and which the employee is qualified to



perform. Where a transfer would involve two departments or two divisions of the same department, the transfer shall be subject to the approval of both managers unless it is being made for the purpose of economy or efficiency, as determined by the City Manager.

12.06 **Reclassification and "Y" Rate**

With approval of the City Manager, an employee may be "Y" rated when his present salary exceeds the last step of the salary range assigned the new classification to which he is being reclassified, or if his present classification is assigned a new salary range.

When an employee is "Y" rated, his current salary will remain the same until a step of the salary range assigned to his new classification exceeds the salary he was earning at the time of the establishment of the "Y" rate. The employee's salary may then be increased to any step of the new range that represents an increase in salary.

**RULE 13 PERSONNEL ACTIONS: DISCIPLINARY**

13.01 **Action by City**

The City may take disciplinary action against a permanent or probationary promotional employee for misconduct including, but not limited to:

1. Fraud in securing employment by making a false statement on an application for employment or on any supporting documents furnished with or made a part of any application.
2. Incompetency such as failure to comply with the minimum standard of an employee's position for a significant period of time.
3. Inexcusable negligent duty, such as failure to perform duties required of an employee within his position.
4. Willful disobedience and insubordination such as a willful failure to submit to duly appointed or acting supervisor to conform to duly established orders or directions of persons in a supervisory position.
5. Dishonesty involving employment.
6. Being under the influence of alcohol or intoxicating drugs while on duty.
7. Addiction or habitual use of alcoholic beverages, narcotics, or any habit-forming drug.
8. Inexcusable absence without leave.

9. Conviction of a felony, or a misdemeanor involving moral turpitude, which shall be deemed to include only crimes involving dishonesty or character depravity, which can be proven to relate to the satisfactory performance of the employee's job.
10. Discourteous treatment of the public.
11. Improper or unauthorized use of City property.
12. Violation of the rules and regulations of any department, which rules and regulations are adopted pursuant to or continue pursuant to these rules and regulations.
13. Refusal to subscribe to any oath or affirmation which is required in connection with City employment.
14. Any willful act of conduct undertaken in bad faith which either during or outside of duty hours is of such a nature that it causes discredit to fall upon the City, the employee's department or division.
15. Abuse of sick leave.
16. Knowingly failing to follow the procedures set forth herein governing grievances when pursuing a grievance.
17. Inattention to duty, tardiness, insolence, carelessness or negligence in the care and handling of City property.
18. Acceptance, from any source, of a reward, gift or other form of remuneration in addition to regular compensation by an employee for the performance of official duties.
19. Falsification of any City report or record, or of any report or record required to be filed by the employee.
20. Willful violation of any of the provisions of Scotts Valley Municipal Code, lawful ordinances, resolutions, or any rules, regulations, or policies which may be prescribed by the City Council, department head, or City Manager.

Disciplinary action may take the form of a verbal or written reprimand, suspension, pay reduction, demotion or discharge.

Investigations preceding disciplinary action involving safety personnel shall adhere to the requirements of Sections 3300 et seq of the Government Code. All disciplinary action involving suspensions, salary reductions, demotions or dismissals taken against an employee in the Municipal Service must receive the prior approval of the appointing authority except under emergency circumstances which dictate immediate suspension of the employee by the

department head or subordinate supervisor. In such cases, the employee's department head shall immediately report the action taken to the appointing authority who shall review the case and make a determination concerning the appropriateness of the suspension and of further disciplinary action.

All actions resulting in salary reductions or demotions shall be subject to review by the appointing authority and the department head involved within thirty (30) days following the effective date of the initial action and at regular intervals thereafter.

### 13.02 **Notice of Disciplinary Action**

The City shall provide the affected employee with written notice prior to taking disciplinary action, except for verbal or written reprimands or where circumstances dictate the City taking immediate action to remove the employee from the work place. In such cases, written notice, as set forth below, shall be provided the employee within two (2) working days from the date of the immediate action.

In all cases, written notice of disciplinary action shall be served on the employee personally or by registered mail, with a copy of the notice to be placed in the employee's personnel file.

The written notice shall contain the following information:

- a. The type of disciplinary action.
- b. The effective date of the action.
- c. The reason or cause for the action.
- d. That the employee has the right to respond, either orally or in writing, to the authority initially imposing the discipline.
- e. That the employee has the right to be represented by an individual of their choice when responding.

Except in instances where disciplinary action must be imposed immediately, the notice shall be provided the employee no later than five (5) working days before the disciplinary action is to become effective. Where immediate disciplinary action has been imposed, such action will not become final until the notice has been furnished the employee and the employee has been provided no less than five (5) working days from the receipt of the notice to respond to the authority initially imposing the discipline.

Once the proposed disciplinary action has been imposed, the affected employee shall have the right of appeal pursuant to Rule 14 of these Regulations.

## **RULE 14                    APPEALS PROCEDURE**

### **14.01            Scope of Procedure**

The appeals procedure contained herein shall apply only to appeals of disciplinary action involving suspensions, salary reductions, demotions or dismissals taken against permanent or probationary promotional employees under Rule 13 of these Regulations.

Disputes concerning the Personnel Ordinance, the Personnel Rules and Regulations and any memorandum of agreement between the City and an employee organization representing City employees shall be processed in accordance with the Grievance Procedure (Rule 15) or in appropriate cases, included in a Memorandum of Understanding.

### **14.02            Appeals to Appointing Authority**

A permanent or probationary promotional employee may appeal any disciplinary action imposed under Rule 13 of these Regulations to the appointing authority. This appeal must be filed in writing with the appointing authority within five (5) working days of the receipt of the disciplinary action by the employee. The appointing authority, or his/her designated representative, shall respond to the appeal in writing within ten (10) working days of its receipt. Within this period, the appointing authority, at his/her discretion, may conduct an informal hearing involving the employees, the employee's department head and any other individual whose participation is deemed appropriate by the appointing authority.

In rendering his/her decision, the appointing authority shall have the latitude to reaffirm the disciplinary action, modify it or reverse it. Where the appointing authority's decision modifies or reverses an action which resulted in loss of pay, benefits or service credits, that decision shall automatically serve to restore such losses.

### **14.03            Appeals to the City Council**

If the employee is not satisfied with the decision of the appointing authority under Rule 14.02, or if the appointing authority made the original decision, the employee may appeal that decision to the City Council. This appeal shall be in writing and filed with the City Clerk within seven (7) working days of receipt of the appointing authority's decision. The City Clerk shall provide written notice of the appeal to each Councilmember, the appointing authority, the employee's department head and to such other parties as deemed appropriate.

To the extent feasible, the City Council shall hear the appeal within thirty (30) days following receipt of the appeal. The City Clerk shall provide advance written notice of such hearing date to all parties involved.

The Council shall render its decision in writing within fifteen (15) working days following the close of hearings and shall furnish copies of such decision to all parties involved. The findings of the Council shall govern.

In rendering its decision, the Council shall have the latitude to reaffirm the disciplinary action, modify it or reverse it. Where the Council's decision modifies or reverses an action which resulted in loss of pay, benefits or service credits, that decision shall automatically serve to restore such losses.

14.04 **Conduct of Hearings**

The conduct of hearings convened in accordance with this Rule shall be governed by applicable City and State law.

14.05 **General Conditions**

The intent of the time limits set forth in the Rule are to expedite hearing of the employee's appeal. They shall be adhered to unless expressly extended, upon written request of the employee, by the appointing authority under Rule 14.02 or the City Council under Rule 14.03.

Failure on the part of the employee to comply with such time limits or any extension thereto, shall constitute a withdrawal of the appeal without further recourse to resubmittal under this procedure. Failure on the part of the appointing authority to comply with such time limits or extensions thereto shall result in the appeal being moved directly to the City Council.

The employee shall be entitled to have a representative of his/her own choosing present at any hearing conducted by the appointing authority or City Council.

**RULE 15                    GRIEVANCE PROCEDURES**

15.01 **Purpose**

- a. To promote improved employer-employee relations by establishing grievance procedures on matters for which appeal or hearing is not provided by other regulations.
- b. To afford employees individually or through qualified employee organizations a systematic means of obtaining further considerations or problems after every reasonable effort has failed to resolve through discussions.
- c. To provide that grievances shall be settled as near as possible to the point of origin.
- d. To provide that appeals shall be conducted as informally as possible.

15.02 **Matters Subject to Grievance Procedure**

Any employee in the Municipal Service shall have the right to appeal, under this Rule, a decision affecting his/her employment over which the appointing authority has potential or complete jurisdiction and for which appeal is not provided by other regulations or is not prohibited.

15.03 **Informal Grievance Procedure**

Employees should first attempt to resolve a grievance or complaint through discussion with the immediate supervisor without undue delay. If after such discussion the employee does not believe the problem has been satisfactorily resolved, he/she shall have the right to discuss it with the supervisor's immediate supervisor, if any. Every effort should be made to find an acceptable solution by informal means at the most immediate level of supervision. If the employee is not in agreement with the decision reached through such discussion, he/she shall then have the right to file a formal grievance in writing after receiving the informal decision of the superior or superiors.

15.04 **Formal Grievance Procedure**

A. **Department Review**

Grievance shall be presented in writing to the employee's department head who shall discuss the grievance with the employee, his/her representative, if any, and with other appropriate persons. The department head shall render his/her decision and comments in writing and return them to the employee within a reasonable time after receiving the grievance. If the employee does not agree with the decision reached, or if no answer has been received within ten (10) calendar days, he/she may present the grievance in writing to the City Manager.

B. **City Manager Review**

Upon receiving the grievance the City Manager shall discuss the grievance with the employee, his/her representative, if any, and with all other appropriate persons. The City Manager may designate a fact finding committee or an officer not in the normal line of supervision to advise him concerning the grievance. The City Manager shall render a decision in writing to the employee within twenty (20) calendar days after receiving the grievance. The decision of the City Manager shall be final except under the following conditions:

- (1) Within five (5) working days of receipt of the City Manager's decision, the City Clerk must receive a copy of a letter from the aggrieved addressed to the City Council.

- (2) The appeal letter must state:
  - (a) The nature of the grievance.
  - (b) The actions taken by the aggrieved to alleviate the situation.
  - (c) The exact finding indicated by the City Manager's review.
  - (d) The exact reasons why the City Manager's findings are felt to be unjust.
  - (e) Whether request is for an open or closed hearing.
- (3) The City Clerk will review the appeal letter and, when satisfied that it has met the requirements in paragraph 2 above, will forward a copy to the Council.
- (4) At the next regularly scheduled Council meeting, the Council will decide whether or not to hear the appeal. In the event Council decides not to hear the appeal, the City Manager's decision shall be final.
- (5) Should the Council decide to hear the appeal, it shall do so in accordance with Sections 14.03 and 14.04 of these Regulations.

C. **Mediation**

At the option of either the employee or the City any grievance may be referred to mediation, at the time of a filing of an appeal to the Council, but prior to the Council's decision as to whether or not they wish to hear the appeal. Grievances referred to mediation shall be presented to a mediator from the State of California Mediation and Conciliation Service, who shall meet with the parties and attempt to resolve the issue. Any mediator reports or recommendations shall be confidential. Time limits shall be waived until the mediation process has ended.

D. **Conduct of Grievance Procedure**

The time limits specified in Rule 15 may be extended to a definite date by mutual agreement of the employee and reviewer concerned. The employee may request the assistance of another person of his/her own choosing in preparing and presenting the grievance at any level of review. Employees shall be free from reprisal for using the grievance procedure.

**RULE 16 HOURS OF WORK, ATTENDANCE AND PREMIUM PAY**

16.01 **Hours of Work**

- A. **Workday**: The normal, straight-time workday shall consist of eight (8) hours within an eight and one-half or nine-hour period except as may be provided for employees assigned to continuous operations, i.e. operations which must be manned twenty-four (24) hours per day and seven (7) days per week. Other work schedules may be adopted.

- B. Workweek: The regular, straight-time workweek shall consist of forty (40) hours in a period of seven (7) days.
- C. Meal Period: Except for personnel assigned to continuous operations, a meal period shall be provided all employees to be scheduled approximately midway through the regular eight-hour workday. This period shall not constitute paid time and shall be no less than thirty (30) minutes, nor more than one (1) hour.
- D. Rest Periods: All unit employees are permitted to take rest periods which insofar as practical shall be in the middle of each work period at the rate of fifteen (15) minutes per four (4) hours. Rest periods on evening or special shifts or in unique locations may be scheduled to the mutual convenience of unit employees and supervisors.

16.02 **Attendance and Availability**

Employees shall be in attendance at their work in accordance with the Rules regarding hours of work, leave and related provisions. Department heads shall be responsible for maintaining, or causing to be maintained, employee attendance records which shall be transmitted to the Finance Office on standardized forms and at times specified by the Personnel Officer.

Except in extraordinary circumstances, (i.e. extreme medical emergencies), an employee who is unable to report for work at the beginning of his/her established shift, shall notify his/her immediate supervisor as soon as possible, but no later than thirty minutes from the commencement of such shift. For departments with continuous operations, notification of absence should be given prior to the start of shift assigned. Failure to provide such notification may result in the unreported period of absence for the first day being considered as leave without pay.

An employee who is absent without notification may be subject to disciplinary action, including discharge, pursuant to Rule 13 of these Regulations.

16.03 **Overtime and Other Direct Compensation**

City policy regarding the payment of overtime and other forms of direct compensation shall be adopted by the City Council, in accordance with the provisions of applicable Memoranda of Understanding, or, in the case of non-represented personnel, by Council policy.

**RULE 17 LEAVES**

17.01 **Holidays**

The specific holidays observed by the City shall be as follows:

- a. The first day of January - New Year's Day
- b. The third Monday in January - Dr. Martin Luther King Jr Day



- c. The third Monday in February - Presidents Day
- d. The Friday preceding Easter
- e. The last Monday in May - Memorial Day
- f. July 4 - Independence Day
- g. The first Monday in September - Labor Day
- h. The second Monday in October - Columbus Day
- i. November 11 - Veteran's Day
- j. Thanksgiving Day
- k. The day following Thanksgiving
- l. The day preceding Christmas
- m. Christmas Day
- n. Every day on which an election is held throughout the State of California
- o. Every day appointed by the President of the United States or the Governor of the State of California and the City Council for a public fast, thanksgiving, or holiday

17.02 **Vacation Leave**

The rates at which vacation leave are to be accrued shall be as set forth in the applicable Memoranda of Understanding or in the case of non-represented personnel, by Council policy. All employees in the Municipal Service shall be entitled to annual vacation leave with pay except the following:

- a. Employees shall complete six continuous months of service before becoming eligible to use accrued vacation leave.
- b. Employees who work on a provisional basis, and all employees whose positions are classified as Part-Time or Seasonal; except that permanent part-time may receive pro-rated vacation leave, as determined by the City Manager.
- c. Other applicable provisions are as follows:
  - (1) Employees may utilize vacation as it is earned, subject to 17.02c(2) and c(3) below.
  - (2) The time in which an employee may use his/her accrued vacation leave and the amount to be taken at any one time shall be determined by the department head with particular regard for the needs of the City, but also insofar as possible considering the wishes of the employee. Employees shall not work for the City during their vacation in order to earn double compensation.
  - (3) Where a City holiday falls during the period of an employee's vacation leave, that day shall not be charged against the employee's vacation accrual.
  - (4) If an employee becomes ill while on vacation and such illness can be supported by a written statement from a licensed medical practitioner, or if the employee is hospitalized for any period, the employee at their option, may have the period of illness charged against accrued sick leave, instead of vacation time.

- (5) For purposes of computing annual vacation leave, a working day shall be considered as 1/5 of the number of working hours in the established work week.
- (6) Employees in the Municipal Service shall, upon separation, be entitled to receive payment at their current base rate of pay for all vacation credits earned, but not taken, as of the effective date of separation.
- (7) Vacation leave shall not accrue during leaves of absence without pay in excess of thirty (30) days except for a temporary military leave for active training as defined by Section 395 of the State Military and Veterans Code. The Personnel Officer may allow vacation leave accrual for leaves of absence without pay if less than 30 days.
- (8) Vacation leave accrues only for complete months of Municipal Service.
- (9) Vacation Accrual Maximum - (Not applicable to police unit employees.) Employees shall be allowed to carry over a maximum of 1.5 times their annual vacation accrual from one calendar year to the next (employees may accrue over 1.5 times during the calendar year). If an employee has requested and been denied vacation leave within four (4) months of the time that the vacation accrual maximum will be reached, enforcement of the vacation leave accrual maximum shall be postponed. The Department and employee shall schedule the use of vacation time sufficient to reduce the employees accrual below the maximum within a reasonable time. Employees having accrued in excess of 1.5 times their annual accrual, prior to the effective date of this Rule, shall be allowed to carry over the amount of vacation accrued on that date, until such time as vacation usage brings accrued vacation below 1.5 times annual accrual. All employees carrying over in excess of 1.5 times shall be required to utilize vacation equal to one year annual accrual each year.

### 17.03 **Sick Leave**

The accrual and usage of sick leave shall be governed by the following provisions:

- a. Sick leave shall be allowed and used in the case of necessity and actual personal sickness or disability, medical or dental treatment, or in the case of any death in the family as defined in Rule 17.04.
- b. Full-time permanent or probationary employees in the Municipal Service shall accrue sick leave at the rate of eight (8) hours for each full month of service completed.
- c. In order to be entitled to sick leave, an employee who, because of illness or injury, is unable to report for work shall so notify his/her immediate supervisor prior to the start of shift or within thirty minutes

from the commencement of his/her shift at the latest. Failure to do so without good reason may result in that day of absence being treated as a leave of absence without pay. The determination in this regard shall be made by the department head, subject to final approval by the appointing authority. Where the period of absence due to illness or injury is now known at the outset, it shall be the responsibility of the employee to remain in contact with his/her immediate supervisor, on a daily basis if deemed necessary by the supervisor. At the discretion of the department head, a physician's certificate may be required for any absence.

- d. Where an illness or injury is job-related and covered by Worker's Compensation, accrued sick leave, vacation credits and compensatory time shall be applied to make up the difference between benefits and full, base salary. This provision shall not apply to public safety employees covered under Section 4850 of the State Labor Code.
- e. Sick leave shall not accrue during leaves of absence without pay in excess of thirty (30) days except for a temporary military leave for active training as defined by Section 395 of the State Military and Veterans Code. The Personnel Officer may allow sick leave accrual for leaves of absence without pay if less than thirty (30) days.
- f. The maximum accrual of sick leave shall be governed by the applicable Memorandum of Understanding, or, in the case of non-represented personnel, by Council policy.

17.04 **Leave of Absence for Death in the Immediate Family**

Leave of absence with pay for a period not to exceed three (3) days may be granted to a regular employee by department head in the event of death to an immediate family member. Beyond that time, an employee may use up to two (2) additional days accumulated sick leave, vacation time or compensatory time upon the approval of the City Manager. The City Manager shall approve the two (2) days if the employee must travel 400 miles or more.

17.05 **Leave of Absence for Death Outside the Immediate Family**

Leave of absence without pay may be granted a regular employee by the department head in the event of death to family members other than one of the immediate family. Such leave may be granted in accordance with Rule 17.11, or an employee may use accumulated sick leave, vacation or compensatory time.

17.06 **Jury Duty and Court Appearance**

An employee who is called to serve as a juror shall be entitled to leave during the period of such service or while necessarily being present in court as the result of such a summons. Under these circumstances, the employee shall be paid his/her full salary for this period, provided the employee remits jury fees received to the City. Such fees shall not include mileage reimbursements or subsistence payment.

An employee who is subpoenaed to appear in court in an official capacity shall be allowed to do so without loss of compensation. Witness fees received shall be remitted to the City. An employee subpoenaed to appear in court in a matter unrelated to his/her official capacity as a City employee shall be permitted time off without pay or, if the employee chooses, to use accrued vacation or compensatory time for this purpose.

17.07 **Military Leave**

Military leave shall be granted in accordance with the provisions of the State Military and Veterans Code. An employee requesting leave for this purpose shall provide the department head with a copy of the military orders specifying the dates, site and purpose of the activity or mission. Within the limits of such orders, the department head may determine when the leave is to be taken and may modify the employee's work schedule to accommodate the request for leave.

Employees on temporary military leave of absence shall receive compensation in accordance with State Law.

17.08 **Maternity Leave (Pregnancy Disability Leave)**

- a. An employee who is pregnant may take up to a four (4) month unpaid leave of absence known as a maternity leave or pregnancy disability leave for any period of actual disability caused by pregnancy, childbirth or a related medical condition. Such leave may be continuous or intermittent. The leave must be applied for, in writing, to the City and include a doctor's certificate certifying the pregnancy and estimating the delivery date. The doctor must also state the employee's ability/inability to perform one or all of the essential functions of her position due to the pregnancy, set forth any restrictions upon her activity, and recommend a beginning and ending date for the leave.
- b. Maternity leave is FMLA qualifying and shall be without pay and without a loss in seniority. If eligible for FMLA, employees must take maternity leave concurrently with FMLA leave and comply with all policies regarding FMLA. Employees who do not qualify for FMLA, must exhaust their sick leave and personal leave concurrently with their maternity

leave. Non-FMLA qualifying employees are not required to, but may choose to, use their accumulated comp time, vacation, and floating holidays concurrently with their maternity leave.

- c. A longer leave may be granted where extenuating circumstances exist. Any leave totaling more than four months is subject to City approval.
- d. The returning employee must present a release from the doctor to return to work.
- e. An employee who fails to return to work at the termination of her maternity leave, or any extension thereof, shall lose her seniority and her employment shall be terminated.
- f. Vacation and sick leave benefits do not accrue during maternity leave. All other benefits accrue in accordance with the provisions herein contained.

17.09 **Administrative Leave - Department Head**

Department heads shall be entitled to Administrative Leave in accordance with applicable Memoranda of Understanding or in the case of non-represented personnel, City policy. Administrative Leave is not cumulative from year to year, and no compensation shall be paid in lieu thereof. If Administrative Leave is not utilized in the given fiscal year, it shall be lost. Administrative Leave may not be taken in conjunction with vacation.

17.10 **Medical Leave**

The appointing authority may place an employee on a medical leave of absence where, in the appointing authority's judgment, that employee is incapacitated to perform the regular functions of the position. The appointing authority shall obtain necessary medical reports prior to placing an employee on leave, or in emergencies, pending the outcome of a medical evaluation of the employee's physical or mental health as it relates to the performance of his/her work. City ordered medical examinations shall be paid for by the City. When an employee is placed on such leave status, the employee shall be permitted to utilize all accrued sick leave and vacation credits. Thereafter, the leave shall be without pay.

A medical leave of absence may also be directed by the appointing authority in cases where an employee already off the job due to illness or injury has exhausted all accrued sick leave and vacation credits.

Under normal circumstances, no leave directed or granted under this Rule shall exceed ninety (90) days, at which time the appointing authority may, under extraordinary circumstances, extend the leave for a definite period or terminate it.

17.11 **Other Leave Without Pay**

The appointing authority may grant an employee a leave of absence without pay for a definite period not to exceed three (3) months. The City Council may grant an employee a leave of absence without pay for a definite period not to exceed one year. The request for leave, and the reasons therefore, shall be submitted in writing by the employee and must be approved by both the department head, the appointing authority, and, when necessary, the Council.

Upon expiration of the approved leave, the employee shall be reinstated to his/her former position or to a comparable one if the former position is abolished during the period of leave and the employee would otherwise not have been laid off.

Failure on the part of an employee to return to work on the date scheduled shall be cause for termination.

17.12 **Leaves of Absence Without Pay - Affect on Seniority and Benefits**

Except as provided under State Law for employees in military leaves of absence, employees on leaves of absence without pay exceeding thirty (30) days shall not continue to accrue service or leave credits, nor shall the City be required to maintain contribution toward group insurance or retirement coverage. During the period of such leaves, all service and leave credits shall be retained at the levels existing as of the effective date of the leave.

17.13 **Eligibility for Benefits: Temporary, Part-Time and Exempt Employees**

- a. **Temporary Employees:** Employees holding temporary appointments in accordance with Rule 10.02 of these Regulations shall not accrue service credits or be provided any benefit other than that required by State or Federal law or as authorized by the City Manager.
- b. **Part-Time Employees:** Employees holding part-time, permanent positions in the Municipal Service may accrue vacation, sick leave and holiday credits in the proportion that their average work week bears to that of full-time permanent employees, as determined by the City Manager.
- c. **Exempt Employees:** Employees holding full-time permanent positions in the Exempt Service shall be covered by all leave provisions contained in this Rule, except as modified by applicable Memoranda of Understanding or Council policy.

## **RULE 18            REPORTS AND RECORDS**

### **18.01    Personnel Files**

The Personnel Officer shall maintain a personnel file for each employee in the service of the City. Information contained in these files shall include class title, the department to which assigned, salary, change in employment status, disciplinary actions and such other information as may be considered pertinent. These records shall be retained in accordance with legal requirements and administrative policy. Employees shall be able to review their own personnel records upon request, excluding any references obtained in confidence. Employee shall be allowed to submit reasonable material for inclusion in their file.

### **18.02    Change of Status Report**

Every appointment, transfer, promotion, demotion, change of salary rate, or other temporary or permanent change in status of employees shall be reported to the Personnel Officer as prescribed by these Rules or by administrative policy.

### **18.03    Employee Exit Interviews**

For the purpose of ascertaining potential eligibility for Unemployment Insurance benefits, all employees separating from the Municipal or Exempt Service for any reason shall be given an interview prior to termination.

The interview shall be conducted by a representative of the City Manager's Personnel Office and shall produce specific information as to the causes and reasons for the separation. This information shall be recorded on a standard form provided by the personnel office, which the employee shall be requested to sign.

A copy of the complete report shall be transmitted to the City Manager.

### **18.04    Return of Property**

Department heads shall certify to the Finance Department that all City property, including keys, supplies, equipment, etc., has been returned prior to the issue of the final payroll checks being issued.

**RULE 19                    TRAINING**

19.01        **Responsibility of Training**

The responsibility for developing training programs for employees shall be assumed jointly by the appointing authority, the Personnel Office and department heads. Such training programs may include lecture courses, demonstrations, access to reading matter or such other resources as may be available for the purpose of improving the effectiveness and broadening the knowledge of municipal officers and employees in the performance of their duties.

19.02        **Credit for Training**

Participation in and successful completion of special training courses may be considered in making advancements and promotions. Evidence of such activity shall be filed by the employee with the department head and a copy retained in the employee's personnel file.

19.03        **Promotional Training Program**

A department head may, with the approval of the appointing authority, institute a training program for employees in his/her department for promotional purposes which may include the temporary assignment of such employees out of class, without additional pay. However, no employee shall be assigned to work out of his/her classification for longer than thirty (30) working days in any calendar year, nor shall this provision conflict with any provision in effect of a Memorandum of Understanding between the City and a recognized employee organization.

**RULE 20                    WAGE GARNISHMENTS**

20.01        **General**

Employees are responsible for making adequate arrangements with creditors for meeting outstanding debts. The City Manager's office should be advised, in advance, if wage garnishment is a possibility.

20.02        **Discipline**

Employees unable to provide reasonable explanations for wage garnishments or signed order agreements may be subject to discipline under these Rules.