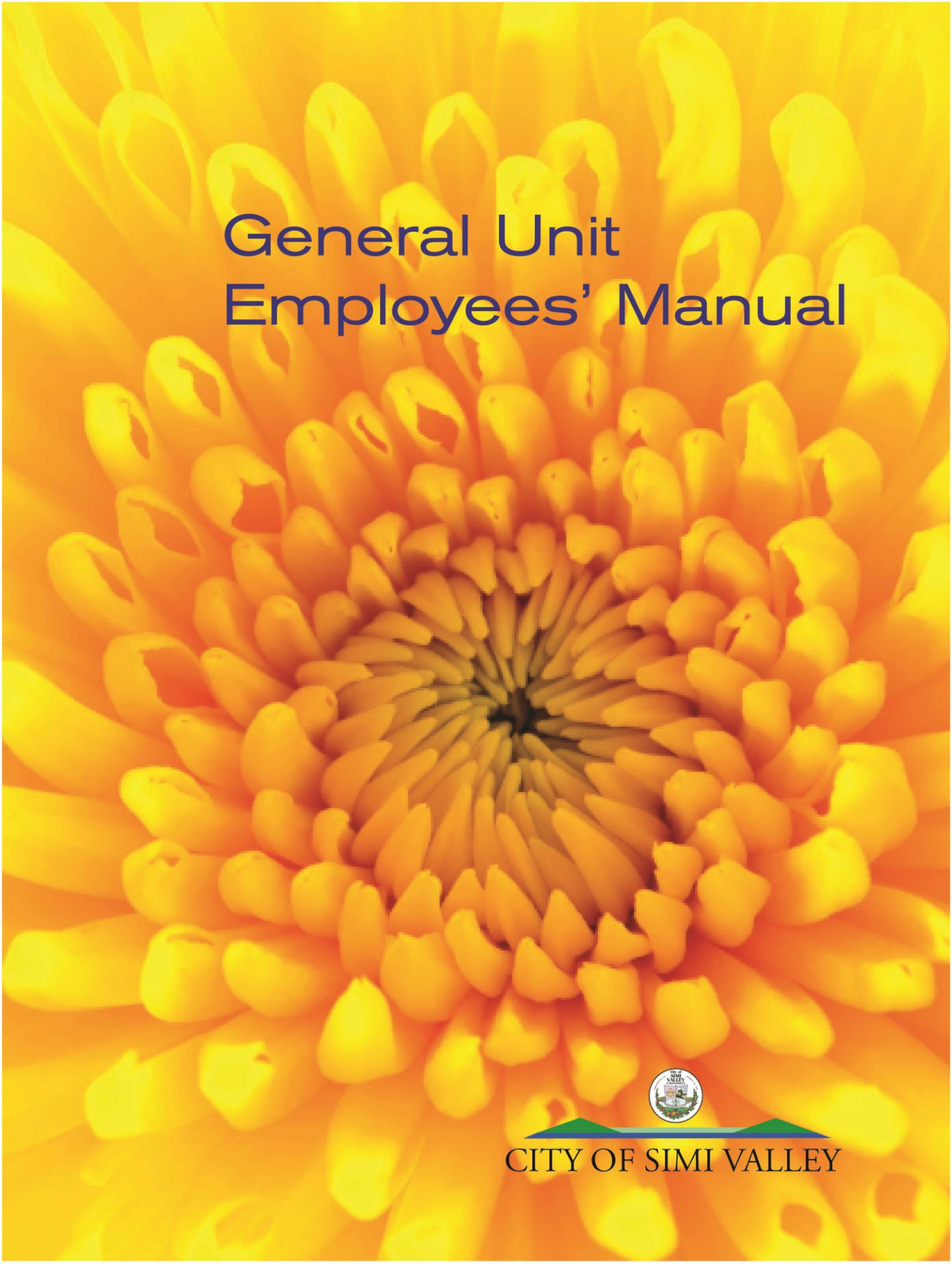
General Unit Employees' Manual



CITY OF SIMI VALLEY

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GENERAL UNIT EMPLOYEES' MANUAL

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POLICY 1

PURPOSE AND GENERAL PROVISIONS

Policy Statement

The objectives of these policies are to facilitate effective and economical services to the public and to provide for a fair and equitable system of personnel management in the City of Simi Valley. These policies set forth procedures that insure equal treatment as provided by law for those who compete for employment and promotion, and define the obligations, rights, privileges, benefits, and prohibitions that are placed upon all employees in the service of the City.

Policy

1.1 Coverage. This employee manual applies to all General Unit employees of the City of Simi Valley, hereafter referenced as General Unit employees.

1.2 Prohibition of Discrimination. Employment decisions shall be based upon merit. It is prohibited to discriminate in employment decisions based upon race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identify, gender expression, age, sexual orientation, or military and veteran status that does not affect work performance.

1.3 Basis for Employment Decisions. Appointments, promotions, and other actions requiring the application of the merit principle shall be based on competitive examinations and/or evaluations, as outlined in Policy 7, Recruitment, Appointment and Promotion.

1.4 Basis for Continued Employment. Continued employment shall be based upon adherence to standards, satisfactory work performance, necessity for the performance of work, and the availability of funds.

1.5 Notification of Personnel Actions. Any action concerning an employee's status of employment shall be recorded and processed on a Personnel Action Form, based on the action of the Department Head. All employees shall receive a copy of any personnel action taken concerning their status of employment.

1.6 Validity of Policies. If any section, subsection, sentence, clause, or phrase of these policies is found to be illegal, such findings shall not affect the validity of the remaining portions of these policies.

1.7 Right to Revise Policies. The City Manager may revise these policies as necessary. Notice shall be given to any affected recognized employee organization if such changes are within the scope of representation as defined in the "Employer-Employee Relations Resolution of the City of Simi Valley."

1.8 Employer-Employee Resolution. The "Employer-Employee Relations Resolution of the City of Simi Valley" is hereby included as part of the rules and policies of the City of Simi Valley.

Reference

Policy 7, Recruitment, Appointment and Promotion

Policy Revised 4/8/14

POLICY 2

JOB CLASSIFICATIONS

Policy Statement

The City shall develop broad-based job classifications.

Definitions

Job Class or Classification: A position or group of positions, of which the duties and responsibilities are sufficiently similar so that the same descriptive title, examples of duties and test for fitness can apply, and to which the same rate of pay can be equally applied.

Position: A group of current duties and responsibilities, assigned or delegated by competent authority normally requiring the employment of one person. A position may be occupied or vacant.

Reclassification: The change in the assignment of a position from one existing classification to another classification, resulting in a change in the classification plan. Reclassification may be to either a lower-level or higher-level classification.

Policy

2.1 Determination of Job Classifications. The City Manager shall be responsible for determining the job classification of all positions on the basis of the type and level of duties and responsibilities of the positions within the job classification. All positions within the same job classification shall be sufficiently alike to permit use of a single descriptive title, common qualification requirements, and common standards of selection, transfer, demotion, and salary range.

2.2 Reclassification of Positions. A position may be reclassified on the basis of changes in or re-evaluation of the duties, responsibilities, and/or qualification requirements of the position.

2.3 Approval of Reclassification. The City Manager shall be responsible for recommending the reclassification of any position. The City Council shall approve position reclassifications.

2.4 Reclassification of Positions with Incumbents. When a position is reclassified, the employee occupying the position shall be retained in the position after it has been reclassified without further competitive examination provided that: the Human Resources Division, after consultation with the Department Head, determines that the reclassification results from an official recognition of a change in duties and responsibilities, which has already occurred and certifies

that the incumbent possesses the knowledge, skills, minimum qualifications, and abilities necessary to perform the duties of a new class.

2.5 Fair Labor Standards Act. All General Unit job classifications shall be designated as non-exempt from the Fair Labor Standards Act (FLSA).

2.6 Temporary Acting Assignments. An employee may be temporarily assigned to a higher job classification in an acting capacity when a vacancy occurs in such a job classification, or an employee is anticipated to be on leave for six or more consecutive working days, as described in Policy 14, Compensation. Employees must meet the minimum qualifications of the position to which assigned. An acting assignment shall not exceed 120 cumulative or consecutive working days without written approval of the City Manager.

2.7 Limitations on Holding Two Positions. Employees are restricted from holding two City positions if such assignments regularly cause the employee to work in excess of 8 hours in a day or 40 hours in a week.

Reference

Policy 14, Compensation

POLICY 3

TIME RECORDS AND PAYDAYS

Policy Statement

Compensation to all employees shall be paid on a bi-weekly basis, computed from Time Records prepared by the employees.

Definition

Pay Period: The bi-weekly period beginning 12:00 AM Monday and running for 14 consecutive calendar days, through midnight Sunday.

Policy

3.1 Paydays. Employees shall receive compensation bi-weekly for all time worked, as reported on the Time Record for each pay period. Paychecks will normally be distributed and direct deposits made electronically on alternate Fridays, in accordance with the Administrative Services Department annual Payroll Schedule.

3.2 Direct Deposit of Payroll. All employees may elect electronic funds transfer of the net amount of their paychecks to any number of accounts at financial institutions accepting such fund transfers. To initiate or change their direct deposit, employees should complete a Direct Deposit Authorization form and submit it, with verification of the account numbers, to Human Resources. It is the employee' s responsibility to notify Human Resources of any account changes or cancellations that would impact receipt of the funds transferred.

3.3 Advance Payment. Paychecks shall not be released in advance of the regularly scheduled payday, except in the case of final paychecks issued to an employee upon separation from employment.

3.4 Discrepancies in Payroll. Employees shall notify their supervisor immediately of any discrepancies or errors in the amount of payment received each pay period. Overpayments will be deducted in one or more pay periods, with employee consent, and in coordination with Human Resources. Underpayments will be corrected in the next available pay period.

3.5 Time Records. All employees are responsible for keeping accurate and complete records of all working time. Such records will include the actual beginning and ending time of all working hours, overtime, absences, unpaid meal periods, call-back, and stand-by assignments. Falsification of Time Records will result in discipline as outlined in Policy 31, Disciplinary Action.

3.6 Schedule for Preparing Time Records. Time Records shall be compiled weekly and paid every pay period. Department Heads, or designees, shall certify the validity of the records and provide them to the Administrative Services Department in accordance with the time requirements listed in the annual Payroll Schedule.

3.7 Preparing Time Records. All working time shall be recorded to the nearest minute actually worked. Employees will certify the Time Record indicating that it is correct, accurate and truthful. Supervisors will prepare and submit Time Records for those employees on a Leave of Absence, or otherwise unavailable to complete the Time Record.

3.8 Supervisory Review of Time Records. The employee's immediate supervisor shall review and sign or electronically approve the Time Record indicating concurrence with the information reported. Any modifications or alterations to the Time Record shall be initialed by the supervisor and copied to the employee.

3.9 Errors and Omissions on Time Records. Employees will report to their supervisor any errors or omissions on the Time Record immediately upon learning of their existence. The supervisor will review the proposed correction and notify Fiscal Services as to the required change. Corrections will be made in the next available pay period.

References

Policy 5, Hours of Work
Policy 31, Disciplinary Action

POLICY 4

PERSONNEL RECORDS

Policy Statement

The City shall establish and maintain records regarding each employee's period of employment.

Policy

4.1 Responsibility for Maintenance of Records. The Human Resources Division shall maintain the City's personnel records regarding employment for each current and past employee of the City. No information shall be entered into these records without approval by the Deputy Director/Human Resources or authorized Human Resources representative.

4.2 Notification of Changes. All actions regarding an employee's job classification, employment status, pay rate, and applicable allowances shall be processed on a Personnel Action Form. The Department Head shall submit such forms to the Deputy Director/Human Resources for approval and employees shall receive a true copy of the action, as outlined in Policy 6, Employment Status. Employee personal information shall be processed on an Employee Information Form.

4.3 Inspection and Copying of Records. All current and past employees shall be allowed to inspect and/or receive copies of their personnel records. Alterations to records are not allowed. Requests for inspection shall be directed to the Human Resources Division and require an advance appointment. File inspections shall be conducted in the presence of a Human Resources representative during regular business hours. Employees may obtain copies of file documents from Human Resources and will be charged at the rate listed in the City's current Schedule of Service Charges.

4.4 Drivers' Licenses. The City shall maintain records including license numbers and the current licensing status of all employees required to operate City or personal vehicles in the conduct of City business. Such information shall be initially obtained by Human Resources and updated as needed through the Department of Motor Vehicles (DMV). These records shall be kept separately from employee personnel files.

4.5 Medical Records. Human Resources shall maintain medical records separately from an employee's personnel file, in a manner that provides confidentiality.

4.6 Records of Eligibility to Work. Upon appointment to a position with the City of Simi Valley, all employees shall provide proof of eligibility to work in the United States, as required by law. Such proof must be provided within three business days of employment and is a condition of employment. Human Resources shall

maintain the records of eligibility to work separately from the employee personnel file.

4.7 Requests for References and Verification of Employment. City employees shall not provide any information regarding current or former employees or volunteers to any person not employed by the City. All requests for reference and verification of employment shall be referred, without official or unofficial comment, to the Human Resources Division.

Human Resources shall respond to requests for verification of employment and the response shall be limited only to verification of employment dates, job classification title, and pay rate. Further information may be provided only upon receipt of a written disclosure authorization and release, signed by the current or former employee.

4.8 Letters of Reference. The City does not provide letters of reference for employment purposes.

4.9 Identification Badges. All regular employees shall be issued a City identification badge, establishing employment with the City. Such badges are the property of the City and shall be returned at the time of separation from employment. City identification badges shall be used only in the course of employment and shall be replaced or refurbished, if lost or damaged, upon request of the employee.

4.10 Responsibility for Confidentiality. All employees shall protect confidential and sensitive City information, records, agreements, and documents and shall not divulge such information or remove it from City premises, other than is necessary in the normal performance of their job duties. Inappropriate disclosure or removal of confidential City information may result in disciplinary action.

4.11 Emergency Contact Records. Employees are responsible for updating the record of their emergency contact, utilizing the City's Employee Information form. The City shall contact the authorized individual in case of emergency, as determined by the Department Head.

4.12 Telephone Numbers. Employees shall provide the City with a correct personal telephone number, utilizing the Employee Information form.

4.13 Subpoenas. With the exception of the Police Department, the City Clerk shall accept subpoenas addressed to the Custodian of Records or to other departments. Employees who are asked to accept such subpoenas shall direct the process server to the City Clerk's office. Subpoenas addressed to a specific individual shall be served on that individual and shall not be accepted by any other employee. The City Clerk shall coordinate provision of any information in response to the subpoena at the direction of the City Attorney.

4.14 Information Inclusion. No material related to performance appraisal or disciplinary action shall be placed in an employees' personnel file without the

employee first having an opportunity to read it. The employee shall sign the material, acknowledging having read it, with the understanding that the signature does not necessarily indicate agreement. If the employee refuses to sign the material, it shall be placed in the employee's personnel file with the appropriate notation by the person filing it.

4.15 Disciplinary Records. At the request of the employee, counseling memoranda and written reprimands that are at least three years old shall be sealed. Sealed files will be temporarily removed from the employee's file immediately prior to anyone inspecting the file.

4.16 Retention of Records. The City will retain all personnel records in accordance with the City's Records Management program.

Reference

Policy 6, Employment Status

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POLICY 5

HOURS OF WORK

Policy Statement

In order to provide effective public service and avoid disruption of workflow and scheduling, all employees shall be at work when scheduled and notify their supervisor as far in advance as possible of any anticipated absences.

Definitions

Workday: A period of 24 consecutive hours, during which an employee's work shift is scheduled.

Workweek: A fixed and regularly recurring period of 168 hours – seven consecutive 24 hour periods.

Unscheduled Absence: Any absence not approved in advance.

Policy

5.1 Work Schedules. Full-time employees are normally scheduled to work 80 hours during a two workweek period. The number of hours scheduled during the workweek for part-time employees varies, depending upon the position. The number of hours in the workday is dependent upon department needs and the alternative workweek schedule to which the employee is assigned, as described in Policy 21, Alternative Workweeks.

5.2 Notification of Work Schedules. Individual employee work schedules shall be determined by the Department Head and employees shall be advised of specific starting and ending times, meal and rest breaks, and any overtime requirements. Employees shall arrive at the worksite and begin work at the assigned starting time. All work-related activities shall cease at the end of the workday and employees are to depart immediately, unless specifically authorized to remain and continue working on an overtime basis.

5.3 Overtime. In order to maintain public safety and/or to meet workload demands, employees may, periodically, be required to work overtime. The Department Head shall determine when overtime is necessary and provide as much advance notice to employees as is possible. Overtime shall not be worked unless specifically authorized by the immediate supervisor. All overtime will be compensated in accordance with Policy 16, Premium Pay and Compensatory Time-Off. Employees who work overtime without authorization may be subject to discipline as outlined in Policy 31.

5.4 Absence. Employees shall be responsible for regular and punctual attendance. All absences shall be reported accurately in the employee's Time Records. Absence is subject to approval by the Department Head and shall be compensated using annual leave, compensatory time, or holiday compensatory time, to the extent available and necessary to account for the absence.

5.5 Unpaid Absence. Unpaid absences shall not be granted when an accrued paid absence balance exists, with the exception of Leaves of Absence discussed in Policy 28, Leaves of Absence.

5.6 Scheduled Absence. Scheduled absences shall be requested as far in advance as possible, and are subject to approval by the Department Head. The existence of annual leave, compensatory time, or holiday compensatory time shall not be a presumption of approved absence.

5.7 Unscheduled Absence. All unscheduled absences shall be reported to the immediate supervisor, Department Head, or designee, within 30 minutes of the shift's starting time. Only the immediate supervisor, Department Head, or designee shall accept such notification. When reporting an unscheduled absence, employees shall indicate the reason for and probable duration of the absence. Unscheduled absences which extend into subsequent days shall be reported on each day of absence, within 30 minutes of the shift starting time, unless part of an approved Leave of Absence. Upon return to work, employees may be required to submit a physician's statement verifying the need for absence and ability to return, in accordance with Policy 44, Medical Examinations. Failure to report unscheduled absences for more than four consecutive workdays may be considered as abandonment of the job and result in termination as described in Policy 31, Disciplinary Action.

5.8 Work Breaks. Employees working more than four hours per day are eligible to receive a paid work break of no more than 15 minutes for each four hours worked. Work breaks cannot be accumulated, used concurrently, or used to extend a lunch break, leave early, or report late to work.

Field employees should remain at the worksite, be aware of public perception, and not take work breaks in groups. Employees working at City facilities should remain within the City facility or in designated break areas immediately outside the facility.

5.9 Meal Breaks. Employees working a full day are eligible to receive one unpaid meal break midway through the workday. Field crews and Sanitation Plant employees shall observe a meal break of 30 minutes, while employees working at City office facilities shall break for one hour. Police Department employees shall observe a 30 minute or one hour meal break, as determined by the Department Head. Meal breaks may not be accumulated, or used to leave early, or report late to work. Meal breaks must be started by the end of the sixth hour of the employee's work shift.

During the meal break, employees shall be entirely relieved of duty and not perform any work-related activities, unless specifically directed by their immediate supervisor, or in the event of an emergency. Employees shall take meal breaks out of public view so as not to interfere with other working employees. Employees shall not remain at their work stations during meal breaks and may leave City facilities, if desired.

5.10 Scheduling Meal and Work Breaks. Scheduling meal and work breaks shall be determined by the immediate supervisor, subject to approval by the Department Head. Schedules shall be developed so that reduced staffing does not interfere with City business or public safety, and adequate coverage of counter and telephones is maintained. Employees shall record the actual time of unpaid meal breaks on the Time Record, as outlined in Policy 3, Time Records and Paydays. Work breaks are included in paid time and require no specific notation in the Time Record.

5.11 Permission to Depart. If it is necessary for an employee to leave the worksite for any reason during working hours, the employee must obtain permission from the immediate supervisor, Department Head, or designee prior to departing. Employees shall accurately record all departures on the official Time Record, and must use annual leave, compensatory time, or holiday compensatory time, to the extent available and necessary, to compensate for the absence.

5.12 Voting Time. Under California law, if an employee does not have sufficient time outside of working hours to vote at a statewide election, the employee may, without loss of pay, take off enough working time that, when added to the voting time available outside of working hours, will enable the employee to vote. The employee is not allowed more than two hours of time to be taken off for voting. The time off for voting must be at the beginning or end of the employee's regular working shift, which allows the most free time for voting and the least time off from the regular working shift. If the employee, on the third working day prior to the day of election, knows or has reason to believe that time off will be necessary to vote on election day, the employee shall give his or her supervisor at least two working days' notice that time off is desired.

5.13 School Visits. In accordance with California law, employees may take off eight hours per month, to a maximum of 40 hours per year, for the purpose of participating in the school activities or licensed day care activities of their kindergarten to 12th grade children or grandchildren for whom they have legal custody. Employees shall utilize annual leave, compensatory time, or holiday compensatory time. The employee must give reasonable notice to his or her supervisor of the planned absence.

5.14 Participation in Judicial Proceedings. Under California law, an employee who is a victim of a crime, or whose immediate family member, domestic partner, or domestic partner's child is a victim of a crime, shall be permitted to be absent from work in order to attend judicial proceedings related to the crime. Employees shall utilize annual leave, compensatory time, or holiday compensatory time and

when feasible, provide their supervisor with a copy of the notice of the scheduled judicial proceedings.

5.15 Making Up Absences. Employees arriving late, departing early or taking a day off shall utilize annual leave to the extent available to compensate for the absence. All absences are subject to approval by the Department Head. Employees shall not work through lunch or breaks, arrive early, depart late, or work on their scheduled days off to make up missed work time.

5.16 Clean-Up Time. Each employee assigned to the Sanitation Plant shall receive ten minutes at the end of each shift to clean up and change uniforms. In such case, employees must change clothes and cannot depart the premises wearing or in possession of the soiled uniform; to do so will be grounds for discipline.

5.17 Restroom Use - Field Personnel. Employees may not be restricted to formal break time as the only time to use restroom facilities. Employees will not be threatened or intimidated for the timely, appropriate use of restroom facilities, and the burden of proof with regard to misuse of this privilege falls upon supervisory personnel.

References

Policy 3, Time Records and Paydays
Policy 16, Premium Pay and Compensatory Time-Off
Policy 21, Alternative Workweeks
Policy 28, Leaves of Absence
Policy 31, Disciplinary Action
Policy 44, Medical Examinations

POLICY 6

EMPLOYMENT STATUS

Policy Statement

All employees shall be classified to reflect the City's determination of the expected duration of employment, the number of hours worked, and benefits available to them.

Definitions

Confidential Employees: Employees handling confidential and sensitive information relating to legal, personnel, and/or employee relations matters.

Employment Status: The expected duration of employment for a position classified as Regular, Temporary, Limited-Term, Acting, or Provisional, as defined below:

> Regular Status: A position budgeted on a continuing and indefinite basis. Regular status employees are subject to all rules and regulations, and receive all benefits and rights as provided by these policies.
>
> Temporary Status: A position that is on-call or not on-going. Temporary status may end at any time, without notice and is not subject to probation. Temporary employees receive no benefits or rights under these policies unless such benefits or rights are specifically provided in the individual policies.
>
> Limited-Term Status: A position working on a special assignment for a specific period of time which will cease when the project ends, and is budgeted accordingly.
>
> Acting Appointment: A position designed to temporarily replace an employee on leave or to fill a vacancy anticipated to be six consecutive working days or more in duration. Acting appointments shall not exceed 120 cumulative or consecutive working days, unless approved in writing by the City Manager. Acting assignments are subject to all rules and regulations and receive all benefits and rights provided by these policies.
>
> Provisional Appointment: A position appointed on a provisional basis, to a vacant regular full-time position for which no eligibility list exists. Provisional employees are subject to all rules and regulations and receive all benefits and rights provided by these policies.

Work Hours: The number of hours in an employee's work schedule, classified as either part-time or full-time, as defined below:

> Full-time Hours: A work schedule of 40 hours per workweek.

Part-time Hours – Regular Status Employees: A work schedule of less than 40, but no fewer than 20, hours per workweek.

Part-time Hours – Temporary Status Employees: A work schedule of less than 40 hours per workweek.

Policy

6.1 Designation of Employment Status. All City positions shall be designated as having Regular, Temporary, Limited-Term, Provisional, or Acting status and may be authorized to work either full-time or part-time hours.

6.2 Documentation of Status. The Department Head must submit, in advance, a Personnel Action Form to Human Resources, stating the employee's status (Regular, Temporary, Acting, Provisional, or Limited-Term) and work hours (full-time or part-time). When appointing an employee to a Limited-Term Status position, the Department Head must submit a memorandum stating the period of employment and whether the employee is eligible to receive benefits.

6.3 Confidential Employees. Confidential employees shall not serve as a board member, officer, or steward of the Union. They shall not serve on a team that either consults or meets and confers with City Management over issues relating to wages or the terms and conditions of City employment. They shall not serve as designated employee representatives in any grievance or disciplinary procedure. The following personnel shall be designated "Confidential": Human Resources Division clerical staff, Legal Clerk, and City Manager's Office Secretary.

POLICY 7

RECRUITMENT, APPOINTMENT AND PROMOTION

Policy Statement

It is City policy to attract the most qualified persons to apply for employment. Recruitment activities shall be conducted in such a manner as to attract qualified applicants and no person holding or applying for a position shall be discriminated against because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identify, gender expression, age, sexual orientation, or military and veteran status (unless a bona fide occupational qualification).

Appointments to vacant positions shall be based on merit and fitness as determined by competitive examinations and/or evaluations. Objective and job-related minimum standards of employment for each job classification shall be approved by the Deputy Director/Human Resources with concurrence by the Department Head.

Definitions

Open Recruitment: A recruitment for which any person may apply.

Promotional Recruitment: A recruitment for which Regular Status employees, and Temporary or Limited-Term employees who were hired through a competitive examination process, may apply.

Policy

7.1 Recruitment. Recruitments may be conducted as either open or promotional recruitments. The Deputy Director/Human Resources determines the type of recruitment after consultation with the Department for which the position is needed. Such determination shall be based upon the best interests of the City as well as a preference to promote current City employees.

To fill a vacancy, the Department Head shall submit a Request for Recruitment form and memo to the Deputy Director/Human Resources, justifying the recruitment and requesting approval.

7.2 Applications. Original signed application forms shall be completed by each applicant for each position applied for. Applications shall be accepted only during a recruitment period for the designated position. Applications must be filed in the Human Resources Division prior to the closing date of the application period. Postmarks will not be accepted to meet the final filing deadline. Applications, whether accepted or rejected, shall not be returned. Information given in an application may be verified and the applicant may be required to provide documentary evidence of certificates, degrees, training, experience,

licenses, or educational credits. An applicant may be disqualified for making false statements or failing to disclose requested information on the application form. Applicants may be requested to sign a release authorizing information for a background investigation related to the job.

7.3 Transfers. Current City employees desiring to transfer to an equivalent job for which the City is recruiting are not required to complete an application form. In such cases, the employee shall submit to Human Resources a memorandum requesting consideration for transfer, as outlined in Policy 11, Transfer.

7.4 Employment Examinations. The nature of the examinations shall be determined by Human Resources. Examinations for appointment or promotion shall be in such form as to fairly test the abilities and aptitudes of the applicants for the duties to be performed. Examinations may include appropriate written, oral, or practical tests, or any combination that will fairly evaluate the knowledge, skills, and abilities of the applicants.

7.5 Oral Appraisal Boards. The City will use oral appraisal boards to conduct objective reviews of applicant qualifications through evaluation of oral responses to job-related questions. All oral appraisal boards shall be tape recorded. Oral Boards will normally consist of three members, with at least one member from outside the City whenever possible. Candidates will be rated at the conclusion of the interview by each Oral Board member and receive a composite score averaging the individual ratings. The Deputy Director/Human Resources shall approve any exceptions to the above.

7.6 Eligibility for Re-Examination. Applicants who have been interviewed by an Oral Board may be re-examined for the same position when six months have passed since the date of the original interview, unless an alternate exam is available.

7.7 Limited Number of Qualified Applicants. When there are three or fewer qualified candidates for a vacant position, the Deputy Director/Human Resources may approve departmental interviews of candidates without the use of an oral appraisal board.

7.8 Creation of Eligibility Lists. An eligibility list may contain the name of one or more persons. Candidates qualifying for employment or promotion shall be placed on an eligibility list in rank order of the scores obtained in the examination. The names of employees requesting transfer shall be placed on the list in alphabetical order as an addendum following the rank-ordered candidates. Eligibility lists may be merged, upon approval by Human Resources.

7.9 Use of Eligibility Lists. Upon approval of the list by the Deputy Director/Human Resources, the eligibility list will be certified to the appropriate department for review. Candidates will be considered by the department in the order in which they appear on the eligibility list. Any candidate on the eligibility list may be selected. The Deputy Director/Human Resources will require written justification for hiring a candidate when the first-ranked candidate is not selected.

7.10 Veteran's Preference. Qualified Veterans who receive a passing score of 70 or higher on the Oral Board examination will be guaranteed a second interview at the departmental level. To be considered for Veteran's Preference, applicants must submit form DD214 with their application materials.

7.11 Expiration of Eligibility Lists. Eligibility lists shall remain in effect for a period not to exceed six months, or until the eligibility list has been exhausted, whichever occurs first.

7.12 Extension of Eligibility Lists. Prior to expiration, eligibility lists may be extended for a maximum period of six months by the Deputy Director/Human Resources, upon request of the Department Head. Whenever the appointment from an eligibility list is delayed due to the imposition of a personnel hiring freeze by the City Council or City Manager, or pending appointment upon successful completion of a background investigation, the list may be extended by the City Manager for up to one year.

7.13 Decertification of Eligibility Lists. The Deputy Director/Human Resources may determine that a list is no longer valid prior to its six-month expiration due to a change in job requirements or a lack of qualified candidates.

7.14 Hiring Process. Based upon the job requirements of the position, applicants may be required to provide evidence of a valid California driver license, undergo drug and alcohol testing, provide a release for prior employment information, provide drug and alcohol records, undergo a medical examination, or participate in other background checks. A conditional offer of employment will be extended prior to medical examination.

7.15 Appointments. Appointments and promotions to vacant positions shall be based on merit and fitness as determined by competitive examinations and/or evaluations.

Prior to making an offer of employment, appointments and conditions of the appointment must be approved by the Deputy Director/Human Resources and City Manager. When an appointment is to be made, prior to the employment start date, the hiring department shall submit to Human Resources a completed Personnel Action Form indicating the new employee's name, salary, range, and employment start date.

7.16 Use of Other Lists. In the absence of an appropriate eligibility list, an appointment may be made to a lower classification from an eligibility list for a classification in the same position series with a higher salary range, provided that the employee meets the minimum qualifications for the position to be filled and agrees to the appointment. The eligibility status of a person who does not accept appointment to a lower classification shall not be affected by such refusal.

7.17 Acting Assignments. Designation of a temporary acting assignment may be made, without creation of an eligibility list, as described in Policy 2, Job Classifications.

7.18 Limited-Term. Employees appointed on a limited-term basis shall be notified in writing at the time of appointment of the limited-term nature of their appointment and the estimated end of their employment.

7.19 Provisional Appointment. In the absence of an appropriate eligibility list, a provisional appointment may be made by the appropriate Department Head, with the approval of the Deputy Director/Human Resources, of a person meeting the minimum qualifications for the position. A provisional appointment shall be for a maximum of six months. Within the six-month period the employee must successfully compete and be placed on an eligibility list prior to regular appointment. If an employee is not successful, separation will be automatic at the end of the six-month period, or when the position is filled, whichever comes first.

References

Policy 2, Job Classifications
Policy 11, Transfer

Policy Revised 4/8/14

POLICY 8

PROBATION

Policy Statement

Original appointments, promotions, transfers, reclassifications, and demotions to Regular Status positions are subject to a probationary period of one year. Transfers, reinstatements, and demotions to classifications in which prior probation had successfully been completed are not subject to a new probationary period.

Policy

8.1 Purpose for Probationary Period. The probationary period shall be considered to be a working test period, during which an employee is required to demonstrate satisfactory performance for the position to which appointed.

8.2 Dismissal of Probationary Employees. The work and conduct of probationary employees will be subject to close scrutiny and evaluation. The appropriate Department Head may dismiss or demote the probationary employee at any time during the probationary period. Such dismissals or demotions shall not be subject to the notice requirements or review and appeal procedures set forth in Policy 31, Disciplinary Action.

8.3 Notice of Performance Appraisal. An attempt will be made by the supervisor and Department Head to keep employees apprised of their progress during the probationary period. Employees will receive a formal written performance evaluation six months after appointment and again upon conclusion of the probationary period.

8.4 Retention of Employees After Probation. Employees will be retained beyond the end of the probationary period if the appropriate Department Head affirms that the services of the employee have been found to be satisfactory. The Department Head will submit an employee evaluation and a Personnel Action Form authorizing the end of the probation.

8.5 Extension of Probation. An employee's probationary period may be extended for one of the following situations:

8.5.1 Due to Absence. An employee's probationary period may be extended to account for absences of the employee due to illness, injury, discipline, and/or Leave of Absence requested by the employee. In order to extend the probationary period under this section, the employee must have been absent for these reasons for a cumulative period of more than 30 working days during the probationary period. The period of extension will be no longer than the actual number of workdays that the employee was absent.

8.5.2 In Lieu of Dismissal or Demotion. In lieu of dismissal or demotion, the probationary period may be extended in individual cases by the Department Head, upon approval of the Deputy Director/Human Resources. The recommendation and action to extend probation shall occur prior to the employee's merit review date. A probationary period may be extended once, for a maximum of six months, and shall not be extended again (exclusive of any extension that may have occurred under Section 8.5.1). The merit review date shall be adjusted the same period of time as the probation is extended. The Department Head shall submit to Human Resources a Personnel Action Form listing the extended probationary period and revised merit review date.

8.6 Merit Increase During Probation. Probationary employees are not eligible to receive a merit increase during the probationary period.

8.7 Probation for Temporary and Limited-Term Employees. Temporary and Limited-Term employees have no benefits or rights under these policies, as described in Policy 6, Employment Status. As such, temporary employees do not serve a probationary period in their temporary or limited-term position and the Department Head may dismiss them at any time without notice, review, or appeal. Should a Temporary Status or Limited-Term employee be hired into a Regular Status position in the same job classification, the probationary period will begin at the date of assignment to the Regular Status position.

8.8 Probation for Regular Part-Time Employees. Regular Part-Time employees serve a probationary period dependent upon their employment status and number of hours worked. Such employees shall be subject to a probation period of 2,080 hours, equivalent to one year of full-time employment. There is no probation period for part-time employees in temporary or limited-term positions, as described in this policy.

8.9 Probation Upon Promotion. Promotional appointments in the following flexibly staffed job classifications shall not be subject to this policy since the less experienced or "in-training" job classification in the job family is considered as the probationary period for the more experienced job classification.

Account Clerk I	to	Account Clerk II
Building Inspector I	to	Building Inspector II
Clerk I	to	Clerk II
Collections Services Worker Trainee	to	Collections Services Worker I*
Collections Services Worker I	to	Collections Services Worker II*
Crime Scene Investigator Trainee	to	Crime Scene Investigator I*
Crime Scene Investigator I*	to	Crime Scene Investigator II*
Engineering Technician	to	Senior Engineering Technician
Maintenance Worker I	to	Maintenance Worker II
Police Dispatcher Trainee	to	Police Dispatcher
Police Records Technician I	to	Police Records Technician II

Plant Maintenance Technician I	to	Plant Maintenance Technician II
Plant Operator Trainee	to	Plant Operator I*
Plant Operator I	to	Plant Operator II*
Plant Operator II	to	Plant Operator III*
Theater Technician I	to	Theater Technician II
Tree Trimmer I	to	Tree Trimmer II
Waterworks Services Worker Trainee	to	Waterworks Services Worker I*
Waterworks Services Worker I	to	Waterworks Services Worker II*

*Certifications Required

References

Policy 6, Employment Status
Policy 31, Disciplinary Action

Policy Revised 4/21/14

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POLICY 9

LAYOFF AND RE-EMPLOYMENT

Policy Statement

The City may implement a layoff due to lack of work, lack of funds, abolishment of a position, or elimination or reduction in service level as considered necessary by the City.

Definitions

City Seniority: The period of an employee's continuous, uninterrupted employment with the City. Uninterrupted City employment includes regular-status and probationary periods. For the purpose of this policy only, limited-term status employment periods beyond the initial two years shall apply towards City seniority.

Sworn Seniority: The period of an employee's continuous, uninterrupted employment with the City as a sworn employee of the Police Department. Sworn seniority does not include employment as a Police Officer Trainee.

Classification Seniority: The period of an employee's continuous, uninterrupted service, including regular status and probationary periods, within the current job classification.

Sworn Classification Seniority: The period of an employee's continuous, uninterrupted sworn service, including regular status and probationary periods, within the current and higher-level job classifications.

Flexible Staffing Seniority: For the purpose of this policy, flexibly staffed job classifications, as described in Policy 8, Probation, are considered as one classification.

Regular Status: As defined in Policy 6, Employment Status, a position budgeted on a continuing and indefinite basis. Regular status employees are subject to all rules and regulations, and receive all benefits and rights as provided by these policies.

Limited-Term Status: As defined in Policy 6, Employment Status, a position working on a special assignment for a specific period of time which will cease when the project ends, and is budgeted accordingly. For the purpose of this policy only, limited-term status employees with at least two years of City service shall be defined as regular status employees, except that the calculation of seniority shall exclude consideration of the initial two years of employment.

Temporary Status: As defined in Policy 6, Employment Status, a position that is on-call or not on-going. Temporary status may end at any time, without notice and is not subject to probation. Temporary employees receive no benefits or rights under these policies unless such benefits or rights are specifically provided in the individual policies.

Vacant Funded Position: A position authorized for hire in the City's budget process where money is allocated to employ an individual in that position. Frozen positions are not considered funded positions, as money is not allocated in the City's budget to employ individuals for frozen positions.

Policy

9.1 Determining Layoff. When implementing a layoff, the City shall determine the number of positions to be affected by job classification.

9.2 Notification to Employees. The City will notify, in writing, any employee who is to be laid off a minimum of fifteen (15) calendar days prior to the actual layoff, or provide commensurate pay.

9.3 Order of Layoff. Once specific classifications have been identified for layoff, the following order of layoff shall be utilized:

1. Temporary status employees
2. Limited-term status employees with less than two years of City service
3. Employees serving a probationary period

4a. All Employees Other than Sworn: Regular status employees with the least classification seniority

4b. Sworn Employees: Regular status employees with the least sworn classification seniority

5a. All Employees Other than Sworn: If there are two or more employees to be laid off who have identical classification seniority, the order of layoff shall be by City seniority. If such City seniority is also identical, order of layoff shall be determined by the final rating on the most recent performance evaluation on file in the Human Resources Division. If the final ratings are identical, or a performance evaluation has not been filed with Human Resources in the most recent twenty-six (26) pay periods, the order of layoff shall be determined by the drawing of lots.

5b. Sworn Employees: If there are two or more sworn employees to be laid off who have identical sworn classification seniority, the Police Department practice of establishing seniority upon the promotional selection process will be followed. If such Police Department seniority is identical, order of layoff shall be by sworn seniority. If sworn seniority is also identical, order of layoff shall be determined by the final rating on the most recent performance evaluation on file in the Human Resources Division. If the final ratings are identical, or a performance evaluation has not been filed with Human Resources in the most recent twenty-six (26) pay periods, the order of layoff shall be determined by the drawing of lots.

9.4 Displacement/Bumping Rights. Regular status and probationary employees who are designated to be laid off may transfer or demote to a vacant funded position in which they previously held regular status, or displace employees in a lower classification in which they previously held regular status. Probationary employees in the lower classification shall be displaced first, followed by regular status employees with less City seniority than the incumbent exercising the displacement. If such City seniority is identical, the order of layoff presented in Section 9.3.5a. shall be followed. For sworn employees, probationary employees in the lower classification shall be displaced first, followed by regular status employees with less sworn classification seniority than the incumbent exercising the displacement. If such sworn classification seniority is identical, the order of layoff presented in Section 9.3.5b. shall be followed. Employees who have not held regular status in a lower classification shall have no displacement rights.

9.4.1 Timeframe. Employees must exercise displacement rights within five (5) calendar days after receipt of a notice of layoff, by submitting written notice to the Deputy Director/Human Resources. If displacement rights are not exercised within the specified time period, they are automatically forfeited.

9.4.2 Salary and Benefits Upon Demotion. Employees who exercise displacement rights and demote to a lower classification in lieu of layoff, shall retain their current salary or be paid at the top of the lower classification's salary range, whichever is less. Benefits shall be assigned in accordance with the applicable MOA/MOU currently in effect for the lower classification.

9.5 Voluntary Demotion In Lieu of Layoff. Once all displacement/bumping staff movements have been assigned, employees designated to be laid-off may request a voluntary demotion to a remaining vacant funded position for which they meet the minimum qualifications. If more employees request to demote than there are available positions, the option to voluntarily demote shall be offered in City seniority order. Upon demotion, salary and benefits may be modified, as indicated in Section 9.4.2, Salary and Benefits Upon Demotion.

9.6 Voluntary Transfer in Lieu of Layoff. Once all displacement/bumping staff movements have been assigned, employees designated to be laid-off may request a voluntary transfer to a remaining vacant funded position for which they meet the minimum qualifications and with the same maximum salary. If more employees request to transfer than there are available positions, the option to voluntarily transfer shall be offered in City seniority order.

9.7 Re-employment List. All persons who have been laid off or demoted as a result of a reduction in force shall have their names placed on a re-employment list. Such employees shall be offered re-employment to vacant funded positions in the same job classification from which they were laid off, or another vacant

funded position with equivalent or lower salary than the position in which they were laid off and for which they meet the minimum qualifications.

9.7.1 Order of Re-employment. Employees will be re-employed in reverse order of the order of layoff. Vacant funded positions shall first be offered to eligible candidates who have been demoted as a result of layoff prior to being offered to those who have been laid off. All such resultant re-employment shall be without competitive examination and all eligible employees on the re-employment list shall be offered re-employment before any new employees within that classification are hired.

9.7.2 Length of Re-employment List. Persons will remain on the re-employment list for a period not to exceed 24 months from the effective date of demotion or layoff.

9.7.3 Rejection of Re-Employment Offer. Employees being offered re-employment in any classification other than the one they were in upon layoff, shall have the right to reject one offer by the City of re-employment to a particular position and shall remain on the re-employment list. Any employee's second rejection of such an offer automatically removes that employee from the re-employment list.

9.8 Non-Disciplinary Action and No Appeals. Policy 31, Disciplinary Action is not applicable to the Layoff and Re-employment Policy. Demotions, transfers and discharges resulting from reallocation or reduction in work force due to lack of work, lack of funds, abolishment of a position, or elimination or reduction in service level, shall not constitute discipline and shall not be eligible for appeal.

9.9 Pre-Layoff Administrative Review Process. Regular status employees who receive a layoff notice will have the right to respond to the proposed layoff orally or in writing to their Department Director within five (5) calendar days from the date of the layoff notice (and to verbally consult with Human Resources if necessary as deemed appropriate by the Deputy Director/Human Resources). The Department Director shall render a reply in writing within five (5) calendar days after receiving the employee's oral or written response.

9.10 Restoration of Benefits.

a. Seniority. Upon re-employment, employees shall have the City and sworn seniority status that they held immediately prior to their layoff restored. Employees re-employed to the classification they held prior to layoff shall also have classification and sworn classification seniority status restored.

b. Rate of pay/salary. Upon re-employment, employees shall receive placement in the salary range equivalent to that which

they were receiving immediately prior to layoff or demotion. If re-employed to a lower classification, employees shall receive the salary equivalent to that which they were receiving prior to layoff, or the maximum of the salary range for the lower classification, whichever is less.

c. Annual Leave Accrual Rates. Laid off employees who are re-employed shall have the annual leave accrual rate they held immediately prior to layoff restored, provided, however, any reduction or increase in accrual rates for all employees in the bargaining group during the layoff period shall apply to the re-employed employee. Upon re-employment, employees shall receive an advance of annual leave in accordance with the same provisions as new employees.

d. Merit Qualifying Hours. An employee who is re-employed to the same classification they held prior to layoff shall have the merit qualifying hours earned as of the time of the layoff restored. The employee's merit/evaluation date will be adjusted upon his or her return based on the qualifying hours earned. However, credit is not given for time not worked.

e. Probationary Period. Laid off employees who are re-employed under this policy are not required to serve a new probationary period when returning to a classification in which they previously held regular-status.

References and Related Policies

Policy 6, Employment Status
Policy 8, Probation

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POLICY 10

REINSTATEMENT

Policy Statement

An employee who separates from employment for reasons of resignation or service retirement may be reinstated to a vacant position in the employee's former job classification within one year of the date of separation without re-qualifying for employment by competitive process. Reinstatements shall be at the discretion of the appointing authority.

Policy

10.1 Eligibility. Only Regular Status full-time employees are eligible for reinstatement.

10.2 Reinstatement Within Thirty Days. An employee reinstated thirty days or less from the date of separation shall be considered to have continuous service and may buy back the amount of accumulated annual leave cashed out at time of separation. The employee shall be placed in the previously held job classification at the same level within the salary range, and shall retain the same anniversary date for purposes of merit review. If a merit review date has occurred during the period of absence, a new merit review date shall be adjusted by the period of time the employee was separated.

10.3 Reinstatement After Thirty Days. An employee reinstated after thirty days have passed following the date of separation, may be considered to have a break in service for purposes of salary status, and shall be considered to have a break in service for all other employee benefits. If probation had been previously completed in the classification, the employee is not subject to a new probationary period.

10.4 Reinstatement After Voluntary Demotion. At the discretion of the hiring authority, an employee who has taken a voluntary demotion to a lower job classification may be reinstated to a vacant position in the employee's former job classification within one year of the effective date of the voluntary demotion without re-qualifying by competitive process. An employee reinstated to a former job classification from a voluntary demotion shall retain his/her lower rate of pay. The employee shall retain his/her anniversary date for purposes of merit review.

10.5 Reinstatement After Appeal of Discipline. An employee who has been suspended, demoted, or dismissed may be reinstated to the previously held job classification at the same level within the salary range as a result of a successful appeal under Policy 31, Disciplinary Action.

10.6 Requests for Reinstatement. Former employees desiring reinstatement shall submit a written request to the Deputy Director/Human Resources.

Reference

Policy 31, Disciplinary Action

POLICY 11

TRANSFER

Policy Statement

The City may allow employees the opportunity to transfer between departments or divisions.

Definition

Transfer: A change in an employee's departmental or divisional assignment to a vacant position in a job classification with the same salary range as the employee's current classification in another department or division.

Policy

11.1 Approval to Transfer. A transfer from one department to another shall require the approval of the Department Heads from which and to which the employee is transferring. In considering approvals for transfer, the Department Head of the department from which the employee is transferring will not unduly withhold authority for the transfer.

11.2 Salary Upon Transfer. Transferred employees shall retain the same rate of pay.

11.3 Probation Upon Transfer. Employees who have completed a probationary period and are transferring to the same job classification shall not be subject to a new probationary period. Employees transferring to a different job classification, in which they have not previously served a probationary period, shall serve probation as described in Policy 8, Probation.

11.4 Requesting Transfer. Employees desiring to transfer shall submit a memorandum to Human Resources, expressing interest in a specific opening during the recruitment period for the position. The names of those desiring transfer will be listed as an addendum to the eligibility list provided to the department, as described in Policy 7, Recruitment, Appointment and Promotion.

11.5 Minimum Qualifications. Employees transferring to a different job classification are required to meet the minimum qualifications of the new job classification, in accordance with Policy 7, Recruitment, Appointment and Promotion.

References

Policy 7, Recruitment, Appointment and Promotion
Policy 8, Probation

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POLICY 12

DEMOTION

Policy Statement

Demotion to a job classification in a lower salary range may be made on a voluntary or involuntary basis.

Policy

12.1 Minimum Qualifications Requirement. An employee shall not be eligible for demotion to a job classification for which the employee does not meet the minimum qualifications.

12.2 Requesting Voluntary Demotion. An employee may request a voluntary demotion to a vacant position by submitting a written request to Human Resources. Such demotion shall require the approval of the Department Head(s) involved.

12.3 Salary and Merit Review Upon Demotion. An employee who is demoted shall be placed at a rate in the lower salary range that will provide a reduction in pay of not less than 5.0% of base salary, in accordance with Policy 14, Compensation. The merit review date of all demoted employees shall be adjusted to the effective date of the demotion. Demoted employees will be required to serve a new probationary period in the new classification, unless permanent status had previously been achieved.

12.3.1 Demotion as a Result of Discipline. Whenever an employee is demoted or receives a reduction in pay as a result of a disciplinary action, the employee's anniversary date shall be changed to the effective date of the action.

12.4 Reinstatement After Voluntary Demotion or In Lieu of Layoff. An employee who accepts a voluntary demotion may be reinstated to the former job classification, in accordance with Policy 10, Reinstatement.

12.5 Reinstatement After Disciplinary Demotion. An employee who is demoted as a result of a disciplinary action shall not be considered eligible for reinstatement to the previous job classification unless the demotion action specifically states that reinstatement may be considered. Such employee shall not be barred from competing in future examinations for promotion.

References

Policy 10, Reinstatement
Policy 14, Compensation

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POLICY 13

SEPARATION FROM EMPLOYMENT

Policy Statement

The employee or the City may terminate the employment relationship, subject to the legally required review process outlined in Policy 31, Disciplinary Action, the layoff procedures outlined in Policy 9, Layoff and Re-Employment, and termination procedures as outlined in Policy 8, Probation.

Definition

City Property: All equipment, items, or materials purchased and owned by the City for use by employees, including but not limited to: identification badges, building access cards, time records, uniforms, tools, tool boxes, computer hardware and software, electronic files, keys, calculators, pagers, vehicles, desks, lockers, books, cell phones, chairs, files, manuals, and documents.

Policy

13.1 Resignation and Retirement. The intent of an employee to resign or retire from employment with the City shall be submitted in writing to the Department Head at least two weeks in advance of the anticipated final day of work.

13.2 Failure to Give Adequate Notice. Failure to give two weeks notice of resignation or retirement may be cause to deny future employment with the City.

13.3 Abandonment of Job. Employees absent for more than four consecutive workdays without proper authorization may be considered to have abandoned their job and separation from employment may be processed, as described in Policy 31, Disciplinary Action.

13.4 Final Compensation. Employees shall receive compensation for all time worked through the last day of actual work.

13.5 Last Day of Employment. An employee's last day of paid status shall be recorded on the Personnel Action Form as the last day of employment.

13.6 Return of City Property. Employees shall return, in good condition, all City property in their possession or control immediately upon separation from employment for any reason. The City may take action as deemed necessary to protect or recover its property.

13.7 Exit Interview. Human Resources may conduct exit interviews with departing employees to recover City property, inform the employees as to the disposition of

their benefits, and receive feedback regarding the employee's position and City operations.

13.8 Processing Separation. The Department Head shall initiate and forward to Human Resources a Personnel Action Form and final Time Record to process the employee's separation.

13.9 Final Paychecks. Employees may receive a final paycheck during the exit interview if adequate notice of resignation or retirement is provided, and upon involuntary separation from employment. Employees separating without adequate notice will be issued a final paycheck within 72 hours after the last day of employment.

13.10 Use of Paid Absence Upon Notice of Separation. Use of accumulated paid absence, including annual leave, compensatory time, and holiday compensatory time, shall not be approved when it will extend an employee's date of separation beyond the final date of actual work.

13.11 Benefits Upon Separation. Eligible employees may purchase continued health insurance coverage as provided by the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA).

13.12 Letters of Reference. The City shall not provide letters of employment reference to separating employees, as outlined in Policy 4, Personnel Records.

References

Policy 4, Personnel Records
Policy 8, Probation
Policy 9, Layoff and Re-Employment
Policy 31, Disciplinary Action

POLICY 14

COMPENSATION

Policy Statement

The City Manager shall be responsible for recommending wage rates and salary ranges for each job classification. The pay rate or salary range for each job classification shall reflect fairly the similarities and differences in levels of duties and responsibilities and shall be related to the value of the job classification to the organization.

Definitions

Cost-of-Living Adjustment (COLA): A general salary increase provided to all employees, without regard for merit, in recognition of changing economic conditions.

Merit Increase: A salary increase granted only for continued meritorious and efficient service and continued improvement by the employee in the effective performance of the employee's job duties, as documented in a written performance appraisal.

Merit Review Date: The date on which an employee's performance is evaluated in consideration of receiving a merit increase.

Range Adjustment: A change to a salary range and a corresponding change to the base salaries of those employees in that salary range, which is provided to re-align the salary range with market conditions or other equity considerations.

Special Assignment Pay: Compensation provided in recognition of an employee performing a special assignment, in the course of their regular job classification.

Policy

14.1 Salary Ranges. All job classifications shall be assigned a salary range or flat rate. Such assignment shall be made by the City Council in the form of a Resolution, upon recommendation by the City Manager. Salary ranges shall contain six salary steps. Progression in the salary range shall be based upon merit evaluation.

14.2 New Hire Salaries. Newly hired employees shall be compensated at the base of the salary range of the job classification for which hired. When economic conditions, unusual employment conditions, or exceptional qualifications of a candidate for employment indicate that a higher hiring rate would be in the City's best interests, the Deputy Director/Human Resources or City Manager may authorize hiring at a higher rate in the salary range.

14.3 Merit Increases. Merit salary increases for employees may be granted for continued meritorious and efficient service. Such salary increases or denial of

salary increases shall require the specific recommendation of the employee's Department Head.

14.3.1 Progression in Salary Range. Employees hired on or after July 1, 1998, shall be considered for a merit increase on the employee's anniversary date. In lieu of the "step" salary increase system, the employee may be granted progression in the salary range from 0 to 5 percent based on the employee having demonstrated continued meritorious service and continued improvement in the effective performance of duties. Employees demonstrating exceptional work performance may be granted up to a 6 percent adjustment in the range; department merit budget pools must support the additional salary expense. Employees hired prior to July 1, 1998, shall participate in the "step" salary increase system.

14.3.2 Effective Date. The effective date of merit salary increases for full-time Regular Status employees shall be on the employee's anniversary date. Merit increases shall be paid at the regularly scheduled payroll period for the next full pay period immediately following the employee's anniversary date retroactive to the anniversary date.

14.3.3 Part-Time and Temporary Employees. Part-time and temporary employees may receive a merit increase after each 2,080 hours of service, based upon satisfactory performance pursuant to 14.3.1.

14.4 Cost-of-Living Adjustment (COLA). Cost-of-Living Adjustments (COLAs) shall be made by the City Council in the form of a Resolution, upon recommendation of the City Manager. The effective date of any COLA shall be at the beginning of a pay period, as determined by the City Council.

14.5 Range Adjustments. Range adjustments shall be made by the City Council in the form of a Resolution, upon recommendation of the City Manager. Salaries of employees in job classifications authorized for range adjustment shall be changed by the same percentage as the change made to the salary range.

14.5.1 Effective Date of Changes. The effective date of adjustments to the salary ranges and employee salaries of specific job classifications shall be at the beginning of a pay period, or as authorized by City Council.

14.5.2 Range Adjustments and Merit Increase. Range adjustments shall be paid in addition to any merit increase for which the employee may be eligible.

14.6 Pay Upon Downward Reclassification. An employee whose position is reclassified to a lower rated job classification shall be placed at the same rate in the lower salary range if possible. If the maximum of the salary range of the lower rated job classification is less than the reclassified employee's rate of pay, the pay rate may be reduced accordingly. If an employee retains the same pay

rate after a downward reclassification, the employee shall not be eligible for any future salary increases, whether merit, COLA increases, or range adjustments, until the employee's pay rate is less than the maximum of the salary range of the lower rated job classification. Reduction or continuation of the employee's pay rate shall be determined by the City Manager.

14.6.1 Merit Review Date Upon Downward Reclassification. An employee in a job classification assigned to a lower salary range as a result of a downward reclassification, shall retain the same merit review date.

14.7 Pay Upon Promotion and Upward Reclassification. An employee who is promoted or reclassified to a higher job classification shall be granted a minimum 5.0% increase in base salary or placement at the beginning rate of the new salary range, whichever of the two is greater. If a 5% increase would result in a rate exceeding the top of the salary range, the employee shall receive the amount necessary to move to the step closest to the 5% amount. Base salary shall not include any assignment or incentive compensation. Promotions shall be effective on the first day of a pay period.

14.8 Merit Review Date Upon Promotion or Upward Reclassification. When an employee is promoted or reclassified and accordingly receives a salary increase, the employee's merit review date shall be changed to the effective date of the promotional appointment or reclassification and the employee shall serve a new probationary period. An employee promoted to the more experienced level of a flexibly staffed position shall not serve a new probationary period, as described in Policy 8, Probation.

14.9 Pay and Merit Review Date Upon Transfer. Transferred employees shall retain the same rate of pay. Employees who have completed a probationary period and are transferring to the same job classification shall not be subject to a new probationary period. Employees transferring to a different job classification, in which they have not previously served a probationary period, shall serve probation as described in Policy 8, Probation.

14.10 Pay and Merit Review Date Upon Demotion. Any employee who is demoted shall be placed at a rate in the lower salary range. The merit review dates of all demoted employees shall be adjusted to the effective date of the demotion. Demoted employees will be required to serve a new probationary period in the new classification, unless the employee had successfully completed probation in the classification previously.

14.11 Acting Assignments. An employee may be temporarily assigned to a higher classification in an acting capacity, as described in Policy 2, Job Classifications, when the Department Head determines that an acting assignment is required to temporarily replace an employee on leave anticipated to be six consecutive working dates or more in duration, or a vacancy occurs in such classification. Such assignment must be in writing, and signed by the Department Head or the City Manager. An employee must meet the minimum qualifications of the

position to which he/she is to be assigned. The employee shall receive the minimum salary for the position to which assigned, or an additional 5% of the employee's current salary for the position to which the assignment has been made, whichever is greater. In no case shall the adjusted salary be greater than the maximum salary for the position to which assignment has been made. Payment will be effective the first day of the temporary acting assignment.

A temporary acting appointment shall not exceed 120 consecutive or cumulative working days, unless approved in writing by the City Manager. An employee assigned to a temporary acting appointment shall not be removed from the assignment except on the basis of failure to adequately perform the responsibilities of the assignment. Employees appointed to acting assignments shall retain the same merit review date and shall continue to receive the benefits provided to their regular, non-acting, job classification during the acting assignment.

14.12 Compensation for Special Assignment. Special Assignment pay shall be provided to employees assigned by the Department Head to the following:

Crew Leader/Lead Worker - $135 per month
Lead Worker (Mechanic) - $135 per month
Plant Operator III - $135 per month

14.13 Compensation for Work Outside the Scheduled Shift. General Unit employees shall be paid for working time which occurs outside the regularly scheduled shift, as described in Policy 16, Premium Pay and Compensatory Time-Off.

14.14 Bilingual Pay. The City shall provide additional salary compensation for up to six employees who are certified by the City as conversant in Spanish. Assignment to the bilingual designation shall be based on need as determined by the City. The employees must be certified as conversant in Spanish by an examination developed by the City's Human Resources Division. Should there be more applicants than allotted assignments, the certification process will determine the most qualified. Employees receiving bilingual compensation recognize that there may be occasions when their bilingual skills may be requested outside the employee's regular work schedule; if this occurs, such employee will receive overtime pay for actual time worked.

References

Policy 2, Job Classifications
Policy 8, Probation
Policy 16, Premium Pay and Compensatory Time-Off

Policy Revised 4/21/14

POLICY 15

EMPLOYEE EVALUATION AND DEVELOPMENT

Policy Statement

The City aims to enhance the quality of the service provided to the public through an objective system of formal employee performance appraisal.

Definitions

Performance Appraisal: A formal written evaluation of employee performance to inform employees of their standing in the organization, note deficiencies, document achievements, communicate expected standards of performance and career development potential, indicate training needs, and set goals for the upcoming review period, while providing feedback to supervisors.

Merit Increase: A salary increase granted for continued meritorious and efficient service and continued improvement by the employee in the effective performance of the employee's job duties, as documented in a written performance appraisal.

Merit Review Date: The date on which an employee's performance is evaluated in consideration of receiving a merit increase.

Policy

15.1 Frequency of Appraisal. All Regular Status, full-time employees will receive a performance appraisal six months after appointment to a job classification and again one year after appointment. Thereafter, employees will be appraised annually upon their merit review date. Performance appraisals will be conducted regardless of an employee's eligibility for a merit increase.

15.2 Appraisal of Part-Time, Limited-Term and Temporary Employees. All Regular Status, part-time employees, Limited-Term, and Temporary Status employees will receive a performance appraisal 1,040 hours and 2,080 hours after appointment, and thereafter upon completion of each 2,080 hours, in support of any recommendation for merit increase as described in Policy 14, Compensation.

15.3 Adjustment of Merit Review Dates. The merit review dates of employees promoted, reclassified, demoted, or receiving a reduction in pay as a result of disciplinary action will be adjusted to the effective dates of those actions. Subsequent performance appraisals will be conducted annually on the adjusted merit review date. Absences due to work-related injuries or illness, as described in Policy 45, Work-Related Injuries and Illness, will be considered as time worked for maintaining an employee's merit review date.

15.4 Appraisal Process. The supervisor will complete a Performance Appraisal Form, documenting the employee's performance and setting goals for the upcoming review period. The appraisal is subject to approval by the Department Head. The employee is required to submit to the supervisor a completed Employee Summary Form, which is a self-assessment of the employee's own performance during the appraisal period.

15.5 Supervisory Guidelines. In developing the appraisal, the supervisor will review the employee's job description, prior performance goals, and the Employee Summary Form. The supervisor will consider the employee's performance over the entire rating period and the appraisal will be based on demonstrated, rather than anticipated, performance.

15.6 Discussion with Employee. Upon approval by the Department Head, the supervisor will discuss the appraisal with the employee in a private meeting and provide a copy of the appraisal to the employee. Employees will be asked to sign the appraisal indicating its receipt. If signature is refused, the supervisor will note that on the form. The appraisal will be forwarded to Human Resources for inclusion in the employee's official personnel file, as described in Policy 4, Personnel Records.

15.7 Appraisal Due Date. All performance appraisals will be completed within one month of the employee's merit review date.

15.8 Employee Response. Employees may respond in writing to a performance appraisal within 90 calendar days. Such response will be directed to the Department Head and a copy of the response will be placed in the employee's personnel file, at the employee's request.

15.9 Merit Review. A satisfactory performance appraisal is the basis for granting a merit increase, as provided in Policy 14, Compensation.

References

Policy 4, Personnel Records
Policy 14, Compensation
Policy 45, Work-Related Injuries and Illness

POLICY 16

PREMIUM PAY AND COMPENSATORY TIME-OFF

Policy Statement

The City shall pay for all time worked at rates designated within this policy.

Definitions

Call Back: The unexpected, unplanned necessity for an employee to be called to return to work after having completed a regular shift.

Compensatory Time-Off: Time off, in lieu of payment of overtime, which is accrued for future use.

Court Time: Time spent by an employee subpoenaed to court to testify in an official capacity.

Premium Overtime: Time worked in excess of eight hours per shift for those working the traditional 5/8 workweek; time worked in excess of the regularly scheduled work day for employees on a 3/12, 4/10 or 9/80 schedule; and all time worked in excess of 40 hours per workweek for all employees.

Stand-By: Required time spent during an employee's regular, non-working hours, awaiting a possible return to duty.

Policy

16.1 Overtime Pay Rate. When authorized, premium overtime shall be paid at a rate of 1½ times the employee's regular base rate. Computation of overtime recorded on Time Records for employees shall reflect actual time worked.

16.2 Authorization of Overtime. All overtime must be authorized by the appropriate Department Head or designee prior to being worked and shall be recorded on the employee's Time Records, as described in Policy 3, Time Records and Paydays.

16.3 Calculation of Overtime. Absences due to annual leave and holidays shall be treated as time worked for purposes of computing premium overtime compensation.

16.4 Compensatory Time-Off Accumulation. Regular Status employees may accumulate compensatory time off in lieu of overtime compensation up to a maximum available compensatory time of 100 hours. Employees in the Senior Police Dispatcher, Police Dispatcher and Police Dispatcher Trainee classifications shall be limited to a maximum total accumulation of 180 hours of compensatory time per fiscal year.

16.5 Use of Accumulated Compensatory Time. In accordance with the Fair Labor Standards Act, an employee who has requested the use of accumulated compensatory time is permitted to use such time within a reasonable time period after making the request, subject to approval by the Department Head. The City may deny the use of accumulated compensatory time if it determines that to authorize the use of accumulated compensatory time would be unduly disruptive.

16.6 Holiday Compensatory Time-Off. Accrual of holiday compensatory time shall occur when a holiday falls on an employee's flex day, as described in Policy 21, Alternative Workweeks.

16.7 Payment Upon Separation. Upon separation, all accrued compensatory time and holiday compensatory time shall be paid to the separated employee.

16.8 Stand-By Pay. Employees placed on stand-by status on regular days off and City holidays shall be compensated $36.00 per 24-hour period. Stand-by compensation for all other periods shall be $24.00 per 24-hour period.

A cell phone will be provided to any off-duty employee whose official duties have resulted in being placed on court ordered stand-by.

16.9 Call-Back Pay. When an employee has left the work site and is called back, the employee shall receive a minimum of 2 hours of pay at time and one-half.

16.10 Court Pay. A Police Department employee subpoenaed to court to testify in an official capacity when not regularly scheduled to be on duty, and who makes a reasonable effort to coordinate with the appropriate representative of the subpoenaing agency to ascertain the time of testimony, shall be paid at a premium rate for a minimum of two hours when the court is located in Simi Valley, and a minimum of four hours when the court is outside of Simi Valley.

16.11 Work on Holidays. Employees required to work on a holiday, as listed in Policy 20, Holidays, shall be paid at the time and one-half rate for actual time worked, in addition to eight hours of holiday pay.

16.12 Temporary Employees. Work Experience positions shall be eligible to be paid, but not accrue, overtime. Employees filling a regular position on a temporary basis (where subject position is eligible for overtime) shall be eligible to accrue or be paid for overtime. Interns and work-study positions are not eligible to work overtime.

16.13 Off Duty Contact Pay. Whenever an employee responds to a contact by the Department/City while on off-duty or standby status to take action needed to maintain the continuity of City business without the necessity of having to personally report for duty, such employee shall receive a minimum of one hour of compensation at the overtime rate of time and one-half, subject to the following limitations:

Only the first disturbance call made in any one (1) calendar day shall qualify for the minimum one hour of compensation described above. The time actually spent on such disturbance call will be considered hours worked for that workweek. Thereafter, compensation for all other qualifying disturbance calls totaling an aggregate of ten (10) minutes or more in that same calendar day shall be for actual time worked.

An employee contacted while off-duty concerning subsequent work scheduling shall not be eligible to receive compensation.

References

Policy 3, Time Records and Paydays
Policy 20, Holidays
Policy 21, Alternative Workweeks

Policy Revised 4/21/14

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POLICY 17

STAND-BY WORK ASSIGNMENTS AND REST AND RECOVERY

Policy Statement

Employees may be required to be available for emergency call-out assignments, as directed by their Department Head.

Definition

Stand-By: Required time spent during an employee's regular, non-working hours, awaiting a possible return to duty.

Policy

17.1 Designation of Stand-By Status. All assignments to stand-by status, not required by a court, shall be made by the Department Head.

17.2 Court Required Stand-By. Employees may be directed to stand-by status by representatives of the courts.

17.3 Length of Stand-By Assignment. Assignments to stand-by status may be any number of hours specified by the immediate supervisor or Department Head, except employees shall not be considered to be on stand-by status during their assigned work hours or any non-paid meal breaks.

17.4 Availability During City Required Stand-By. Employees on stand-by status shall be available for contact on a telephone, two-way radio, or cell phone at all times during the stand-by period. There is no requirement to remain at a residence or another specific location during stand-by. The City shall provide a cell phone, or a cell phone and pager, to all employees placed on stand-by status.

17.5 Availability During Court Required Stand-By. Employees on court required stand-by shall provide representatives of the Court with telephone numbers where the employee can be contacted. Employees may be required to remain at locations within one-hour travel time from a specified court location. The City shall provide a cell phone, or a cell phone and pager, to all employees placed on court ordered stand-by status.

17.6 Compensation During Stand-By. Employees on stand-by status shall be compensated for that time as specified in Policy 16, Premium Pay and Compensatory Time-Off.

17.7 Start of Stand-By. The period of time to be considered for stand-by or emergency shall begin one hour after the employee's normal quitting time and end one hour prior to the employee's normal starting time.

17.8 Response Time. Employees on stand-by status shall be required to respond to a call back within thirty minutes.

17.9 Rest and Recovery. Rest and recovery is intended for those unplanned occasions where an employee works additional hours within the standard sleep hours (9:00 pm to 5:00 am). Field personnel shall be provided an opportunity for rest and recovery from work required to be performed outside the employee's normal work hours. When a full time employee assigned field responsibilities is required to work outside the employee's regular shift, and those hours fall during standard sleep hours, the following will apply:

17.9.1 Adjustment of Shift. The number of hours worked within the standard sleep period will be added to the beginning of the shift on the following day.

17.9.2 Use of Annual Leave. If the employee's required start time, as described in 17.9.1, is scheduled to begin within the last half of the employee's regular work shift, the employee may, with supervisor approval, utilize annual leave to complete the shift.

17.9.3 Planned Assignments. In cases where the assignment is planned in advance, and is a temporary but continuous change in the employee's work shift, which lasts in excess of two days, the work schedule may be adjusted as dictated by the assignment. When such work shift is modified pursuant to these circumstances, the employee will receive an hourly premium of 10% additional salary for those hours worked outside the employee's normal shift hours. No other additional pay will be granted.

17.9.4 Declared Emergency. The provisions of rest and recovery shall not apply during emergency situations, as declared by the City Manager.

Reference

Policy 16, Premium Pay and Compensatory Time-Off

Policy Revised 4/21/14

POLICY 18

BENEFITS

Policy Statement

In addition to salary compensation, the City provides a variety of benefit plans to all employees. This policy contains a general summary of the significant features of these programs. However, detailed, specific information is recorded in the official plan documents and insurance policies governing the plans. Any real or apparent conflict between this policy and the plan documents is subject to control by the official plan documents.

Policy

18.1 Benefits Eligibility. Probationary and Regular Status employees are entitled to receive all of the benefits and rights provided by these policies. Benefits for part-time regular status employees (20 or more hours per week) shall be pro-rated based upon the number of hours worked.

18.2 Benefits for Temporary Status. Temporary Status employees shall receive no benefits or rights under these policies, unless required by law.

18.3 Benefits for Limited-Term Status. Limited-Term employees shall receive no rights or benefits under these policies, unless specifically provided in an individual policy or documented in a memorandum and approved by the City Manager.

18.4 Health and Life Insurances. The City shall provide medical, dental, vision, life, and accidental death and dismemberment insurance coverage for Regular Status and Probationary employees and their designated eligible dependents. Premiums shall be paid in accordance with the current Memorandum of Agreement and the provisions of the City's group policy contracts. Employees are encouraged to review the plan documents for details on insurance coverage.

18.5 Disability Insurance. The City shall participate in short-term disability insurance for all General Unit employees, including Temporary Status, Limited-Term, and part-time employees, through the State Disability Insurance (SDI) program. Premiums and provisions of the program shall be in accordance with State of California requirements.

18.6 Paid Family Leave. The City shall participate in paid family leave for all General Unit employees, including Temporary Status, Limited-Term, and part-time employees, through the State's Paid Family Leave (PFL) program. Premiums and provisions of the program shall be in accordance with State of California requirements.

18.7 Section 125 Plan. The City shall provide an Internal Revenue Code Section 125 Pre-Tax Benefit deduction plan for Regular Status and Probationary employees. This plan allows employees to pre-tax payment of medical, dental, and vision insurance premiums, and an amount for reimbursement for dependent day care and non-covered medical expenses. Voluntary supplemental benefit plans are also available.

18.8 Retiree Medical Insurance. May be provided in accordance with the applicable S.E.I.U. Resolution or Memorandum of Agreement. Retirees and covered dependents are required to enroll in Medicare at the age of 65 (if eligible) in order to remain enrolled on the City's medical plans. The City does not contribute towards the cost of Medicare premiums.

18.9 Retirement Benefits. The City pays a contribution towards the cost of employee retirement benefits for eligible employees in accordance with the S.E.I.U. Resolution or Memorandum of Agreement, the provisions of the contract between the City of Simi Valley and the California Public Employees' Retirement System (CalPERS), and applicable laws.

18.10 Social Security/CalPERS Retirement for Temporary Employees. Contributions shall be made to Social Security for Temporary Status and Limited-Term employees, in accordance with Federal law. Employees who are CalPERS members upon hire, and employees who have met CalPERS requirements will be enrolled in CalPERS.

18.11 Survivor Benefits. The City shall pay for the death benefit known as the "Fourth Level 1959 Survivor Benefit" offered by CalPERS, which provides survivors of active regular employees a monthly payment.

18.12 Medicare. All employees appointed, re-employed, or reinstated to employment with the City after April 1, 1986, shall contribute to the Medicare portion of a Social Security deduction.

18.13 Deferred Compensation. The City shall make available an Internal Revenue Code Section 457 Deferred Compensation plan to Regular Status employees.

18.14 Apparel Allowance. Designated personnel may be furnished uniforms, safety boots and/or safety boot and uniform allowances in accordance with the current Memorandum of Agreement. Employees who receive safety boots, uniforms, and/or allowances shall be required to wear safety boots and/or uniforms during working hours pursuant to Article 13 of the most current Memorandum of Agreement.

18.15 Mileage Reimbursement. Employees are eligible for the reimbursement of authorized expenses incurred directly by them in the use of a personal vehicle in the performance of City business, at the per mile reimbursement rate established by the City Council.

18.16 Direct Deposit of Paychecks. Employees may elect electronic funds transfer of their paychecks, as described in Policy 3, Time Records and Paydays.

18.17 Renewal of Licenses. The City shall pay for the initial examination and renewal of certificates or licenses in accordance with the current Memorandum of Agreement.

18.18 Overtime Meal Allowance Reimbursement. The City will reimburse employees for meals up to $10 when the employee is held over to work three or more hours of overtime. Meals must not have been provided in another manner. The employee's reimbursement request must be recorded on the employee's timesheet and payments will be processed via the City's payroll system. Meals shall be taken on an employee's own time, unless the supervisor approves the meal to be taken on continuing work hours.

18.19 Flexible Benefits Plan. The City may provide Regular Status and Probationary employees a flexible benefits plan known as "Simiflex Dollars." Covered employees receive cash to offset the cost of insurance premiums or to make a contribution to the deferred compensation plan. Contributions shall be in accordance with the current S.E.I.U. Resolution or Memorandum of Agreement.

Reference

Policy 3, Time Records and Paydays

Policy Revised 4/21/14

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POLICY 19

PAYROLL DEDUCTIONS

Policy Statement

Deductions of authorized amounts from employees' pay will be made for the purposes described in this policy.

Policy

19.1 Voluntary Deductions. Employees may authorize deductions which, when consistent with payroll programming capabilities, shall be made. A signed deduction authorization shall be required for each payroll deduction.

Eligible voluntary deductions may include, but are not limited to:

- Authorized Employee Association Dues/SEIU
- Charitable contributions (i.e., United Way, Cultural Arts Foundation, Police Foundation)
- Emergency Annual Leave Assistance
- Deferred Compensation Plan contributions
- Employee Group Insurance
- Internal Revenue Code Section 125 Benefits
- I-Bond purchase
- Deferred Compensation Loan Repayments
- Credit Union contributions

19.2 Involuntary Deductions. State and Federal law requires certain deductions from employee paychecks. The amount of withholding will vary based upon individual earnings and is determined by such factors as marital status, tax exemption selection, and bargaining unit. Employees may change their withholdings at any time.

Involuntary deductions may include, but are not limited to:

- Federal Income Tax
- State Income Tax
- Social Security (FICA)
- Medicare Tax
- State Disability Insurance (SDI)
- State Paid Family Leave (PFL)
- Agency Fee Payer/SEIU

19.3 Other Deductions. As legally required, the City will make any court ordered deductions from an employee's paycheck for wage assignments and garnishment.

19.4 Effective Date. Deductions shall be effective in accordance with the Department of Administrative Services' annual Payroll Schedule.

19.5 Deductions of Overpayment. Overpayment of employee compensation shall be deducted from employee paychecks as described in Policy 3, Time Records and Paydays.

Reference

Policy 3, Time Records and Paydays

POLICY 20

HOLIDAYS

Policy Statement

The following days shall be recognized as holidays for regular employees:

January 1st - New Year's Day
Third Monday in January - Dr. Martin Luther King, Jr. Day
Third Monday in February - Presidents' Day
Last Monday in May - Memorial Day
July 4th - Independence Day
First Monday in September - Labor Day
November 11 - Veterans' Day
Thanksgiving Day
Day after Thanksgiving
December 24 - Christmas Eve
December 25 - Christmas Day
Every day proclaimed by City Council as a public holiday

Policy

20.1 Eligibility for Holiday Pay. In order to be eligible for eight hours of holiday pay, an employee must either be at work or on paid Leave of Absence on the regularly scheduled workday immediately preceding and immediately following the holiday, or day observed in lieu of the holiday. Employees on unpaid suspension or unpaid Leave of Absence, on either the regularly scheduled workday immediately preceding or immediately following the holiday, shall not receive compensation for the holiday, or day observed in lieu of the holiday.

20.2 Holiday Benefits for Part-Time Employees. Regular, part-time employees shall receive holiday benefits on a prorated basis for those holidays occurring as part of their regular work schedule.

20.3 Weekend Holidays. Whenever any of the above listed holidays falls on a Sunday, the holiday shall be observed by the City the following Monday. Whenever any of the above listed holidays falls on a Saturday, the preceding Friday shall be observed by the City as a holiday. Employees working in divisions that normally operate on holidays shall observe the actual holiday.

20.4 Observance of Christmas Eve. Christmas Eve shall be observed on December 24th, or as outlined in Section 20.3, except if December 24th falls on a Wednesday, then the holiday would be observed on December 26th. If Christmas Eve falls on a Friday, then the holiday would be observed on December 23rd, and if it falls on a Sunday, then the holiday would be observed on December 22nd.

20.5 Working on a Holiday. Employees who may be required to work on holidays, or days observed in lieu of those holidays, shall receive compensation for time worked at the premium overtime rate, as described in Policy 16, Premium Pay and Compensatory Time-Off, in addition to eight hours of holiday pay.

20.6 Holidays on Flex Days. Employees working an alternative workweek schedule shall receive eight hours of holiday compensatory time for each holiday occurring on a Flex Day.

Reference

Policy 16, Premium Pay and Compensatory Time-Off

POLICY 21

ALTERNATIVE WORKWEEKS

Policy Statement

The City provides alternative workweek scheduling to employees to reduce the number of vehicles driven to the worksite.

Definitions

Flex Day: A regularly scheduled non-working day, resulting from participation in the 9/80 alternative workweek plan.

4/10 Plan: An alternative workweek plan, in which employees work four, ten-hour days, totaling 80 hours worked in the pay period.

5/8 Plan: A traditional workweek, in which employees work five, eight-hour days per workweek, totaling 80 hours worked in the pay period.

9/80 Plan: An alternative workweek plan, in which employees work eight, nine-hour days, one eight-hour day, and have one Flex Day per pay period, totaling 80 hours worked in the pay period.

Policy

21.1 Eligibility. Eligibility for individual work schedules to participate in the alternative workweek shall be based on department needs and determined by the Department Head. Only full-time employees shall be eligible to participate in the alternative workweek.

21.2 Participation in Alternative Workweek. Employees in positions eligible for the alternative workweek are encouraged to participate. If participation in the alternative workweek would cause a hardship, employees may be excused from participation. Employees not participating in the alternative workweek shall be on the 5/8 plan.

21.3 Selection of Flex Day. Employees working on the 9/80 plan are assigned a Flex Day by the Department Head, which shall not vary from the assigned day. The Flex Day may occur on Monday, Tuesday, Thursday, or Friday; however, once a Flex Day is scheduled it is considered to be permanent and ongoing and may not be varied.

21.4 Holidays on Flex Days. Employees will accrue eight hours of holiday compensatory time for each holiday that occurs on a Flex Day. Holiday compensatory time may be accumulated and used as paid time off under the same provisions as the use of annual leave described in Policy 27, Annual

Leave. Unused holiday compensatory time will be paid to the employee at the time of separation from employment.

21.5 Holidays on Working Days. As provided in Policy 20, Holidays, employees receive eight hours of holiday pay on defined City holidays. Should a holiday fall on an employee's scheduled nine-hour workday, one hour of annual leave, compensatory time, or holiday compensatory time, will be charged to provide full pay for the pay period.

21.6 Paid Time Off. Employees shall charge the amount of paid time off necessary to account for the number of hours in the regular daily work schedule, when utilizing annual leave, compensatory time, or holiday compensatory time for days off. For example, an employee shall charge nine hours on a nine-hour day, eight hours on an eight-hour day, etc. If no leave time is available the employee will be on leave without pay.

21.7 Cancellation of Alternative Workweek. Individual alternative workweek schedules may be revoked and the employee returned to the 5/8 plan if service delivery, productivity, or overtime needs require.

21.8 Jury Duty on Flex Days. As a Flex Day is a regularly scheduled non-working day, the City shall not compensate employees serving jury duty on their Flex Days, as described in Policy 30, Jury and Witness Duty.

References

Policy 20, Holidays
Policy 27, Annual Leave
Policy 30, Jury and Witness Duty

POLICY 22

SERVICE AWARDS

Policy Statement

The City presents awards to employees in recognition and appreciation of service to the City of Simi Valley.

Definition

Years of Service: All continuous Regular Status service to the City. Temporary or Limited-Term Status employment that immediately precedes Regular Status employment will be considered continuous service toward eligibility for service awards.

Policy

22.1 Service Awards. Pins or the equivalent shall be presented to Regular Status employees upon the actual unadjusted anniversary of their service in five-year increments (after five years, ten years, fifteen years, etc.).

22.2 Presentation of Service Awards. Employees receiving service awards in recognition of fifteen or more years of service may be presented with the award at a City Council meeting, if the employee desires such a presentation. Presentations will occur at the first convenient Council meeting following the employee's actual anniversary date.

22.3 Lost Service Awards. Lost service awards will not be replaced by the City.

22.4 Plaques. Plaques may be presented to an employee in recognition of a special accomplishment or at the time of their separation from employment. To be eligible for a plaque, an employee must have performed exemplary service for the City. Awarding of plaques is subject to City Manager approval.

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POLICY 23

EMPLOYEE ASSISTANCE PROGRAM

Policy Statement

The City of Simi Valley recognizes that employees' personal issues may impact their effectiveness on the job and provides an Employee Assistance Program (EAP). The purpose of the EAP is to provide confidential, professional assistance to help employees and their families in resolving issues that affect their personal lives or job performance, including marital difficulties, financial, family, or legal problems, emotional difficulties, or problems caused by alcohol or substance abuse.

Definition

Last Chance Agreement: A written agreement between the City and an employee when the employee is being disciplined or considered for termination from employment.

Policy

23.1 Eligibility. All employees and their household members are eligible to participate in the EAP. "Household members" includes anyone living in the employee's house and can include domestic partners, grandparents, siblings, or grandchildren.

23.2 Right to Confidentiality. Individual rights to confidentiality and privacy will be assured in the same manner as any other personal health record. No confidential records will be released without the expressed written permission of the employee, or as required by law.

23.3 EAP Services. The EAP is a service offered to the employee for short-term counseling. If further help is indicated, the EAP will refer the employee to an alternative resource.

23.4 Request for Assistance. A supervisor, family member, Human Resources, or union representative may encourage the use of the EAP when a performance problem occurs. Referrals do not replace disciplinary action, but are intended to provide support services and help with personal problems that may be adversely affecting job performance.

23.5 Responsibility to Seek Assistance. It is the responsibility of each employee to seek assistance from the EAP before alcohol abuse, substance abuse, or other personal problems negatively impact job performance. An employee's decision to seek assistance from the EAP will not be used as the basis for disciplinary action and will not be used against the employee in any disciplinary proceedings. No employee will have either job security or promotional opportunities jeopardized by a request for treatment. Once a policy violation occurs, subsequent use of the EAP on a voluntary basis will not necessarily lessen

disciplinary action nor will a request for assistance increase the level of discipline.

23.6 Employee Decision to Accept or Request EAP Referral. The decision to request or accept a supervisor's referral for diagnosis and treatment is voluntary and the personal responsibility of the employee, except where such referral is part of a disciplinary action or a Last Chance Agreement.

23.7 Attending EAP. Participation in EAP during work hours is considered an absence and requires the use of annual leave. Employees participating in group training or team-building, which is conducted during regular business hours, will not be required to use annual leave.

23.8 Requirement to Utilize EAP. Use of the EAP shall be voluntary, except where mandatory participation is agreed to as part of a Last Chance Agreement or disciplinary action. Under a Last Chance Agreement, the employee agrees to participate in certain rehabilitation efforts on the condition that if the employee drops out of the program, or fails to solve the problem, the City will reinstate the original plans for disciplinary action, up to and including termination.

Reference

Policy 31, Disciplinary Action

POLICY 24

TUITION REIMBURSEMENT

Policy Statement

It is the policy of the City to improve services by encouraging employees to continue their educational development. The intent of this policy is to improve the technical, managerial and personal competency of all employees.

Definitions

Coursework: Class work that is work-related or degree-directed and provides the equivalency of three semester credits or units.

Successful Completion: A passing grade of "C" or better, or a certificate of completion, if the course or training does not provide credit.

Books and Fees: Reimbursement for the purchase of required textbooks, student fees, and laboratory fees.

Scholastic Incentive: A payment of $50 for an academic course or training that is job-related and provides the equivalency of three semester credits or units.

Professional Development: Renewal of, or continuing educational units (CEU's) required to maintain, all required or management approved certificates and licenses from any state accredited or industry-recognized online educational institution.

Policy

24.1 Approved Reimbursements. The City provides reimbursement for the cost of tuition, books and fees, provides Scholastic Incentive, or Professional Development, up to the maximum available established in the current Memorandum of Agreement (MOA). Reimbursements will be paid upon successful completion of coursework and approval by Human Resources. Determination of the applicable fiscal year will be based upon the ending date of the class. Regular Status part-time employees will receive a pro-rated reimbursement based on their part-time schedule.

24.2 Course Eligibility. Coursework must be work-related or degree-directed, where the degree will provide promotional opportunities, as determined by the Department Head and Deputy Director/Human Resources. Class time must not interfere with the employee's normal duties or regular work hours.

24.3 Approval Process. Employees shall complete a Tuition Reimbursement Form and submit it to the Department Head, who shall forward it to Human Resources. The form must be received in Human Resources prior to the beginning of class.

If the course is not completed in the time period specified on the Tuition Reimbursement Form, re-approval will be necessary to take the same course at a later date.

24.4 Employee Eligibility. To be eligible to submit a request for Tuition Reimbursement, an employee must be appointed to a full-time or part-time regular position and occupy it for at least 120 days. Coursework must start after the 120th day of employment, except as stated in Section 24.5 for required certifications.

24.5 Required Certifications. Notwithstanding Section 24.4, probationary employees in classifications requiring certifications prior to completing probation are eligible to participate in the Tuition Reimbursement program upon date of hire into a full-time Regular Status position, provided such certifications otherwise qualify for Tuition Reimbursement as defined in this policy. Such probationary employees who separate from the City within the first 120 days of employment will be required to repay the City for any Tuition Reimbursement funds paid to them.

24.6 Payment of Approved Reimbursements. Proof of successful completion of coursework must be obtained and submitted with proof of payment for all tuition, fees, and books, to the Human Resources Division within 60 days after the last day of the course. All payments are subject to final authorization of funds by the City Manager.

24.7 Accredited Institutions. Tuition reimbursement will be paid only for coursework from institutions if they have received accreditation from one of the following regional accrediting bodies: Middle States Association of Colleges and Schools, New England Association of Schools and Colleges, North Central Association of Colleges and Schools, Northwest Commission on Colleges and Universities, Southern Association of Colleges and Schools, the Western Association of Schools and Colleges, or any other accreditation institution recognized by the US Department of Education.

Policy Revised 4/21/14

POLICY 25

EMERGENCY ANNUAL LEAVE ASSISTANCE

Policy Statement

To offer assistance upon death or serious illness of an employee or dependent, the City Manager may authorize an emergency annual leave donation or cash-out opportunity.

Definition

Serious Illness: An illness or injury that is anticipated to be terminal, or will incapacitate the employee or dependent for an extended period of time.

Policy

25.1 Eligibility. To be eligible for assistance, the employee must be a Regular Status employee and must be designated by the City Manager as a recipient of the benefit.

25.2 Requesting Assistance. Any employee may request assistance for themselves or another employee. Such requests shall be directed to the Department Head who will determine the employee's eligibility and confirm the employee's interest in receiving the benefit. The Department Head will inform the Deputy Director/Human Resources of the request. The Deputy Director/Human Resources will forward the request to the City Manager for approval.

25.3 Approval. Application of this policy is on a case-by-case basis and at the discretion of the City Manager.

25.4 Authorization of Annual Leave Conversion. Upon approval of assistance, the City Manager will authorize either an annual leave conversion to cash or annual leave transfer opportunity.

25.4.1 Conversion to Cash. If the annual leave donation is to be converted to cash, the entire proceeds of the annual leave donation, less taxes, will be placed in an account payable to the designated employee or dependents. The donated annual leave will be converted to cash at the donor's rate of pay and State and Federal taxes will be deducted from the donor before being placed into the recipient's account.

25.4.2 Transfer to Annual Leave Bank. If the donation is to be a transfer of annual leave time, all annual leave hours will be transferred on an hour-for-hour basis and will be placed into the designated employee's annual leave bank.

25.5 Conversion Requirements. An employee's decision to donate annual leave for emergency assistance is strictly voluntary. The minimum amount of annual leave that may be donated is one hour. There is no restriction as to the maximum number of hours that may be donated. Annual leave converted for emergency assistance will not be counted toward the donor's maximum total annual leave conversion for the fiscal year.

Reference

Policy 27, Annual Leave

POLICY 26

DISABILITY RETIREMENT

Policy Statement

An employee with a minimum of five years of California Public Employees' Retirement System (PERS) service, or the City on behalf of the employee, may submit an application for disability retirement when it has been determined the employee is substantially incapacitated and unable to perform the essential functions of the position, either with or without reasonable accommodation. An application for disability retirement may also be submitted if the employee is unable to work due to an extended leave of absence.

Policy

26.1 Application for Retirement. In coordination with the "interactive process", as described in Policy 46, Disability and Reasonable Accommodation, the City or the employee may initiate an application for disability retirement. Employees applying for disability retirement should complete a PERS disability retirement application form, send the original to PERS, and submit a copy, along with any accompanying documents, to the Deputy Director/Human Resources.

26.2 City-Initiated Application. If the City initiates an application for disability retirement, the Deputy Director/Human Resources or designee, in conjunction with the department, will advise the employee of retirement options and the process involved.

26.2.1 Notice of Intended Action. Prior to the City submitting a disability retirement application to PERS, the employee shall be given at least five working days written notice of the intended disability retirement. Such notice will inform the employee of the right to union representation and of the right to respond to the employee's Department Head.

26.2.2 Review of Intended Action. Following the employee's response, if any, the Department Head shall proceed to confirm or decline, in writing, the intended application for disability retirement. If the intended action is to proceed with the disability retirement application, the employee is entitled to appeal the action to the City Manager before final documents are authorized. The City Manager, as the authorized signatory for City-initiated disability retirement applications, has final authority for PERS submittals.

26.3 Final Determination. In all cases, after submittal to PERS, PERS has final authority in approving or denying an application for disability retirement. Employees may be entitled to appeal retirement disability decisions made by PERS, pursuant to PERS procedures.

Reference

Policy 46, Disability and Reasonable Accommodation

POLICY 27

ANNUAL LEAVE

Policy Statement

Regular Status employees shall accrue paid time off, called annual leave, to be used for absences due to vacation, illness, bereavement, doctors' appointments, dependent care, school visits, and other personal reasons. Eligible employees may accrue such paid leave for future use, or may convert accumulated annual leave to salary compensation under this policy.

Policy

27.1 Scheduling and Approval. Annual leave shall be scheduled in advance by the employee whenever unrelated to illness, and use is subject to approval by the Department Head or his/her designee. It is the responsibility of the employee to provide the supervisor or Department Head with notice of an absence, as indicated in 27.1.1 below, using an Annual Leave Request Form. The Department Head shall have the authority to approve or deny the use of annual leave for any period of absence unrelated to illness or injury. The scheduling of the use of annual leave shall be by the Department Head with due regard to the wishes of the employee and the needs of the City. The existence of annual leave shall not be a presumption of approval of its use.

27.1.1

Length of Time Off Requested	Length of Notice Required	Length of Time for Supervisor Response
Three (3) Days or Less	At Least Five (5) Business Days	Up to Five (5) Business Days (from the date submitted)
More than Three (3) Days	At Least ten (10) Business Days	Up to Ten (10) Business Days (from the date submitted)

27.2 Verification of Illness. Employees who are off work due to illness or injury for one day or more may be required to provide certification from a physician as to the absence in consultation with Human Resources.

27.3 Accrual Rates. Employees shall accrue annual leave at the beginning of each pay period in the following manner:

27.3.1 Less Than Five Years of Service. Regular Status full-time employees who have completed less than five years of service shall accumulate 6.61 hours of annual leave per pay period.

27.3.2 Five or More Years of Service. Regular Status full-time employees who have completed five or more years of service shall accumulate 8.15 hours of annual leave per pay period.

27.3.3 Part-Time Employees. The accrual of annual leave for Regular Status part-time employees shall be based upon years of service and prorated based on the number of hours worked.

27.4 Advance to New Hires. Upon hire, new Regular Status employees shall be granted 48.90 hours of annual leave accumulation. Such employees shall not accumulate additional annual leave until completing three months of continuous service. If a new employee terminates during the first three months of employment, annual leave accumulations shall be adjusted to the actual amount that would have accumulated in the time actually worked. If the employee's use of annual leave during the term of employment exceeds the adjusted accumulation amount, the employee shall refund to the City an amount equal to the excess hours multiplied by the employee's hourly salary compensation rate.

27.4.1 Advance Upon Return From Leave. Employees who have no remaining annual leave balance who are returning from a Leave of Absence without pay of 30 calendar days or more due to a disability, shall be eligible to receive an advance of annual leave under the same provisions as new employees. Such advance shall be made only once during employment with the City. Requests for such advance shall be made in writing to the Deputy Director/Human Resources.

27.5 Maximum Accumulation. The maximum accumulation of annual leave shall be 500 hours. If an employee has accumulated the maximum number of hours, accumulation of annual leave will be discontinued. Accumulation shall begin again on the first day of the pay period following a reduction in the balance of accumulated annual leave below the maximum.

27.6 Conversion to Salary Compensation. Employees shall be allowed to convert annual leave accumulations to cash compensation, at the employee's then current rate, at two separate opportunities during the fiscal year. The two opportunities shall occur in December and July of each year, unless other dates are determined by the City Manager. Additional conversions also may be authorized by the City Manager under Policy 25, Emergency Annual Leave Assistance.

The maximum number of hours that may be converted in a fiscal year is 100 hours. The minimum conversion is 8 hours. Only employees with one or more years of service with the City as of the date of the conversion may convert annual leave to cash compensation.

27.7 Payment of Annual Leave Upon Separation. Employees separating from employment with the City shall be paid for the entire balance of annual leave. Compensation shall be paid in the final paycheck in one lump sum, at the

employee's then current rate. Annual leave shall not be used to extend an employee's actual date of separation.

27.8 Use of Annual Leave During Leave of Absence. An employee's annual leave shall be used each pay period, to the extent available, during a Leave of Absence, unless a written request stating that it not be used, or used only partially, is received by Human Resources in advance of the absence, as described in Policy 28, Leaves of Absence. Retroactive adjustments will not be made. The accrual rate of employees paid less than 80 hours per pay period will be prorated based on the number of hours the employee is actually paid.

27.9 Denial of Leave. Any employee requesting time off in writing will be formally notified in writing of a denial or approval before the date of the time off requested.

References

Policy 25, Emergency Annual Leave Assistance
Policy 28, Leaves of Absence

Policy Revised 4/21/14

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POLICY 28

LEAVES OF ABSENCE

Policy Statement

With the exception of approved vacations, an employee absent from work for more than five consecutive working days or for qualified intermittent absences, shall be considered to be on a Leave of Absence as described in this policy. All Leaves of Absence are subject to approval by the City Manager.

In accordance with the Family and Medical Leave Act (FMLA), California Family Rights Act (CFRA), and the California Pregnancy Disability Leave law, the City will provide family and medical care leave for eligible employees.

Definitions

Twelve (12) Month Period: A rolling twelve-month period measured backward from the date leave is taken and continuous with each additional leave day taken.

Child: A child under the age of eighteen (18) years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee's child is one for whom the employee has actual day-to-day responsibility for care and includes a biological, adopted, foster, step child, or the child of a registered domestic partner.

Serious Health Condition: An illness, injury, impairment, or physical or mental condition that involves: any period of incapacity or treatment in connection with or in consequence to an in-patient care (i.e., overnight stay) in hospital, hospice or residential medical care facilities; any period of incapacity that also involves continuing treatment by (or under the supervision of) a health care provider; or continuing treatment by (or under the supervision of) a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity; or pre-natal care by a health care provider.

Parent: The biological parent of an employee or an individual who stands or stood in place of a parent when the employee was a child. This term does not include parents-in-law.

Spouse: A husband or wife as defined or recognized under California State law for purposes of marriage.

Domestic Partner: Eligible and registered individuals who are at least 18 years of age, and either of the same sex or one or both are age 62 and entitled to Social Security.

Health Care Provider: A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State of California; individuals duly licensed as a physician,

surgeon, or osteopathic physician or surgeon in another state or jurisdiction, including another country, who directly treats or supervises treatment of a serious health condition; podiatrists, dentists, clinical psychologists, optometrists, nurse practitioners and nurse-midwives, clinical social workers, and chiropractors authorized to practice in California and performing within the scope of their practice as defined under California State law; or any health care provider for whom an employer or group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits.

Paid Family Leave: Under the State of California Disability Program, Paid Family Leave (PFL) provides benefits for employees who take time off work to care for a seriously ill child, spouse, parent, or domestic partner, or to bond with a new child. Employees must be covered by State Disability Insurance (SDI) to be eligible. Benefits are based on the employee's past quarterly earnings.

Policy

Family Care or Medical Leave of Absence

28.1 Eligibility. To be eligible for a Family Care or Medical Leave of Absence, an employee must have been employed with the City for at least 12 months and for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave.

28.2 Qualifying Event. Eligible employees may be entitled to a Leave of Absence for the following reasons: the birth of a child or to care for a newborn of an employee; the placement of a child with an employee in connection with the adoption or foster care of a child; leave to care for a child, parent, spouse, domestic partner, or child of a domestic partner, who has a serious health condition; or leave because of a serious health condition that makes the employee unable to perform the functions of his/her position. Determination of a qualifying event is subject to review and approval by the Deputy Director/Human Resources.

28.3 Request for Leave. A Personnel Action Form, along with a Leave of Absence Request form, must be submitted to Human Resources by the Department Head for all Leaves of Absence other than those for vacation purposes.

28.4 Notification for a Leave of Absence. Although the City recognizes that emergencies arise which may require employees to request immediate leave, employees are required to give as much notice as possible of their need for leave. If a leave is foreseeable, at least 30 days notice is required. If an employee knows that he/she will need leave in the future, but does not know the exact date(s) (e.g., for the birth of a child or to care for a newborn), the employee shall inform his/her supervisor as soon as possible that such leave will be needed.

28.5 Amount of Leave. Eligible employees are entitled to a total of 12 workweeks of leave during any 12-month period.

28.5.1 Birth or Adoption of a Child. If leave is requested for the birth, adoption, or foster care placement of a child of the employee, leave must be concluded within one year of the birth or placement of the child. An employee's entitlement to leave for the birth or placement of a child for adoption or foster care expires 12 months after the birth or placement.

28.5.2 Workers' Compensation. Leave provided under State Workers' Compensation laws are included as part of this policy.

28.6 Pregnancy Disability Leave. If an employee is disabled due to pregnancy, childbirth or related medical conditions, the employee is entitled to a Pregnancy Disability Leave of up to four months, depending on the period(s) of actual disability. If an employee is CFRA-eligible, the employee may have certain rights to take both Pregnancy Disability Leave and a CFRA leave after the birth of the child.

28.6.1 Concurrent Use of Leave Time. If an employee is eligible for FMLA leave because of a disability due to pregnancy, such leave runs concurrently with the employee's California Pregnancy Disability leave.

28.7 Health Benefits While on Leave. While on leave, an employee will continue to be covered by the City's group health, life, and dental insurance to the same extent that coverage is provided while the employee is on the job. An employee may make the appropriate contributions for continued coverage under the preceding benefit plans by payroll deductions or direct payments made to the City. If the employee fails to make timely payments for his/her portion of health plan premiums, the employee's insurance may be canceled. Employee contribution rates are subject to any change in rates that occurs while the employee is on leave. Employees on leave without pay will be eligible to receive the City-paid health insurance contribution for a maximum of twelve months.

28.8 Salary Compensation While on Leave. Leave under this policy is unpaid. However, employees may be eligible for paid leave under the State's Disability Insurance program (SDI) or the State's Paid Family Leave (PFL) program. In addition, while on leave an employee may elect to concurrently use leave balances that have accrued.

28.8.1 Employee's Right to Use Paid Accrued Leaves. When an employee has earned or accrued annual leave, holiday compensatory time, or other accrued leave balance, accrued paid leave may be substituted for all or part of any unpaid leave under this policy. Such leave balances will be used automatically each pay period, to the extent available, unless Human Resources is notified by the employee in writing, in advance, not to charge them, or to charge only partial amounts. Retroactive annual leave adjustments will not be approved.

28.9 City's Right to Require an Employee to Exhaust FMLA and CFRA Leave Concurrently. If an employee takes a leave of absence for any reason that is both FMLA and CFRA-qualifying, the City will designate the FMLA and CFRA leaves as running concurrently with the employee's 12-week leave entitlement.

28.10 City's and Employee's Rights if an Employee Requests Accrued Leave Without Mentioning Either the FMLA or CFRA. If an employee requests to utilize accrued vacation leave or other accrued paid time off without reference to an FMLA/CFRA-qualifying purpose, the City may not ask the employee if the leave is for an FMLA/CFRA-qualifying purpose. However, if the City denies the employee's request and the employee provides information that the requested time off is for an FMLA/CFRA-qualifying purpose, the City may inquire further into the reason for the absence within the limits of State and Federal law.

28.11 Medical Certification Required. When an employee's leave is foreseeable and at least 30 days' notice has been provided, if a medical certification is requested the employee must provide it before the leave begins. When this is not possible, the employee must provide the requested certification within the time frame requested by the City (which must allow at least 15 calendar days after the employer's request), unless it is not practical under the circumstances to do so despite the employee's diligent, good faith efforts.

28.12 Consequences for Failure to Provide an Adequate or Timely Certification. If an employee provides an incomplete medical certification, the employee will be given a reasonable opportunity to correct any such deficiency. However, if an employee fails to provide a medical certification within the time frame established by this policy, the City may delay the taking of FMLA/CFRA leave until the required certification is provided.

28.13 Option for Second Opinion. The City may require a medical opinion of a second health care provider chosen by the City. If the second opinion is different from the first, the City may require the opinion of a third provider jointly approved by the City and the employee. The opinion of the third provider will be binding.

28.14 Medical Certification Form. Medical certification forms for employees on a family care or medical leave of absence must contain specific information as described herein:

28.14.1 For Employee's Own Serious Health Condition. A medical certification form from the health care provider must include: (1) the date, if known, on which the serious health condition commenced; (2) the probable duration of the condition; (3) a statement that due to the serious health condition, the employee is unable to work at all or is unable to perform any one or more of the essential functions of his/her position; and (4) if FMLA leave is being taken on an intermittent or reduced schedule basis, a statement that it is medically necessary for the employee to be on

intermittent or reduced schedule leave and what the intermittent/reduced schedule leave will be.

28.14.2 For a Family Member With a Serious Health Condition. A medical certification form from the employee's family member's health care provider must contain the following information: (1) the date, if known, on which the serious health condition commenced; (2) the probable duration of the condition; (3) an estimate of the amount of time that the health care provider believes that the employee will need to care for the family member; (4) a statement that the serious health condition warrants the employee's participation to provide care; and (5) if FMLA leave is being taken on an intermittent or reduced schedule basis, a statement that it is medically necessary for the employee to provide care on an intermittent or reduced schedule basis and what the intermittent/reduced schedule leave will be.

28.15 Reinstatement Upon Return from Leave. Employees returning from an approved FMLA/CFRA family care, medical, or pregnancy disability leave of absence are entitled to be restored to the position they held when the leave commenced, or to an equivalent position, as follows:

28.15.1 Right to Reinstatement from Leave. Upon expiration of leave, an employee is entitled to be restored to the position of employment held when the leave commenced, or to an equivalent position for which the employee is qualified, with equivalent benefits, pay, and other terms and conditions of employment. An employee has no greater rights to reinstatement, benefits and other conditions of employment than if the employee had been continuously employed during the leave period.

28.15.1.1 Date of Reinstatement. If a definite date of reinstatement has been agreed upon at the beginning of the leave, the employee will be reinstated on the date agreed upon. If the reinstatement date differs from the original agreement between the employee and the City, the employee will be reinstated within two business days, where feasible, after the employee notifies the employer of his/her readiness to return.

28.16 Employee's Obligation to Periodically Report on His/Her Condition. Employees are required to periodically report on their status and intent to return to work. This will avoid any delays to reinstatement when the employee is ready to return.

28.17 Fitness-for-Duty Certification. As a condition of reinstatement of an employee whose leave was due to the employee's own serious health condition, which made the employee unable to perform his/her job, the employee must obtain and present a fitness-for-duty certification from the health care provider stating that the employee is able to resume work. Failure to provide such certification prior to resuming work may result in denial or delay of reinstatement.

28.18 Completion of Forms. Employees must fill out all applicable forms in connection with leave under this policy, including the following:

A. Leave of Absence Request form;

B. Medical certification, either for the employee's own serious health condition or for the serious health condition of a child, parent, spouse or domestic partner;

C. Authorization for payroll deductions for benefit plan coverage continuation; and

D. Fitness-for-duty to return from leave form.

28.19 Intermittent Leave. Employees may request the use of FMLA/CFRA qualified intermittent leave, consisting of a few days or hours at a time.

28.20 Disability Insurance. Employees on family care or medical leaves of absence may be eligible for a disability benefit under State Disability Insurance (SDI) or a paid family leave benefit under the State Paid Family Leave (PFL) program, as described in Policy 18, Benefits.

Non Family Care or Non Medical Leaves of Absence

28.21 Other Types of Leave. Employees may be eligible for other types of leaves of absence, upon approval, as follows:

28.21.1 Administrative. Includes paid time off, as determined by the City Manager, upon the recommendation of the Deputy Director/Human Resources, to maintain employee morale, safety, or workplace security, generally during an investigation of such issues involving the employee.

28.21.2 Education. Includes time off for attendance at college-related classes or training.

28.21.3 Vacation. Refer to Policy 27, Annual Leave, for additional information.

28.21.4 Military. Refer to Policy 29, Military Leave, for further information.

28.21.5 Work-Related Illness/Injury. Refer to Policy 45, Work-Related Injuries and Illness, for further information.

28.21.6 Personal. Includes any other absence for personal reasons not described by the above categories.

28.22 Unpaid Leave. An employee on an unpaid Leave of Absence shall receive no compensation and accumulate no annual leave or holiday compensatory time for the duration of his or her unpaid status.

28.23 Merit Review Date. The employee's anniversary date for purposes of merit review and service awards shall not be adjusted for the period of the Leave of Absence, whether paid or unpaid.

28.24 Extension of Leave. A leave of absence may be extended beyond the time originally requested provided that the total time absent meets the criteria for length of leave, as specified in this policy. In the event of the need for an extension, the employee must notify the supervisor, provide any necessary certifications, and be approved by the City Manager for an extension prior to expiration of the approved leave. Employees may be subject to discipline, up to and including termination, if not approved in advance for an extension of a leave of absence.

28.25 Returning from an Unpaid Leave. Employees returning from other types of leaves of absence, as described in 28.21, which were unpaid, shall be placed at the same point in the salary range as previously occupied, if returned to the same job classification.

28.26 Unable to Return to Duty. Employees unable to return to duty due to their own serious medical condition may be eligible for disability retirement, as described in Policy 26, Disability Retirement.

References

Policy 10, Reinstatement
Policy 18, Benefits

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POLICY 29

MILITARY LEAVE

Policy Statement

The City shall provide Military Leaves of Absence to employees called to military duty pursuant to Federal and State law.

Definitions

Active Duty Military Leave of Absence: An absence due to a reservist employee being called to active military duty during a period of armed conflict.

Temporary Military Leave of Absence: An absence not to exceed 180 days for the purpose of engaging in military training, encampment, naval cruises, special exercises, and like activities, or during a declared state of emergency.

Policy

29.1 Subject to Change. This policy is subject to change if mandated by changes in State or Federal laws.

29.2 Subject to M.O.A. If the provisions of this policy are in conflict with any Memorandum of Agreement, then the Memorandum of Agreement shall be controlling without further action.

29.3 Leave During Active Duty. Employees who are members of the military reserves or National Guard, and are ordered to active military duty during a period of armed conflict, shall be entitled to an Active Duty Military Leave of Absence.

29.3.1 Compensation During Leave. Regular Status employees who are ordered to active military service shall continue to receive their normal City compensation for the first 30 calendar days of any such absence. Upon day 31 of the Active Duty Military Leave of Absence Regular Status employees shall continue to receive their normal City compensation, less any military pay (base salary plus allowances, less Hostile Fire Pay), during the period of absence. Should the employee's military compensation meet or exceed City compensation, no salary continuation will be made.

29.3.1.1 Temporary Status Employees - Less than One Year of Service. Temporary status employees who are members of the National Guard with less than one of service with the City will receive their normal City compensation for the first 30 days of an active military absence. All other service, other than

National Guard service, is not eligible for continued compensation.

29.3.1.2 Temporary Status Employees – One or More Years of Service. Temporary status employees with at least one year of service with the City will receive their normal City compensation for the first 30 days of an active duty military absence.

29.3.2 Benefits During Leave. During an Active Duty Military Leave of Absence, the City will continue to provide benefits for Regular Status employees and covered dependents. Until the employee's return to City service, annual leave accumulation shall continue at the employee's accrual rate, up to a maximum accumulation limit in effect at the time the employee is called to active duty. All recognized military service shall be considered toward years of service with the City.

29.3.3 Service Credit. The City does not report retirement contributions to PERS for the supplemental pay employees receive while on an Active Duty Military Leave of Absence. In order to be eligible for military service credit, employees must complete an application with PERS upon return to employment.

29.3.4 Processing Payments. For those employees eligible for continued compensation, payment shall be made monthly upon the employee submitting a military Leave and Earnings Statement detailing the compensation made by the military. Continued compensation, beyond the military pay, is not considered regular wages; employees receiving continued compensation from the City will receive a Form 1099 for tax purposes.

29.3.5 Return from Active Duty. Employees returning from active military duty have up to six months from the time conflict ends to seek reinstatement from the City. Upon the employee's request for reinstatement, the City will promptly rehire employees returning from an active duty military leave. The employee shall have the same rights and privileges to promotion, continuance in office, employment, reappointment to office, or reemployment that the employee would have had if not absent. Any uncompleted probationary period must be completed upon reinstatement.

29.4 Leave During Temporary Military Leave of Absence. Employees who are in the military reserves or National Guard are entitled to Temporary Military Leaves of Absence for military training and/or if the Governor issues a State of Emergency.

29.4.1 Length of Leave. An employee is entitled to a Temporary Military Leave of Absence for a period of ordered duty not to exceed 180 calendar days, including time involved in going to and returning from that duty.

29.4.2 Compensation During Leave. An employee with at least one year of City service who is on a Temporary Military Leave of Absence shall receive normal City compensation for the first 30 calendar days of any such absence. An employee with six months to less than one year of City service shall receive normal City compensation for the first 15 calendar days of any such leave. All recognized military service shall be considered toward years of service with the City.

29.4.3 Benefits During Leave. During a Temporary Military Leave of Absence, the City will continue to provide benefits for the employee and covered dependents and the employee shall receive the same annual leave and holiday privileges. All recognized military service shall be considered toward years of service with the City.

29.4.4 Return from Temporary Military Leave. At the conclusion of military duty, an employee returning from a Temporary Military Leave of Absence shall have the right to be restored to his/her former position and the same rights and privileges to promotion, continuance in office, employment, reappointment to office the employee would have had if not absent, provided the following:

29.4.4.1 Leave Less than 31 Days. The employee reports to work no later than the beginning of the first full regularly scheduled work period on the first full calendar day following the completion of service.

29.4.4.2 Leave 31 to 180 Days. The employee submits an application for reemployment with the City no later than 14 days after the completion of service.

29.4.4.3 Probationary Period Completion. Any uncompleted probationary period must be completed upon the employee's reinstatement from a temporary military leave.

29.5 Other Military Leave. An employee absent from work for types of military duty other than the Military Leaves of Absence described in this policy shall be granted a Personal Leave of Absence, without pay, as described in the Leave of Absence policy. When the employee is released, separated or discharged from the military under conditions other than dishonorable, the employee may return to and re-enter their position within three months of termination of active service in the armed forces.

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POLICY 30

JURY AND WITNESS DUTY

Policy Statement

The City shall provide paid time off to Regular Status employees serving jury duty and witness duty, when witness duty is related to City business.

Definition

Normal Compensation: An employee's regular compensation, plus any eligible incentive and acting pay.

Policy

30.1 Salary During Service. In the event any Regular Status employee is duly summoned to any court to serve jury duty, or as a witness when witness duty is related to City business, the employee shall receive normal compensation for two weeks (10 days) per year, spent in the actual performance of such service. Employees required to serve longer shall continue to receive compensation, provided that the employee could not have reasonably known that jury service would extend longer, and took reasonable steps to avoid longer service. Volunteering for grand jury service is not covered under the provisions of this policy.

30.2 Alternative Workweeks. Flex Days provided under Policy 21, Alternative Workweeks, are regularly scheduled non-working days, and employees are ineligible for any compensation provided in this policy when an employee serves jury duty on regularly scheduled non-working days.

30.3 Repayment of Jury Fees. All fees, except mileage or subsistence allowances, received by the employee as a juror on a regularly scheduled workday shall be remitted to the Human Resources Division. Employees may retain fees for jury service taking place on their non-working days. The jury confirmation form provided by the County Clerk shall be submitted to Human Resources.

30.4 Repayment of Witness Fees. All witness fees, except mileage or travel expenses, received by an employee participating in a legal proceeding related to City business shall be remitted to the City. Employees serving as a witness should make a direct request to the process server to receive such fees. Employees may not claim travel expenses from the City when expenses are paid for by the summoning party.

30.5 Limitation on Witness Duty. Compensation for periods of witness duty shall not be provided when the employee is a plaintiff, petitioner, defendant or respondent, appellant or appellee in a court case unrelated to City business, or when the

employee has initiated litigation against the City. Payment for absences in such situations shall be covered under Policy 27, Annual Leave.

30.6 Shift Work. Employees assigned to a night work shift, and performing eight hours of jury service during the day, shall have their work schedule adjusted to a day shift for the affected day.

References

Policy 21, Alternative Workweeks
Policy 27, Annual Leave

POLICY 31

DISCIPLINARY ACTION

Policy Statement

The employment of all Regular Status employees who have completed the probationary period shall be conditioned on satisfactory work performance and conformance with City and Departmental rules and policies. All other employees shall work at the will and discretion of their respective appointing authority, and may be disciplined without right of appeal or discharged without cause. The provisions of this policy do not apply to those employees, except for the provisions of Section 31.9.1.

An appointing authority shall not discriminate on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identify, gender expression, age, sexual orientation, or military and veteran status when discharging their duty as an employee of the City.

Definitions

Administrative Leave: Includes paid time off, as determined by the City Manager, upon the recommendation of the Deputy Director/Human Resources, to maintain employee morale, safety, or workplace security, generally during an investigation, prior to implementing disciplinary action, or pending termination. Employees on Administrative leave are expected to be available by phone or report to work, if needed, at any time during their regularly scheduled work hours. Administrative Leave is not to be used for attending off-duty appointments/meetings or vacations. Employees on Administrative Leave who must attend an appointment or become unavailable for work due to a vacation must utilize available annual leave, compensatory time off, or leave without pay.

Dishonesty: Includes, but is not limited to, the falsification of records, fraud, misrepresentation in securing employment, or abuse of leave privileges.

Misconduct: Includes, but is not limited to, absence without authorized leave, job abandonment (absence without authorized leave for more than four consecutive work days); improper political activity or failure to file such reports as may be required by State or local laws or rules; failure to observe City or Department rules and regulations, negligent use, intentional misuse or unauthorized use of City tools, equipment, vehicles, materials, supplies, or property; fighting, horseplay, or causing altercations; actual or threatened violence towards others; possessing or bringing dangerous, illegal, or unauthorized firearms, weapons, drugs, alcohol, chemicals, or other materials onto City property; engaging in rude, offensive or discourteous conduct toward others; abusive or vulgar language; gambling; unauthorized departure from worksite; sleeping on duty; harassment or retaliation, as described in Policy 33, Harassment-Free Work Environment; and smoking in non-smoking areas.

Oral Reprimand: A verbal admonishment to an employee constituting a warning that the employee's performance or conduct is not satisfactory.

Written Reprimand: A formal written document outlining the employee's performance or conduct problems and constituting a warning of unsatisfactory behavior.

Policy

31.1 Cause for Disciplinary Action. The cause for disciplinary action, including but not limited to, reprimand, suspension, reduction in pay, demotion, or dismissal, may be, but not limited to, any one of the following charges as they relate to City employment: misconduct, incompetence, inefficiency, insubordination, dishonesty, mishandling of public funds, failure to observe City or Department rules or regulations, abandonment of job, illegal harassment or retaliation as described in Police 33 Harassment-Free Work Environment, or any other acts incompatible with public service.

31.2 Oral Reprimand. An employee may be subject to an oral reprimand for any of the reasons stated in Section 31.1. The fact of an oral reprimand shall be noted in the employee's personnel file.

31.3 Written Reprimand. An employee may be subject to a written reprimand for any of the reasons stated in Section 31.1. Written reprimands will be placed in the employee's personnel file. Employees shall be asked to sign any written reprimand to acknowledge that they have read it and are aware that it will be placed in their personnel file. If the employee refuses to sign, the refusal shall be noted on the reprimand. Counseling memoranda and written reprimands that are at least three (3) years old shall, at the request of the employee, be sealed. Sealed files will be temporarily removed from the employee's file immediately prior to anyone inspecting the employee's file, and can be reviewed only by the Deputy Director/Human Resources or City Manager. Periodic performance evaluations shall not be considered as a reprimand even if negative or detrimental comments or remarks are noted.

Employees may file a written response to a written reprimand. Such responses shall be submitted to the Department Head and a copy of such response shall be placed in the employee's official personnel file.

31.4 Suspension. An employee may be suspended without pay for any of the causes stated in Section 31.1.

31.5 Demotion/Reduction in Pay. An employee may be demoted or receive a reduction in pay for any of the causes stated in Section 31.1, and as described in Policy 12, Demotion.

31.6 Discharge. Department Heads, with review by the Deputy Director/Human Resources, may take action to discharge an employee assigned to their department based on one or more of the charges stated in this policy.

Probationary employees may be discharged at any time without cause, as provided in Policy 8, Probation. Probationary employees discharged without cause are not subject to the notice requirements or the appeal procedures set forth in this policy.

31.7 Administrative Leave. Employees may be placed on Administrative Leave for any reason. Employees who are placed on Administrative Leave are not authorized to access City facilities/worksites, computer systems, files, phone/e-mail systems, or any other work activity or location without prior authorization from their Department Head or Human Resources. Administrative Leave is not considered discipline.

31.8 Notice of Intended Action. Prior to taking any disciplinary action stated in Sections 31.4 through 31.6, an employee who has successfully completed the probationary period shall be given written notice of such intended action by the Division Head at least ten (10) working days prior to the effective date of the action, unless there is an urgent need for prompt disciplinary action or where delay would be contrary to public policy. The notice shall include the reasons for the action and a statement indicating that copies of materials or documents that are the basis of the action are attached. Such notice must also inform the employee of the right to respond prior to the effective date of the intended action, either orally or in writing, to the Department Head, and of the right to union representation.

31.9 Review of Intended Action. Following the employee's response, if any, the Department Head shall confirm or modify the intended disciplinary action. If the intended action becomes final, whether or not the employee responds to such notice, the employee is entitled to appeal the action pursuant to the procedures set forth in this policy. The procedures for review of an intended disciplinary action under this section are intended to meet the pre-disciplinary due process requirements of *Skelly* and other requirements of State law, and shall not be interpreted to extend rights in excess of those provided by *Skelly*.

31.10 Right to Appeal. Regular employees who are subject to the provisions of this policy shall have the right to appeal any action taken which results in the denial or loss of compensation or tangible fringe benefits as a result of action imposed for disciplinary reasons.

31.10.1 Name-Clearing Hearing. All employees who have been disciplined for a published reason, tending to stigmatize that employee such that finding future employment may become difficult or impossible, shall have the right to appeal for the purpose of clearing the employee's name.

31.11 Appeal Procedures. The following procedures shall be followed in the appeal of disciplinary action.

31.11.1 Request for Appeal. Any employee who is the subject of a disciplinary action stated in Section 31.7 has the right to appeal such action to the City Manager by filing a written request for appeal with the Deputy Director/Human Resources within fifteen (15) working days after the

effective date of the action. Failure to file the request for appeal within such time period shall constitute waiver of the employee's right to appeal the action taken by the Department Head.

31.11.2 Use of Alternate Hearing Officer. The hearing shall be before the City Manager unless either the City Manager or the employee requests that an Alternate Hearing Officer hear the appeal. The City Manager shall have five (5) working days from receipt of the official appeal requesting that he hear the case, to decide whether or not to participate.

31.11.3 Timing of Hearing. If the City Manager hears the appeal it must be held within 30 working days of receipt of the formal appeal by the Deputy Director/Human Resources. Written notice of the hearing shall be mailed to the employee no later than ten (10) working days before the hearing date.

31.11.4 Determination of Public or Private Hearing. The hearing shall be private unless the employee, at least five (5) days before the hearing date, files a written request with the Deputy Director/Human Resources that the hearing be public. However, notwithstanding a timely request for a public hearing, the Hearing Officer may order a portion of the hearing closed to the public if the Hearing Officer determines that certain evidence may tend to invade the privacy of others not a party to the discipline or if certain evidence may lead to charges which may subject a non-party to the hearing to discipline, ridicule, or undue embarrassment. At the request of either party, the Hearing Officer may exclude witnesses from the audience.

31.11.5 Responsibility of Hearing Officer. The Hearing Officer shall preside at such hearing, and within ten (10) working days of the conclusion of the hearing, determine whether to reverse any disciplinary action imposed by the Department Head; modify the disciplinary action by implementing a lesser or more severe penalty; or sustain the action of the Department Head. The Hearing Officer shall support the recommendation with appropriate findings resulting from the evidence submitted at the appeal hearing.

31.11.6 Selection of Alternate Hearing Officer. When the City Manager or employee decides that an Alternate Hearing Officer shall be utilized, selection of the Alternate Hearing Officer shall be by mutual consent.

The Deputy Director/Human Resources shall obtain a list of five qualified and available Hearing Officers from the State Mediation and Conciliation Service. An at-random selection shall be made between the City and the employee to determine which party shall remove the first person from the list. The parties shall alternately remove persons from the list until one person remains. The last remaining person shall be the Alternate Hearing Officer.

31.11.7 Responsibility of Alternate Hearing Officer. In cases where an Alternate Hearing Officer is utilized, the Alternate Hearing Officer shall, within 30 days of the conclusion of the hearing, make a recommendation to the City Manager for consideration. The City Manager may accept, reject or modify the Alternate Hearing Officer's recommendation. The City Manager's determination shall be final.

31.11.8 Expenses for Alternate Hearing Officer Services. In cases where the employee or the City Manager decides that an Alternate Hearing Officer shall preside over the hearing, the City and the employee shall each be responsible for one-half the costs associated with the services of the Alternate Hearing Officer.

31.11.9 Expenses for Recording Services. Hearings conducted under this section shall be recorded. A certified court reporter may, by mutual consent, be utilized for recording services. In such cases where court reporter services are utilized, the cost of using recorder services shall be shared equally between the City and the employee. Additional charges for transcription of the hearing record shall be the responsibility of the party that requests these services from the recorder.

31.12 Time Limits. Any time period specified in this policy may be extended by an equal amount of additional time by either party upon verbal or written notice. Further extensions to the specified time periods may be made upon mutual written consent of both parties and confirmation by the City Manager.

31.13 Representation. An employee may be represented in the appeals procedure by a representative of the employee's choice. The employee shall be present during all meetings and hearings contained in this policy. Failure to be present, unless authorized by the Hearing Officer, shall constitute a waiver of such hearing or appeal rights.

31.14 Employee Release Time From Regular Duties. If an employee remains employed with the City during the appeals process, the employee shall be granted release time from regular duties as necessary and reasonable for attendance at any meetings and hearings contained in the appeals process. Also, the employee's representative and witnesses who are employed by the City during this process shall be granted the same release time given to the employee.

References

Policy 8, Promotion
Policy 12, Demotion
Policy 33, Harassment-Free Work Environment

Policy Revised 4/21/14

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POLICY 32

GRIEVANCE PROCEDURE

Policy Statement

Grievance actions shall follow a series of steps. Grievances should be resolved informally at the supervisory level if possible. An employee may be accompanied and assisted by a representative of the employee's choosing during any step of the grievance procedure.

Definition

Grievable Issues: Employees have the right to present a grievance only in the following situations:

A. When employees feel they have been adversely affected by interpretation or application of the policies contained in the Employee's Manual.

B. When employees feel they have been adversely affected by interpretation or application of the City's Employer-Employee Relations Resolution.

C. When employees feel they have been adversely affected by interpretation or application of a Memorandum of Agreement between the City and an employee organization, except that disciplinary action for violation of the "No-Strike Clause" shall not be subject to the grievance procedure.

Policy

32.1 Grievance Procedure. The following series of steps provides a progressive procedure designed to resolve grievances at the lowest supervisory level consistent with justice, fair treatment, and administrative policy.

32.1.1 Step 1. It shall be the responsibility of the employee to promptly inform and discuss any complaint or grievance as defined in this policy with the immediate supervisor. If, after such discussion, the employee does not believe the grievance has been satisfactorily resolved, the employee shall proceed to Step 2 of the grievance procedure. All complaints or grievances shall be resolved in a timely manner. In order for a grievance to be considered as timely, it shall be brought to the immediate supervisor's attention within 21 calendar days following the act or occurrence upon which the alleged grievance is based. Where the grievance is based upon a recurring action, the grievance shall be brought to the supervisor's attention within 21 calendar days following the first instance of such recurring action.

32.1.2 Step 2. If the employee and immediate supervisor cannot satisfactorily resolve the complaint or grievance within ten (10) working days after it is brought to the supervisor's attention, the employee may file a written grievance concerning the matter with the Department Head. The employee shall clearly state the basis of the grievance, giving time, place, other persons involved, specific policy concerned, and other pertinent information. The Department Head shall, within five (5) working days after receipt of the written grievance, supply an answer in writing to the aggrieved employee, explaining the decision or proposed action.

32.1.3 Step 3. If the employee is not satisfied with the response of the Department Head, the employee may request that the City Manager review the grievance. The employee shall request such review within ten (10) working days after receiving the response from the Department Head. The City Manager shall consider the employee's written grievance, as submitted to the Department Head, and the Department Head's written response in reviewing the grievance. The City Manager or designee may request additional information or conduct additional research as appropriate. The City Manager shall release the results of the review within 15 working days after receiving the employee's request for such review. The results of the City Manager's review shall be final.

32.2 Time Off to Process Grievance. The employee shall be given time off with pay from regular duties, as determined to be necessary and reasonable by the Department Head, for the processing of a grievance.

32.3 Extension of Time Limits. The time limits specified in each step of the grievance procedure may be extended by an equal amount of additional time by either party upon verbal or written notice. Further extensions to the specified time periods may be made upon written mutual consent of both parties.

32.4 Failure to Appeal Within Time Limit. If the employee fails to file the grievance within the prescribed time limits, without waiver, the employee relinquishes the right to grieve. If management fails to respond to the prescribed time limits set out in the grievance procedure, without waiver, the grievance shall automatically proceed to the next step.

32.5 Representation at Hearings. Although an aggrieved employee may be assisted by a representative of the employee's choice, the employee shall be present personally and participate in the discussions and proceedings.

Reference

Policy 31, Disciplinary Action

Policy Revised 4/21/14

POLICY 33

HARASSMENT-FREE WORK ENVIRONMENT

Policy Statement

The City is committed to providing a work environment free of discriminatory harassment. This policy defines discriminatory harassment and sets forth a procedure for the investigation and resolution of complaints of such harassment by or against any employee or applicant or from a person providing contract services.

Discriminatory harassment violates this policy and will not be tolerated. Discriminatory harassment of an applicant, employee, or person providing contract services includes harassment based on actual or perceived race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identify, gender expression, age, sexual orientation, or military and veteran status. It is also improper to retaliate against any individual for making a complaint of discriminatory harassment or for participating in a harassment investigation. Retaliation constitutes a violation of this policy.

This policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities, and compensation.

By definition, sexual harassment is not within the course and scope of an individual's employment with the City. Employees who violate this policy may be subject to disciplinary action up to and including termination.

Definitions

Harassment can consist of any form or combination of verbal, physical, visual, or environmental conduct. It need not be explicit, or even specifically directed at the victim. Sexually harassing conduct can occur between people of the same or different genders.

Harassment: Includes, but is not limited to, the following misconduct:

> Physical: Inappropriate or offensive touching, assault, or physical interference with free movement when directed at an individual on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identify, gender expression, age, sexual orientation, or military and veteran status. This may include, but is not limited to, kissing, lingering or intimate touching, grabbing, massaging, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling, or sexual gestures.
>
> Verbal: Inappropriate or offensive remarks, slurs, jokes, or innuendoes based on race, religious creed, color, national origin, ancestry, physical disability, mental

disability, medical condition, genetic information, marital status, sex, gender, gender identify, gender expression, age, sexual orientation, or military and veteran status. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status, pregnancy or sexual orientation, unwelcome flirting or propositions, demands for sexual favors, verbal abuse, threats or intimidation of a sexual nature, or sexist, patronizing, or ridiculing statements that convey derogatory attitudes about a particular gender.

Visual or Written Harassment: The display or circulation of offensive or derogatory or visual or written material related to race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identify, gender expression, age, sexual orientation, or military and veteran status. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics, or electronic media transmissions.

Environmental: A work environment that is permeated with sexually-oriented talk, innuendo, insults, or abuse not relevant to the subject matter of the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements. An environment may be hostile if unwelcome sexual behavior is directed specifically at an individual or if the individual merely witnesses unlawful harassment in his or her immediate surroundings. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's work.

Retaliation: Taking action against an employee as a result of that person filing a compliant, testifying in an investigation, or having similar involvement in an authorized investigation. Retaliation may include, but is not limited to, singling an employee out for harsher treatment; lowering a performance evaluation or withholding pay increases; failing to promote; assigning more onerous work; abolishing a position; or demoting or discharging an employee.

Romantic or Sexual Relationships: Romantic or sexual relationships between supervisors and employees that have a direct reporting relationship are discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships. The relationship may create an appearance of impropriety and lead to charges of favoritism by other employees. A welcomed sexual relationship may change; with the result that sexual conduct that was once welcome becomes unwelcome and harassing.

Policy

33.1 Prohibited Supervisory or Managerial Behavior. No supervisor, manager, or other authority figure may condition any employment, employee benefit, or

continued employment in the City on an applicant's or employee's acquiescence to any of the behavior defined above.

33.1.1 Retaliation. No supervisor, manager, or other authority figure may retaliate against any applicant or employee because that person has opposed a practice prohibited by this policy or has filed a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing conducted by an authorized investigator.

33.1.2 Evidence. No supervisor, manager, or other authority figure shall destroy evidence relevant to an investigation of harassment and/or discrimination.

33.2 Behavior Prohibited by All Persons. No supervisor, manager, or any other person employed by the City shall create a hostile or offensive environment for any other person by engaging in any discriminatory harassment or by tolerating it on the part of any employee. No supervisor, manager, or any other person employed by the City shall assist any individual in doing any act that constitutes discriminatory harassment against any employee of the City.

33.3 Obligations of Supervisors/Managers. Supervisors and managers will report to Human Resources any evidence of discriminatory harassment or complaints regarding harassment made to them.

33.3.1 Policy Dissemination. A copy of this policy will be provided to all employees of the City, displayed in prominent locations throughout the City, and in any publication of the City that sets forth the comprehensive rules, regulations, procedures, and standards of conduct for the City.

33.3.2 Notification of Procedures. The City will periodically notify employees of the procedures for registering a complaint, as well as available redress. Such notification shall occur through the normal channels of communication.

33.3.3 Filing Formal Claims. Human Resources will make available information from the Department of Fair Employment and Housing and the Equal Employment Opportunity Commission about filing claims of discriminatory harassment with these entities.

33.3.4 Training. Employees of the City will receive periodic training on the policy.

33.4 Obligations of All Employees. All employees shall report any conduct that fits the definition of discriminatory harassment to their immediate supervisor, Human Resources or other appropriate authority. This includes conduct of non-employees, such as sales representatives or service vendors, or harassing conduct toward such contractor.

33.4.1 Observed Harassment. All persons will report to their supervisor, manager, or Human Resources any instances of discriminatory harassment that they have directly observed, whether or not reported by the employee who is the object of the harassment.

33.4.2 Reporting Harassment. Under no circumstances will an employee of the City, who believes that he or she has been the victim of discriminatory harassment, be required to first report that harassment to a supervisor or other authority figure if that person or other authority figure is the individual who has done the harassing.

33.4.3 Evidence. No person shall destroy evidence relevant to an investigation of harassment and/or discrimination.

33.5 Investigative/Corrective Actions. Human Resources will authorize or conduct the investigation of an incident of alleged discriminatory harassment reported to them. The investigation will be conducted in a way that insures, to the extent feasible, the privacy of the parties involved. The person designated to investigate will report in writing the results of any investigation to Human Resources.

33.5.1 Compliance with Investigations. All employees shall cooperate with any investigation of an alleged act of discriminatory harassment and/or discrimination conducted by the City.

33.5.2 Confidentiality. All supervisors, managers, and other persons involved are required to maintain confidentiality to the extent possible in investigating any claims of alleged harassment.

33.5.3 Follow-Up. All supervisors or managers will follow up on any reported incident of discriminatory harassment to determine whether the victim has been subject to any further prohibited conduct.

33.5.4 Discipline. Any disciplinary action taken by any supervisor or manager resulting from the findings of an investigation will be decided in accordance with City policy and after consultation with Human Resources.

Reference

Policy 31, Disciplinary Action

Policy Revised 4/8/14

POLICY 34

ACCEPTANCE OF GIFTS

Policy Statement

Employees of the City of Simi Valley shall not accept gifts having more than a nominal value.

Definitions

Gift: All forms of entertainment, travel or hotel accommodations, alcoholic beverages, cash, checks, merchandise, gift certificates, loans of equipment, or waiver of charges for food.

Nominal Gifts: Promotional items of minimal value such as calendars, note pads, pens or pencils, and similar items.

Policy

34.1 Acceptance of Nominal Gifts. All employees may accept only nominal gifts, as determined by the Department Head.

34.2 Response to Offer of Non-Nominal Gift. If an employee is offered a gift, the employee shall refuse it and either return it to the giver or donate it to charity. In all cases, the employee shall inform the gift's giver that City policy prohibits acceptance of gifts.

34.3 Notification of Offered Gift. The employee shall inform the Department Head of the offer and disposition of any gift. The Department Head shall notify the City Manager of all such cases.

34.4 Policy Violation. Violation of this policy may result in disciplinary action.

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POLICY 35

DRUG-FREE WORKPLACE

Policy Statement

The purpose of this policy is to assure a work environment that is free from the possession, sale and/or use of alcohol, illegal drugs or controlled substances. Pursuant to the Drug-Free Workplace Act of 1988, or other applicable law, this policy emphasizes the rehabilitation of those employees who abuse alcohol, legal or illegal drugs, or controlled substances.

Definitions

Alcohol: Includes spirits, liquor, wine, beer, and every liquid or solid that contains 0.5% or more alcohol by volume and is fit for beverage purposes, whether alone or combined with other substances.

Chain of Custody: The protocol to be followed when submitting specimens for chemical testing.

Chemical Testing: The examination of breath, urine, or blood to determine if a person has used prohibited substances.

Controlled and Covered Substances: A drug substance or immediate precursor which is listed in any schedule in the California Health and Safety Code. Includes, but is not limited to, alcohol, marijuana, heroin, hashish, cocaine, hallucinogens, "crack" cocaine, depressants, stimulants, or any drugs or controlled substances not prescribed by a medical doctor and used in a manner inconsistent with recognized medical procedures.

Drug or Substance: Any drug or substance that can negatively affect work performance.

Fitness for Duty: An individual's ability to perform assigned duties free from impairment due to the use of prohibited substances.

For Cause or Reasonable Cause: Facts, circumstances, performance, physical evidence, physical signs and symptoms, or a pattern of performance and/or behavior that would cause a person to reasonably conclude that an employee may be under the influence of or intoxicated by a prohibited substance.

Intoxicated or Under the Influence: Being affected by a prohibited substance which noticeably impairs physical coordination, balance and control, or noticeably impairs mental functions or judgment, decision making, memory, concentration, and cognitive problem solving.

Last Chance Agreement: A written agreement between the City and an employee, when the employee has the potential of being disciplined or terminated, in which the employee agrees to participate in certain rehabilitation efforts on the condition that if the employee drops out of treatment, or fails to solve the drug or alcohol problem, the City will reinstate plans for discipline, up to and including termination.

Legal Drugs: Includes prescribed drugs and over-the-counter drugs that have been legally obtained and are being used for the purpose for which they were prescribed or manufactured.

Objective Symptoms: Manifestations of the effects of drugs or alcohol, as further defined under "Reasonable Suspicion" below.

Positive Results: The qualitative identification of a prohibited substance in a breath, urine, or blood sample utilizing standards admissible in a California court of law.

Prohibited Substances: Any alcohol, drug, or substance defined in this Policy.

Reasonable Suspicion: A belief based on objective and specific facts that would cause a reasonably prudent person to suspect that an employee is under the influence of drugs or alcohol. Any of the following, alone or in combination, may constitute reasonable suspicion: blood shot eyes, slurred speech, alcohol odor on breath, unsteadiness in walking, an accident involving employer property, aggressive or violent behavior which is so unusual that it warrants summoning a supervisor, manager or someone else for assistance; possession of substances in violation of this Policy; and/or reliable information obtained from a person with personal knowledge.

Split Sample: A test sample that is divided into portions for use in an independent testing of positive samples.

Policy

35.1 Policy Prohibitions. The unlawful manufacture, distribution, dispensing, possession, sale, use, and/or transportation of narcotics, drugs, controlled substances, or alcoholic beverages by employees while on duty, driving a City vehicle or on City property is illegal and forbidden. Further, no employee shall report to work under the influence of narcotics, drugs, controlled substances, whether prescribed or not, alcohol, or any other substance which may impair the employee's ability to perform the job in a safe and efficient manner. Violation of this Policy may result in disciplinary action, up to and including termination, even for a first offense. However, reasonable efforts at rehabilitation will be offered to encourage employees to remain active and productive members of the City's workforce.

Employees are responsible for maintaining a work environment free from the adverse effects of alcohol and drugs and adhering to City policy regarding alcohol and drug use. Failure of an employee to submit to the procedures of this Policy may be deemed insubordination and result in disciplinary action.

35.2 Covered Employees. This policy applies to all full-time, part-time, and limited service employees conducting City business on or off City premises. This policy also applies to all employees working for the City under contract.

35.3 Notification of Policy. All employees shall be notified of this Policy, and receive information on prohibited substance/alcohol abuse and its impact on the workplace. Department Heads and supervisors shall receive training so as to fairly and effectively administer the Policy.

35.4 Use of Legal Drugs. Using any legal drug during working hours while performing City business in a City vehicle or City facility, in a personal vehicle while on City business, or while on City property is permitted to the extent such use does not affect the safety of co-workers, members of the general public, or the employee. This policy shall not restrict the use of over-the-counter medicine that is used according to the directions or manufacturer's intentions.

35.4.1 Employee Responsibility When Using Legal Drugs. An employee taking any legal drug, prescription or non-prescription, which may impair and interfere with the safe and effective performance of duties or operation of vehicles or equipment, and who believes, or has been informed, that the use of the medication may present a safety hazard, shall notify their supervisor. An employee may continue to work, even though under the influence of a legal drug, if management has determined, after consulting with the appropriate medical professionals, that the employee does not pose a safety threat and that the employee's job performance is not impaired by the legal drug. Otherwise, the employee will follow other appropriate actions as determined by management.

35.4.2 Supervisor Responsibility Regarding Legal Drugs. Supervisors and Department Heads shall not confiscate prescription drugs or medications. Supervisors and Department Heads shall have the right to inquire regarding any prescription or medication an employee may be taking which may affect on-the-job performance.

35.5 Discipline for Use of Controlled Substances. Employees found to be using, possessing, distributing, or dispensing narcotics, drugs, controlled substances, or alcoholic beverages while on duty, on property owned or leased by the City, using equipment or vehicles owned or leased by the City, or in a personal vehicle while working for the City, will receive disciplinary action up to and including termination, even for a first offense.

Sale, negotiation for sale, delivery and/or possession, with the intent to deliver prohibited substances on property owned or leased by the City, in a City vehicle, in a personal vehicle while on City business, or while on duty for the City, shall result in termination.

35.6 Notification of Conviction. Employees will notify the City if convicted of a criminal drug violation occurring at the workplace, within five calendar days after conviction. The City shall notify its federal contracting agencies of employee drug convictions for drug abuse behavior occurring in the workplace, within ten calendar days of learning of the conviction. The City shall further take appropriate action against the convicted employee within 30 calendar days of receiving notice of the conviction by either imposing discipline or requiring the employee to participate satisfactorily in a drug rehabilitation program through the City's Employee Assistance Program.

35.7 Reasonable Suspicion. Whenever there is a reasonable suspicion that an employee is violating this policy, the Department Head and the employee's supervisor shall be contacted at once. For any employee that appears to be acting with impaired functions, which might threaten the safety, health, and/or the performance of themselves, co-workers, or the general public, immediate action shall be taken. If an employee is observed to be acting with impaired functions contrary to typical behavior; acting in a manner which causes that employee to perform duties in an improper or unsafe manner; is involved in an industrial accident, the circumstances of which reveal questionable behavior or impaired functioning contrary to the employee's typical behavior, the supervisor, manager, or lead worker shall order the employee to cease work immediately and notify Human Resources. Any employee meeting these conditions shall be transported to the City's medical provider. Under no circumstances will the employee be allowed to drive to the medical provider.

35.8 Requiring Employees to Test. The City may require a urinalysis, and/or drug-alcohol screening of those employees alleged to be using or under the influence of a drug or alcohol. The City will utilize the "reasonable suspicion" and "objective symptoms" standards to compel testing. The requesting supervisor shall document in writing the facts constituting reasonable suspicion that the employee in question is under the influence of drugs or alcohol. Supervisors and Department Heads shall not physically search employees, except for Police employees acting in the course and scope of their employment. Employees will be asked to complete a Drug Screening Consent form, and testing shall be performed at a local medical facility selected by the City.

35.9 Employee Refusal to Test. Should an employee refuse to test, the supervisor will explain that refusal to submit to the screening procedure, or any other reasonable request, will be viewed as insubordination and subject to disciplinary action, up to and including termination.

35.10 Test Procedures. The City affirms the necessity to uphold a high regard for privacy and dignity in the sampling process. The procedure used shall require an unbroken chain of custody from sample collection to return of the written report. A split sample shall be preserved to provide an independent test. If the initial test has positive results, the City's medical facility shall conduct a confirmation test using a court admissible testing technique. If the confirmation test has positive

results, the employee may re-test the sample at a state certified laboratory of the employee's choice and at the employee's own expense.

35.11 Notification of Test Results. Employees shall be notified verbally and in writing when a test has positive results. The employee shall receive a notice of results or of the City's actions to date. Employees will provide, within three business days of request, proof of a current valid prescription for any drug or medication identified when a drug screen/analysis is positive. The prescription must be in the employee's name. Any employee whose test is negative shall be notified in writing after all testing procedures have been completed.

35.12 Documentation of Condition. Medical personnel or other drug recognition experts will observe and document the employee's condition. The medical personnel may ask the employee for an explanation.

35.13 Accommodation of Substance Abuse. The City may allow employees to address substance abuse problems with a referral to the Employee Assistance Program, as described in Policy 23, Employee Assistance Program, as part of a Last Chance Agreement. Disciplinary action may be deferred or cancelled when the employee has successfully completed treatment. However, the City reserves the right to take immediate disciplinary action. An employee shall not be disciplined for work absences if they are a result of treatment attendance. Time away from work as a result of treatment will be taken on the employee's own time, as described in Policy 27, Annual Leave, and Policy 28, Leaves of Absence.

35.14 Confidentiality. It is the intent and obligation of the City to maintain confidentiality concerning the administration of this Policy. Laboratory reports or test results shall be included in a separate medical folder as described in Policy 4, Personnel Records. The reports or test results may be disclosed to City management on a need-to-know basis. Disclosures, without employee consent, may also occur when the information is compelled by law or by judicial or administrative process; when the information has been placed in a formal dispute between the employer and employee; when the information is to be used in administering an employee benefit plan; or when the information is needed by medical personnel for the diagnosis or treatment of the patient who is unable to authorize disclosure.

35.15 Implementation of Drug Testing. The City shall also implement a drug-testing program as described in Policy 47, Substance Testing for Safety-Sensitive Positions.

References

Policy 4, Personnel Records
Policy 23, Employee Assistance Program
Policy 27, Annual Leave
Policy 28, Leaves of Absence
Policy 31, Disciplinary Action
Policy 47, Substance Testing for Safety-Sensitive Positions

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POLICY 36

EMPLOYMENT OF RELATIVES

Policy Statement

The City desires to avoid situations in which actual conflicts, potential conflicts, or the appearance of conflicts of interest may exist. To implement this objective the City may limit the employment of relatives.

Definition

Relatives: Includes an employee's spouse, son, daughter, brother, sister, mother, father, aunt, uncle, niece, nephew, grandson, granddaughter, grandmother, grandfather, either by blood or present marriage.

Policy

36.1 Restrictions to Appointing Authority. Department Heads or other City employees having appointive power shall not appoint or promote any of their own relatives to any position within the City of Simi Valley.

36.2 Supervision. Hiring, reinstatement, promotion, or transfer, which results in relatives working in the same department may be permitted, but only where direct supervision does not occur. Direct supervision of relatives is prohibited.

36.3 Married Employees. If the marriage of two employees results in direct supervision of one by the other, immediate steps shall be taken by the Department Head to transfer or reassign one employee to alleviate the situation.

36.4 Working Together. In cases of employees who are relatives being employed together in the same department, action shall be taken by the Department Head to protect against the following situations:

A. Those which may interfere with reaction to public safety emergencies.

B. Those which might adversely impact office working conditions.

C. Those which might jeopardize confidentiality.

D. Those which might suggest conflicts of interest.

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POLICY 37

OUTSIDE EMPLOYMENT

Policy Statement

All employees, including part-time and temporary employees, may engage in outside employment, if such outside employment does not interfere with the performance of assigned duties and does not constitute a conflict of interest, as determined by the City Manager.

Definition

Outside Employment: Employment other than an employee's regular job with the City of Simi Valley.

Policy

37.1 Relationship With City. All employees participating in outside employment will have no relationship with the City during such employment.

37.2 Approval of Outside Employment. The employee shall submit an Outside Employment Authorization Request form to the Department Head, requesting approval of the proposed employment prior to commencing outside employment. All outside employment is subject to approval by the Department Head and City Manager.

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POLICY 38

TOBACCO USE

Policy Statement

In compliance with Labor Code Section 6404.5, smoking tobacco products in the workplace is prohibited.

Policy

38.1 Prohibitions. Smoking tobacco in the following areas is not allowed: all enclosed City buildings, facilities, vehicles, work stations, offices, meeting or conference rooms, lobbies, Council Chambers, break areas, lunch rooms, locker rooms, maintenance or storage areas, garages, restrooms, hallways, closets, similar closed spaces, and within 20 feet of any building entrance, exit, or window.

38.2 Supervisory Responsibility. Supervisors shall request employees found smoking tobacco in prohibited areas to refrain from doing so. Supervisors shall not physically remove smoking items or tobacco related paraphernalia from employees.

38.3 Disciplinary Action. Employees in violation of this policy shall be subject to disciplinary action.

Reference

Policy 31, Disciplinary Action

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POLICY 39

CITY VEHICLES

Policy Statement

City vehicles are made available to employees for use while on City business. Employees shall not use City vehicles for personal purposes, unless specifically authorized by the City Council.

Policy

39.1 Authorization of Use. The Department Head or City Manager may authorize an employee to use City vehicles, as described in this policy.

39.2 To and From the Workplace. Employees may be authorized to use City vehicles for transportation to and from the workplace when the possibility of call-back during non-working hours justifies such use. City vehicles taken home for such purposes shall be used only for driving to and from work. Any additional unauthorized stops are not permitted.

39.3 Use During Work Hours. Employees may operate City vehicles as an essential function of their job classification. Employees also may be authorized to use City vehicles for transportation from field worksites to restaurants, coffee shops, convenience stores, or similar locations during authorized meal breaks. Such authorization shall be made only when employees are working in the field and the worksite, at the time of the meal break, is not in close proximity to the City facility to which they report for work.

39.4 Passengers in City Vehicles. Employees are authorized to carry non-employee passengers in City vehicles only when conducting and facilitating City business. All other non-employee passengers shall be subject to approval by the City Manager.

39.5 Applicable Laws. E-mployees driving motor vehicles while in the service of the City (both privately owned and City-owned vehicles) shall be familiar with and observe applicable Federal, State, and local laws and regulations at all times.

39.6 Driver's Licenses. All employees operating a motor vehicle in the course of their employment with the City shall have in their possession a current California driver's license certified for the type of vehicle operated. Verification of licensing shall be conducted for all candidates for employment with the City prior to appointment to a job classification whose essential functions include operation of a motor vehicle. Employees whose licenses are suspended, revoked, or restricted shall notify their supervisors immediately as to the change in driving status. Failure to do so may result in disciplinary action. Supervisors shall limit or restrict employees from operating City vehicles upon notification of license

changes. Records of drivers' licenses shall be maintained as described in Policy 4, Personnel Records.

39.7 Pull Notice Participation. Employees in classifications requiring commercial driver's licenses, or classifications requiring employees to drive in the course of employment, as detailed in their job description, shall participate in the City's Pull Notice Program. Employees participating in the program must complete the State of California Department of Motor Vehicles Employee Pull Notice form, authorizing release of driver record information. The City shall administer the Pull Notice program in accordance with State guidelines and employee information obtained from the Department of Motor Vehicles will be maintained in a confidential manner.

39.8 Seatbelts. All employees operating or occupying a City vehicle shall utilize seat belts and ensure the seatbelt is fastened whenever the vehicle is in motion. Failure to do so may result in disciplinary action.

39.9 Smoking Prohibited. Employees are not permitted to smoke while using City vehicles, as described in Policy 38, Tobacco Use.

39.10 Drug and Alcohol Safety. Employees known to be in the possession of or under the influence of intoxicating liquor or drugs shall not be allowed to operate any City vehicle, as described in Policy 35, Drug-Free Workplace.

39.11 Cellular Phones. Employees are not permitted to use cellular phones or any other hand-held devices, pagers, digital assistants, laptop computers, or any other electronic communicative device while driving a City vehicle or a personal vehicle for City business. Employees may use "hands-free" phones or devices in limited situations and not in prolonged conversation or in heavy and/or slow-moving traffic. Cellular phones may be used while driving when reporting an accident, car trouble, or if there is imminent danger. Otherwise, drivers should not initiate calls with a cellular phone while driving.

References

Policy 4, Personnel Records
Policy 31, Disciplinary Action
Policy 38, Tobacco Use
Policy 35, Drug-Free Workplace

POLICY 40

DRESS, APPAREL, AND GROOMING

Policy Statement

Employee apparel, dress, and grooming shall reflect a safe and business-like appearance, which positively promotes City relations and effectiveness with the public and other City personnel. Employees are required to dress appropriately for the jobs they are performing. Failure to follow the dress regulations contained in this section shall be grounds for discipline.

Policy

40.1 Standards. All employees shall be neat, clean, presentable, and well groomed. Good personal hygiene is required at all times. All employees shall dress in a business-like manner that allows them to perform their duties safely and without harm to themselves or others.

40.2 Office Employees. Employees working within City offices shall dress in a manner which allows them to attend and represent the City in a professional manner at meetings, commissions, boards, and other professional or public events, as needs require. All clothing must be neat, clean, and in good repair.

40.2.1 Examples of acceptable office attire include, but is not limited to, the following: sports coats or blazers, slacks, ankle length or mid-calf crop pants, pantsuits, Chinos/Dockers, polo shirts with collars, button down shirts, skirts, dresses that may be sleeveless or short-sleeved, sweaters, cardigans, and dress shoes (including dress loafers and sandals.) Jeans without holes or tears may be worn on Fridays in accordance with Departmental policy.

40.3 Field Employees. Employees working outside of City offices shall dress in a manner appropriate to their job duties, which does not interfere with the execution of the employee's assigned job responsibilities. Employees are required to wear appropriate shoes, safety gear, and/or uniforms if assigned. Employees may be required to wear business attire for specific appointments, if notified in advance by the Department Head.

40.4 Police Employees. Police Department employees shall dress in accordance with departmental standards.

40.5 Symbols and Emblems. Employees shall not wear partisan or other political emblems. Symbols of fraternal or service organizations, badges, or other emblems representative of groups or organizations may be permitted provided such symbols do not create a hostile work environment pursuant to Policy 33.

Employees may wear symbols, emblems, and badges issued by the City or United States Military Services.

40.6 Hair. Hair, mustaches, and beards shall be neatly trimmed, groomed, and clean, and shall not interfere with the execution of the employee's assigned job responsibilities or the normal wearing of required safety equipment.

40.7 Shorts. Field employees may wear shorts within the guidelines described in the current Memorandum of Agreement between the City and SEIU. All other employees are prohibited from wearing shorts during working hours, except when appropriate to the job assignment and approved in advance by the appropriate Department Head.

40.8 Business Casual Fridays. "Business Casual Fridays" may be allowed by the Department Head. On those days, clothing meeting the standards of "business casual," as discussed above, is allowed. Not all casual clothing is suitable. All clothing worn on "Business Casual Fridays" must project a professional, business-like image to the public, while experiencing the comfort advantages of more casual and relaxing clothing.

No dress code can cover all contingencies, so employees must use good judgment in choosing clothing to wear to work. The following is a non-inclusive list of unacceptable attire. Clothing that reveals an employee's back, chest, stomach, or underwear is prohibited and not allowed under any circumstances, even on "Business Casual Fridays."

40.9 Unacceptable Casual Attire. Unacceptable casual attire includes the following: shorts (except as otherwise permitted in this section), flip flops, athletic shoes (i.e. tennis, walking, hiking boots, etc.), gym/sweat pants or workout wear, sweat shirts or jogging outfits, casual tank tops, tube and halter tops, spaghetti straps or strapless tops/dresses, skorts, cutoffs, t-shirts, knee length capri pants, and wrinkled, torn, stained or dirty clothing.

40.10 Department Responsibility. It shall be the responsibility of the Department Head to ensure that all employees are properly dressed and groomed to reflect the employee's responsibility as a representative of the City. Department Heads may apply more precise rules where appropriate and may allow exceptions in accordance with these rules and with the nature/requirements of the employee's work environment.

40.11 Federal and State Exemptions. These rules are subject to modification to be in compliance with any applicable Federal and/or State law regarding allowable dress, apparel, and grooming.

Policy Revised 4/8/14

POLICY 41

INJURY AND ILLNESS PREVENTION

Policy Statement

The City is committed to safety in the workplace and shall examine and review possible unsafe or unhealthy conditions, practices, or procedures to determine the circumstances and appropriate correction, in compliance with applicable legal requirements for workplace safety.

Definitions

Program Administrator: The Risk Manager, or designee, acting to implement and maintain the City's Injury and Illness Prevention (IIP) Program.

Safety Advisory Committee: A City committee consisting of a representative from each City department, the Management Unit, Police Officers' Association, and General Unit, and chaired by the Deputy Director/Human Resources, or designee.

Policy

41.1 Employee Responsibilities. All employees shall promote a safe and healthful work environment. Employees are responsible for following safe work practices, complying with safety policies and procedures, and for assisting in maintaining a safe workplace, including identifying and eliminating unsafe and unhealthful conditions and practices. Employees are expected to inform their supervisor or the Program Administrator of any matter which is perceived to be a workplace hazard, or has the potential to become one.

41.2 Supervisory Responsibilities. Supervisors are responsible for ensuring that employees know, understand, and abide by the City's safety policies and procedures. Supervisors shall work to promote a safe workplace and enforce safety rules fairly and uniformly. Supervisors shall report to the Program Administrator substances, work procedures, or equipment that may pose safety or health risks and will provide on-the-job safety training of those supervised. Supervisors shall conduct periodic inspections of their work areas.

41.3 Executive Management Responsibilities. Executive management shall set policy, allocate resources, and provide leadership by participation, example, and demonstrated interest in the program.

41.4 Program Administrator Responsibility. The Program Administrator is responsible for ensuring that all provisions of the City's Injury and Illness Prevention Program are implemented.

41.5 Committee Responsibilities. The Safety Advisory Committee's general objective is to advise the City on various means of achieving increased employee safety in City operations, on an ongoing basis. The Committee shall establish procedures to carry out its general objective; review accidents and causations; analyze and assess existing safety practices and procedures; propose modifications and amendments to practices, with due regard to State legislative standards; assess and make recommendations to the City pertaining to employee safety matters; and disseminate workplace safety information and familiarize employees with existing safety procedures.

41.6 Compliance. To ensure that employees are supported in their pursuit of maintaining a healthful work environment, the City will inform employees of the provisions of the City's IIP Program; evaluate the safety performance of all employees; recognize employees who perform safe and healthful work practices; provide training to employees whose safety performance is deficient; and discipline employees for failure to comply with safe and healthful work practices.

41.7 Communication. Communication between employees and supervisors regarding safety and health issues is essential to an injury-free, productive workplace. The City shall utilize the methods described below to facilitate the flow of such information.

41.7.1 General Meetings. The City shall regularly schedule time at employee meetings when safety issues can be discussed freely and openly by all present. Such meetings will be announced in advance so that maximum participation can occur. Meetings of the Safety Advisory Committee shall also be used to disseminate workplace safety information and familiarize employees with safety procedures.

41.7.2 Written Communication. The City may periodically post or distribute written safety notifications and directives to employees. Employees shall read such documents promptly and direct questions about the meaning or implementation of the information to their supervisor.

41.7.3 Suggestions. Employees are encouraged to make suggestions regarding safety and safety training to their supervisor or the Program Administrator. Such suggestions may be made anonymously utilizing the Employee's Report of Safety Hazard form. All suggestions will be reviewed by the Program Administrator.

41.8 Inspections. Inspection of the workplace to identify unsafe conditions and practices is the City's primary tool for hazard control. The Program Administrator shall evaluate the severity of identified hazards and document safety inspections and investigations on a Hazard Assessment Form.

41.9 Types of Inspections. Inspections may be conducted by the Program Administrator, supervisor, or Safety Advisory Committee member(s), at the direction of the Program Administrator.

41.9.1 Routine Inspections. Inspections will be conducted routinely, in each work area, on an announced or unannounced basis. The time and frequency of routine supervisor inspections shall be determined by the Program Administrator.

41.9.2 Introduction of New Materials. Inspections will be conducted upon introduction of new substances, processes, procedures, or equipment, which may present a new safety or health hazard. The Program Administrator shall conduct an inspection upon receipt of a Report of Safety Hazard Form from a supervisor or employee, or upon otherwise learning of new or previously unrecognized safety or health hazards.

41.9.3 After an Injury or Accident. Whenever a work-related injury, illness, or accident occurs, an inspection shall be conducted as determined necessary by the Program Administrator or supervisor.

41.10 Hazard Abatement. It is the City's intent to eliminate all safety hazards and unsafe work practices as soon as possible. However, some corrective actions may require more time than others. Priority will be given to those situations that present a severe and imminent hazard.

41.11 Types of Hazard Abatement. The City may take the following actions in order to abate safety hazards, which include but are not limited to: fixing or replacing defective equipment, implementing safer procedures, installing guards or modifying equipment, training employees, and posting warning notices.

41.12 Prolonged Hazard Abatement. The Program Administrator shall develop a written plan when corrective action involves multiple steps or for corrective action that cannot be completed promptly. While corrective action is underway, necessary precautions shall be taken to protect or remove employees from exposure to the hazard. Employees shall not enter an imminent hazard area without prior specific approval by the Program Administrator or supervisor. Employees expected to correct the imminent hazard shall be properly trained and provided with necessary safeguards.

41.13 Reporting Injury and Illness. All injuries and illnesses sustained in the course of employment shall be reported at once to the employee's immediate supervisor, as described in Policy 45, Work-Related Injuries and Illness.

41.14 Accident/Exposure Investigation Procedures. The City shall follow established procedures for investigating workplace accidents and hazardous substance exposures. The investigation will include the following: a completed Incident Report Form; interview(s) of injured workers and witnesses; an examination of the workplace for factors associated with the accident/exposure; a determination of the cause of the accident/exposure; a recommendation for taking corrective action to prevent the accident/exposure from reoccurring; and a recording of the findings and corrective actions taken.

41.15 Retaliation. No employee shall be retaliated against for reporting safety hazards or potential hazards, or for making safety-related suggestions.

41.16 Recording Employee Safety Efforts. Employees shall be evaluated for their compliance with safe work practices as part of the annual performance evaluation. Employees making a significant contribution to the maintenance of a safe workplace, as determined by the Program Administrator, will receive formal recognition of their efforts in their personnel file.

41.17 Failure to Follow Safe Practices. Employees unaware of correct safety and health procedures shall be trained or retrained. Employees deliberately failing to follow safe work practices or violating safety rules shall be subject to disciplinary action.

41.18 Safety Training. The City shall provide ongoing safety training to employees, supervisors, and managers. In addition, the City shall provide safety training when employees are given a job assignment for which they have not previously received safety training, when new substances, processes, procedures, or equipment pose a new hazard, or when a previously unrecognized hazard is identified. The Program Administrator shall determine training topics and needs, in consultation with each department.

Supervisors shall assess the training needs of all employees under their direction, provide general training in workplace safety, provide specific instruction regarding each job assignment, and request training in those areas in which the supervisor feels deficient to provide the training themselves. Documentation of safety training shall include employee's name, signature, training date, type of training, and name of trainer.

41.19 Record Keeping. The Program Administrator shall be responsible for retaining records of the City's Injury and Illness Prevention Program in accordance with legal requirements in the following manner:

41.19.1 Hazard Assessment Records. Records of hazard assessment inspections, including the person(s) conducting the inspection, the unsafe conditions and work practices that have been identified, and the action taken to correct the identified unsafe conditions and work practices, shall be recorded on an Employee's Report of Safety Hazard form.

41.19.2 Safety Training Records. The City shall document safety and health training for each employee, including the employee's name or other identifier, training dates, type(s) of training attended, and training providers. Inspection records and training documentation will be maintained with the Program Administrator for at least one year.

41.20 First-Aid Kits. The City shall provide, maintain, and stock first-aid kits in all City lunchrooms.

Reference

Policy 45, Work-Related Injuries and Illness

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POLICY 42

PERSONAL INJURY, PROPERTY DAMAGE, AND EMPLOYEE CLAIMS

Policy Statement

All incidents resulting in personal injury or property damage during the scope of City employment, regardless of severity, shall be reported. Upon approval, employees may be reimbursed for damage or loss of personal property.

Definitions

Personal Injury: An accident, vehicular or otherwise, which results in physical injury to a City employee or private person on City premises.

Personal Property: An employee's personal belongings that are reasonably used in the performance of duty.

Property Damage: Any accident, vehicular or otherwise, which results in damage to any City property or facility, or to private property.

Policy

42.1 Reporting Requirements. Employees shall report all incidents resulting in personal injury, personal property, or property damage, utilizing an Incident Report form. The employee's Department Head shall review and sign all such forms and submit copies to Risk Management and the City Attorney within 24 hours of the incident.

42.2 Responsibilities at Time of Incident. For vehicular accidents the employee shall immediately notify the police agency having jurisdiction. For incidents involving theft of City property, employees shall notify their immediate supervisor. For incidents involving bodily injury to any party, employees shall notify the Risk Manager. The involved employee shall note the names, addresses and telephone numbers of all witnesses to the incident. Employees shall not make any statements regarding the incident to any non-City personnel, unless by approval of the City Attorney. Admission of fault shall not be made to anyone. Treatment of injuries to City personnel shall be handled in accordance with Policy 45, Work-Related Injuries and Illness.

42.3 Claims for Personal Property. Employees may request payment for the replacement or repair of personal property lost or damaged in the scope of City employment. Employees shall complete an Employee Personal Property Claim form, and submit them with receipt for purchase or estimate of value to the Department Head. Receipt or verification of value shall be submitted to the Risk Manager no more than 90 days from the date of loss.

42.4 Payment of Personal Property Claims. The Risk Manager shall review all personal property claims and may approve payment of those in which: the employee complied with all rules relating to the use of City property; the loss or necessity to repair or replace personal property occurred in the line of duty, without negligence or fault by the employee; and the cost of the actual damage has been confirmed. The City shall assume no liability for the repair or replacement of personal property damaged or lost through the negligence of an employee.

Reference

Policy 45, Work-Related Injuries and Illness

POLICY 43

VIOLENCE FREE WORKPLACE

Policy Statement

The City is committed to providing a work environment that is free of violence or the threat of violence. The City has a Zero Tolerance policy in regard to workplace violence. Zero Tolerance means that the City will investigate incidents and take appropriate action against the offending employee or non-employee who violates this policy.

Definition

Work Environment/Workplace: Includes, but is not limited to, City buildings, vehicles, equipment, property, or any location where a City employee is on duty.

Policy

43.1 City Obligations. The City reserves the right to inspect City property, including, but not limited to, desks, work areas, vehicles, lockers, and tool boxes, when there is a reasonable cause to believe that a violation of this policy has occurred. Employees do not have a legitimate expectation of privacy in the aforementioned areas.

43.2 Hostile Conduct. Acts or threats of violence include conduct that creates a hostile, abusive, or intimidating work environment for a City employee, and will not be tolerated. Examples of violent acts or threats of violence that are prohibited in the workplace include, but are not limited to:

A. Striking, punching, slapping, shoving, or assaulting another person.

B. Threatening harm or harming another person or any other action or conduct that implies the threat of bodily harm.

C. Fighting or challenging another person to fight.

D. Threatening to destroy or actually destroying City property and property of City employees or non-City employees.

E. Throwing objects with the intent to injure or harm.

F. Making or instigating harassing or threatening telephone calls, electronic or computer graphics, and messages.

G. Harassing surveillance or stalking.

H. Possession, use or threat of use of a gun, knife or other weapon, as described in section 43.3, unless such possession and use is a requirement of the employee's job and is done so in accordance with his/her department's policy.

I. Engaging in threatening, dangerous, or unwanted horseplay.

J. Grabbing, pinching, or touching another person in an unwanted way, whether sexually or otherwise.

43.3 Possession of Weapons. City employees and volunteers shall not possess in the workplace, including in their vehicles at work, firearms, explosives/ammunition, fixed blade knives, folding knives with blades over three and one-half (3 ½) inches in length, or other weapons, unless it is both a work-related purpose, and the employee has received the prior approval, in writing, by his/her Department Head.

43.4 Employee Responsibilities. Any employee who is the victim of any violent, threatening or harassing conduct, any witness to such conduct, or anyone receiving a report of such conduct, whether the perpetrator is a City employee or a non-employee, shall immediately report the incident to their supervisor, other appropriate person in the chain of command, or Human Resources. Should the employee perceive that he or she is in immediate apparent danger of a violent act, or has just been victimized by a violent act, or is a witness of a violent act, the employee shall, whenever possible:

A. Place themselves in a safe location.

B. If appropriate, call the Police Department and request immediate response of a police officer. Be prepared to inform the police dispatcher of the circumstances and the exact location of where an officer is needed.

C. Inform Human Resources of the circumstances.

D. Complete an Incident Report Form as soon as possible, submit the original to Human Resources, and retain a photocopy.

E. Cooperate fully in any administrative or criminal investigation, which shall be conducted within existing policy and law.

43.5 Supervisor/Manager Responsibilities. A supervisor or manager informed of an imminent or actual violent act, or the threat of a violent act as defined by this policy, shall, whenever possible, ensure the immediate safety of the employee. Where appropriate, the supervisor or manager shall call the Police Department and notify the Department Head and Human Resources.

43.6 Potential Future Violence. Employees who have reason to believe they or any City employee, may become the subject of a violent act in the work environment or as a result of their City employment, shall immediately notify their supervisor, Department Head, or the Human Resources Division.

43.7 Restraining Orders. Employees, who have obtained a temporary or permanent restraining order to protect themselves from another individual, shall immediately supply a copy of the signed order to the Police Department, as well as to their Department Head and Human Resources. Employees should provide a description of the individual named in the restraining order (or, if readily available, a recent photograph of the named individual). The employee should advise the Court to include the City workplace in the restraining order. Employees are to advise their supervisor, Department Head, or Human Resources, when any potentially violent situation exists in their lives that could result in violence at work.

43.8 Non-Retaliation. No employee shall retaliate against another employee who reports an incident pursuant to this policy. Employees found to have violated this section may be subject to disciplinary action, up to and including termination.

43.9 False Reporting of an Incident. Any employee who makes a report under this policy, and which the employee knows or should know is false, shall be subject to disciplinary action, up to and including termination.

43.10 Policy Dissemination. All employees, supervisors, and managers shall be sent copies of this policy.

43.11 Consequences for Violation of this Policy. Acts of violence committed by employees may result in disciplinary action, up to and including termination, as outlined in Policy 31, Disciplinary Action. Criminal prosecution may also be deemed appropriate.

43.11.1 Violation for Non-City employees. Individuals who are not City employees, such as volunteers, vendors, and members of the public, may also be subject to the provisions of this policy. Violation of this policy may result in oral and/or written warnings by City management, refusal of service, or criminal prosecution.

Reference

Policy 31, Disciplinary Action

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POLICY 44

MEDICAL EXAMINATIONS

Policy Statement

In order to be eligible for employment with the City of Simi Valley, candidates for jobs in certain designated job classifications, and employees designated by the Deputy Director/Human Resources, may be required to pass a medical examination.

Definition

Bona Fide Occupational Qualification: A qualification that is reasonably necessary to perform the essential functions of a job classification.

Policy

44.1 Job Requirements. Physical and mental requirements for all job classifications must be bona fide occupational qualifications.

44.2 Job Requirements Upon Transfer or Promotion. In order to be eligible for promotion or transfer to another job classification, employees may be required to pass the appropriate medical examination.

44.3 Requiring Examination. Any employee, as designated by the Deputy Director/Human Resources, may be required to undergo a medical examination to ascertain the employee's fitness for duty.

44.4 Failure to Pass Examination. In the event that an employee, in the regular service of the City, fails to pass a medical examination, the employee's Department Head and the City Manager may reassign non-essential duties of the position to fit the employee's medical condition, or consider another reasonable accommodation. Transfer to an appropriate vacant position may be considered if the employee meets the minimum requirements for that position. If no appropriate position is vacant, such employee may be considered for disability retirement, if eligible, in accordance with California law.

44.5 Payment for City-Required Examinations. The City of Simi Valley shall pay for any medical examination required under this policy.

44.6 Medical Records. Records of City medical examinations shall be maintained confidentially, in accordance with Policy 4, Personnel Records.

Reference

Policy 4, Personnel Records

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POLICY 45

WORK-RELATED INJURIES AND ILLNESS

Policy Statement

In the event that an employee is absent from work as a result of an injury or illness which is accepted by the City as arising out of or in the course of employment with the City, Regular Injury on Duty (RIOD) or Workers' Compensation shall be paid.

Definitions

Normal Compensation: An employee's regular compensation, including straight-time pay plus any eligible incentive or acting pay.

Regular Injury on Duty (RIOD): Normal compensation received during the first three days of lost time from work.

Policy

45.1 Salary Continuance. On the date of injury, an employee is eligible to receive full salary if the employee is unable to complete the entire workday. Employees shall receive RIOD for the following three consecutive workdays of absence due to a work-related injury or illness. Total compensation paid shall not exceed the employee's normal compensation. Medical certification of the work-related injury or illness is required from the treating physician.

45.2 Payment for Remainder of Absence. Beginning with the fourth consecutive workday, the employee receives Workers' Compensation benefits. The percentage difference between the Workers' Compensation payment and the employee's normal compensation will be paid to the employee through the automatic use of accrued annual leave, compensatory time and/or holiday compensatory time, where applicable. These paid absence balances shall be charged unless the employee notifies Human Resources in writing, in advance, not to use them. Partial use of paid absence may be processed, as described in Policy 27, Annual Leave.

45.3 Insufficient Paid Absence Available. If insufficient accrued annual leave, compensatory time, and/or holiday compensatory time exists the employee will receive only Workers' Compensation payments in such cases. The employee will continue to receive benefits as described in Policy 28, Leaves of Absence, while absent from work due to a work-related injury or illness.

45.4 Reporting Injuries or Illness. All injuries and illnesses sustained in the course of employment shall be reported at once to the employee's immediate supervisor. The employee shall complete the Employee's Claim for Workers' Compensation Benefits form and the Incident Report form, within one working day. The

department shall file a completed Incident Report form and Employer's Report of Occupational Injury or Illness (Form 5020) with the Administrative Services Department.

45.5 Workers' Compensation Procedures. In accordance with Workers' Compensation law, the procedures listed below shall be followed in the case of work-related injury or illness:

45.5.1 Immediate Treatment. If a work-related injury or illness is severe and requires immediate medical attention, the employee shall be treated with first-aid and the employee's supervisor shall be notified. Medical treatment shall be obtained at the closest emergency medical treatment facility or urgent care center. Use of paramedic services is automatically authorized if the injury or illness is life threatening.

45.5.2 Delayed Treatment. In the case of a work-related injury or illness that requires medical attention within 24 hours or develops symptoms after 24 hours, the employee's supervisor shall be notified and medical treatment shall be arranged through the City's designated medical service providers. If the employee has previously notified Human Resources in writing of a preference to use their personal physician, the employee may schedule an appointment with that physician. The employee shall notify the supervisor that a personal physician has been designated. The California Labor Code allows the City to request a consultation with a designated physician for an evaluation of the injury or illness. The employee shall notify the physician during all visits that the injury or illness is claimed to be work-related.

45.5.3 No Treatment. In case of work-related injury or illness that does not require professional medical treatment, the employee shall notify the supervisor of the injury or illness and complete an Incident Report Form. If treatment is necessary at a later date, the employee shall notify the supervisor that treatment is requested and complete the Employee's Claim for Workers' Compensation Benefits form, within one working day of determining that he or she has an injury or illness.

References

Policy 27, Annual Leave
Policy 28, Leaves of Absence

POLICY 46

DISABILITY AND REASONABLE ACCOMMODATION

Policy Statement

It is the policy of the City to provide equal employment access to all qualified applicants and a workplace free of discrimination on the basis of medical condition or disability status for all employees. The City is committed to providing reasonable accommodation as appropriate to applicants and employees. This policy applies to all areas of employment, including but not limited to, recruitment, selection, training, education, assignment, promotion, compensation, benefits, transfer, and discipline.

Definitions

Disability: a physical or mental impairment that limits one or more major life activities, regardless of whether the conditions are presently disabling. Disability does not include such behaviors or disorders as compulsive gambling, kleptomania, pyromania, or psychoactive substance abuse disorders resulting from current illegal use of drugs.

Reasonable Accommodation: a modification or adjustment to a job, the work environment, or the way things usually are done that enables a qualified individual with a disability to perform the essential functions of the position, which does not impose an undue hardship to the City.

Policy

46.1 Reasonable Accommodation Request. An employee or applicant who desires a reasonable accommodation may make such a request to the Deputy Director/Human Resources. The request must identify the employer testing or job-related function(s) that need accommodation and the desired reasonable accommodation.

46.2 Knowledge of Impairment. If the City has knowledge of an applicant's or employee's physical or mental impairment that impacts the hiring process or workplace, the City will initiate the interactive process. Applicants for employment shall not be required to disclose medical information or take a medical examination as part of the employment process until all other testing, interviews, background check and other pre-employment screening has been completed and an offer of employment has been made.

46.3 Interactive Process. Following receipt of the reasonable accommodation request, the Deputy Director/Human Resources or designee shall begin a timely good faith interactive process. The interactive process is flexible and occurs between the City and the applicant or employee. It will be used to clarify the employee's or applicant's needs and identify the appropriate reasonable

accommodation in conjunction with departmental management to perform the essential functions of the position. The Deputy Director/Human Resources or designee may request reasonable documentation and ask relevant questions about the employee's work limitations that will enable the City to make an informed decision about the request.

46.4 Medical Exam. As part of the interactive process, the Deputy Director/Human Resources may require the employee to undergo a fitness for duty examination to determine whether the employee or applicant (after an offer of employment) can perform the essential functions of the job with or without reasonable accommodation. The Deputy Director/Human Resources may also require that a City-approved physician conduct the examination.

46.4.1 Independent Medical Opinion. Applicants for employment or employees may submit an independent medical opinion when there is a dispute as to whether the applicant or employee can perform the essential functions of a position.

46.5 Determination. Whether a reasonable accommodation can be made and what reasonable accommodation will be provided shall be determined by the Deputy Director/Human Resources with input from the department on a case-by-case basis, subject to review by the City Manager. The City will work with all parties to provide a reasonable accommodation that is effective, but not necessarily the accommodation requested. Determinations are made based on:

(1) The person's ability to perform the essential functions of the position either with or without reasonable accommodation; and
(2) The person's ability to perform the job without creating an imminent or substantial degree of risk to the health or safety of him/herself or others with or without reasonable accommodation.

If the employee cannot perform the essential functions of his/her job even with reasonable accommodation (or cannot perform without creating an imminent and substantial degree of risk to the health or safety of him/herself or others, even with accommodation), the City will then determine whether a vacant position exists to which the employee may be reassigned. The employee must have the qualifications to perform the available position, and reassignment should not violate other employees' rights pursuant to a negotiated memorandum of agreement. Transfer to an appropriate vacant position shall be offered if the employee meets the minimum requirements for that position. If no appropriate position is vacant, such employee may be considered for disability retirement, if eligible, in accordance with California law.

46.6 Notification. After the interactive process has been completed, the Deputy Director/Human Resources or designee will prepare a written summary outlining the results of the process, including the specifics of any terms of accommodation that have been reached, and shall provide a copy of the summary to the

employee, his or her supervisor and department head, the City Attorney's office, City Manager, and the Deputy Director/Human Resources.

46.7 Limitations by the City. The City is not required to eliminate an essential job function, lower work performance standards, provide transportation, or provide purely personal items needed for accomplishing daily activities both on and off the job, such as prosthetics, wheelchairs, eyeglasses, hearing aids, or similar devices unless those items are provided to employees without disabilities.

46.8 Retaliation Prohibited. Retaliation against any person requesting reasonable accommodation pursuant to this Policy is prohibited. Retaliation against any person requesting reasonable accommodation in accordance with this policy may result in disciplinary action.

46.9 Other Remedies. Employees or job applicants who believe they have been unlawfully denied reasonable accommodation may, within specified time limits, file a complaint of discrimination with the Department Fair Employment and Housing (DFEH) or the Equal Employment Opportunity Commission (EEOC). These outside regulatory agencies serve as neutral fact-finders and attempt to help parties voluntarily resolve disputes. Additional information is available at www.dfeh.ca.gov or www.eeoc.gov.

References

Policy 31, Disciplinary Action
Policy 33, Harassment-Free Work Environment

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POLICY 47

SUBSTANCE TESTING FOR SAFETY-SENSITIVE POSITIONS

Policy Statement

The City of Simi Valley complies with the United States Department of Transportation (DOT) regulations implementing the Federal Omnibus Transportation Employee Testing Act of 1991. Specifically, the City complies with the regulations of the Federal Motor Carrier Safety Administration (FMCSA) and the Federal Transit Administration (FTA - 49 CFR Part 655 and Part 40). Adoption of a policy is one of the City's obligations under the regulations. This policy sets forth the rights and obligations of covered employees. Employees covered by these requirements should familiarize themselves with the provisions of this policy. Compliance with this policy is a condition of employment.

Employees covered by this policy should be aware that they are also required to comply with the provisions of the City's Drug-Free Workplace policy.

Policy

47.1 Employee Questions. Employees shall refer any questions regarding his/her rights and obligations under these regulations to either the Deputy Director/Human Resources or Risk Manager, who are the Program Managers.

47.2 Covered Employees. Employees in the following job classifications are "covered employees" because they perform "safety-sensitive functions" as described in Section C below, and thus are subject to all of the provisions of this policy:

FTA Safety-Sensitive Positions - Transit Coach Operator, Transit Supervisor, Transit Superintendent, Transit Maintenance Superintendent, Transit Operations Assistant, Mechanic I, Mechanic II, Maintenance Superintendent (Vehicle), and Maintenance Supervisor (Vehicle).

FMCSA Safety-Sensitive Positions - Collection Systems Trainee, Collection Systems Technician I, Collection Systems Technician II, Collection Systems Technician III, Collection System Supervisor, Plant Operator Trainee, Plant Operator I, Plant Operator II, Plant Operator III, Sanitation Supervisor (Maintenance), Waterworks Service Worker Trainee, Waterworks Service Worker I, Waterworks Service Worker II, Waterworks Service Worker III, Waterworks Supervisor, Heavy Equipment Operator, Tree Trimmer I, Tree Trimmer II, Senior Tree Trimmer, Maintenance Supervisor (Landscape), Maintenance Worker II, and Maintenance Worker III.

47.2.1 Exemptions. An employee may be eligible for a written exemption from this Policy signed by the Deputy Director/Human Resources, if the employee is medically precluded from performing the "safety-sensitive functions" as set forth in 47.4 below but is able to perform the essential functions of the classification with reasonable accommodation.

47.3 Restrictions. Covered employees may not be under the influence or in possession of controlled substances or alcohol during work hours. Further, the regulations of the FMCSA and the FTA prohibit certain conduct while performing, and prior to performing, safety-sensitive functions.

47.4 Safety-Sensitive Functions – Defined. A safety-sensitive function includes the following:

A. All time waiting to be dispatched, unless the driver has been relieved from duty by the City.

B. All time inspecting equipment as required by the Federal Motor Carrier Safety Regulations (FMCSRs), or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time.

C. All time spent at the driving controls of a commercial motor vehicle.

D. All time, other than driving time, spent on or in a commercial motor vehicle.

E. All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, or remaining in readiness to operate the vehicle.

F. All time spent performing the driver requirements associated with an accident.

G. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

47.4.1 Transit Coach Operators/Transit Supervisors/Maintenance Personnel. FTA Safety-Sensitive functions include: operation of revenue service vehicle (whether in or out of service); operation of a non-revenue service vehicle that requires a commercial driver's license; controlling dispatch or movement of a revenue service vehicles or equipment used in revenue service; and maintaining a revenue service vehicle or equipment used in revenue service. A covered FTA employee will be tested under random and reasonable suspicion protocols for alcohol misuse while the employee is performing safety-sensitive functions; just before the employee is to perform safety-sensitive functions; or just after the employee has ceased performing such functions. A covered employee will be tested under random and reasonable suspicion protocols for prohibited drug use anytime while on duty.

47.5 Prohibited Conduct. The following conduct is prohibited and may result in discipline, up to and including termination:

A. Reporting for duty or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration level of 0.04 or greater.

B. Performing a safety-sensitive function within four hours of using alcohol.

C. Being on duty or operating a vehicle described in Section C above, while possessing alcohol.

D. Using alcohol while performing a safety-sensitive function.

E. Reporting for duty or remaining on duty requiring the performance of safety-sensitive functions when the employee used any controlled substances, except if the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely operate a vehicle.

F. Reporting for duty or remaining on duty requiring the performance of safety-sensitive functions if the employee tests positive for controlled substances.

G. Refusing to submit to any alcohol or controlled substances test required by this Policy. A covered employee who refuses to submit to a required drug/alcohol test will be treated in the same manner as an employee who tested 0.04 or greater on an alcohol test or tested positively on a controlled substances test.

H. Refusing to complete the required DOT forms authorizing the release of test results to the Program Manager.

47.6 Refusal to Submit to Testing. A refusal to submit to an alcohol or controlled substances test required by this Policy includes, but is not limited to:

A. A refusal to provide an urine sample for a drug test.

B. Failure to provide a urine or breath specimen for any drug or alcohol test required by DOT or FTA regulations.

C. A refusal to complete and sign the breath alcohol testing form, or otherwise cooperate with the testing process in a way that prevents the completion of the test.

D. An inability to provide adequate breath or urine or provide an adequate amount of breath or urine without a valid medical explanation.

E. Tampering with or attempting to adulterate the specimen or collection procedure. A specimen is considered adulterated if it contains a substance

that is not a normal constituent or contains an endogenous substance at a concentration that is not a normal physiological concentration.

F. Not reporting to the collection site in the time allotted by the supervisor or manager who directs the employee to be tested.

G. Leaving the scene of an accident without a valid reason as to why or authorization from a supervisor or manager, who shall determine whether to send the employee for a post-accident drug and/or alcohol test, was not obtained.

H. Consuming alcohol during the eight hours immediately following an accident, unless the employee has been informed that his/her actions have been discounted as a contributing factor, or if the employee has been tested.

I. Failure to remain at the testing site until the sample has been given and the Federal Drug Testing Custody and Control form (CCF) has been completed.

J. In the case of a directly observed or monitored collection in a drug test, failure to permit the observation or monitoring of specimen collection.

K. Failure or decline to take a second test that the City or collector has directed the employee to take.

L. Failure to undergo a medical examination or evaluation, as directed by the Medical Review Officer (MRO) as part of the verification process, or as directed by the Program Manager as part of the “shy bladder” procedures; failure to cooperate with any part of the testing process (e.g., refusal to empty pockets when so directed by the collector, behaving in a confrontational way that disrupts the collection process) or verbal or written refusal to provide the required urine specimen.

M. Failure to sign Step 2 of the alcohol test form.

N. Failure to follow the observer's instructions during an observed collection including instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.

O. Possessing or wearing a prosthetic or other device that could be used to interfere with the collection process.

P. Admitting to the collector or MRO that you adulterated or substituted the specimen.

Q. An MRO verification of adulteration or substitution of the specimen.

47.7 Obligations for a Drug-Free Workplace. In addition to the above prohibitions, employees are reminded of their obligations under the Federal Drug Free Workplace Act of 1988. All employees covered by this Policy have previously been provided a copy of the City's Drug-Free Workplace policy (Policy 47 of the Employee's Manual), and have signed an acknowledgment that they have read the Statement and agree to comply with its provisions.

47.8 Union Representation. When a represented employee is suspected of violating this policy, the employee may, upon request, have any union or non-union representative present during any employee questioning which may lead to disciplinary action.

47.9 Consequences for Employees Having Alcohol Concentration Between .02 to .04. Covered employees whose alcohol test indicates an alcohol concentration level between 0.02 and 0.04 will be removed from his or her safety-sensitive position for at least 24 hours under FMCSA regulations and 8 hours under FTA. Such employees may be subject to discipline, up to and including termination. The City will then do a non-DOT retest on the employee before the employee may be returned to his/her safety-sensitive position and the employee's alcohol concentration must be below 0.02.

47.10 Circumstances Requiring Testing. The following circumstances require drug and alcohol testing of covered employees.

47.10.1 Pre-Employment Testing. All applicants for classifications which are covered by the DOT regulations (See "covered employees" above), as well as all employees who transfer from classifications which are not covered to classifications which are covered, will be required to submit to pre-employment/pre-duty drug testing. Testing will include urine drug testing and breath alcohol testing. Applicants will not be assigned to a safety-sensitive position if they do not pass the tests. Conditional offers of employment shall be rescinded. The Program Manager must receive confirmed negative test results prior to the applicant/employee performing a safety-sensitive duty.

47.10.1.1 Cancellation of Tests. If a test is cancelled, the applicant/employee will be required to re-test with a negative test result. A negative dilute test result on a pre-employment test will require a re-test.

47.10.1.2 Prior Employment Information. Applicants are required to report the name and contact information of all employers for the previous two years. The applicant is required to provide a consent statement permitting the previous employers to release drug and alcohol test results to the City. Failure to provide information or provide inaccurate or misleading information will result in immediate termination and/or rescission of employment offer. The outcome of the

investigation may also result in termination and/or rescinding the employment offer. When a covered employee or applicant has previously failed or refused a DOT pre-employment drug test, the employee or applicant must provide the City proof of having successfully completed a referral evaluation, and treatment plan.

47.10.1.3 Lapse in Testing. If more than 90 days have passed between the time of successfully completing pre-employment tests and the assignment of safety-sensitive duties, another pre-employment test will be required prior to the individual being assigned safety-sensitive duties.

47.10.2 Leave of Absence. Employees covered under this policy who have been off duty for 90 days or more for any reason, and have been out of the random pool, must successfully pass a pre-employment drug test prior to the performance of a safety-sensitive function.

47.10.3 Post-Accident Testing. Post-Accident drug and alcohol testing will be conducted on employees following a vehicular accident. Post-accident alcohol tests shall be administered within two hours following an accident and no test may be administered after eight hours. A post-accident drug test shall be conducted within 32 hours following the accident.

47.10.3.1 FMCSA Provision. An accident occurs when, as a result of an occurrence involving the vehicle, an individual dies or when a State or local law enforcement authority issues a citation to the covered employee for a moving violation arising from the accident.

47.10.3.2 FTA Provision. FTA defines accident as a vehicular occurrence in which: (1) an individual dies; or (2) an individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident; or (3) one or more vehicles (including non-FTA funded vehicles) incurs disabling damage as the result of the occurrence and such vehicle or vehicles are transported away from the scene by a tow truck or other vehicle. FTA requires that not only will the Transit Coach Operator of the vehicle be tested, but so will any other covered employee whose performance may have contributed to the accident, such as a maintenance employee. As soon as practicable following an accident involving the loss of human life, the City shall conduct drug and alcohol tests on each surviving covered employee operating the mass transit vehicle at the time of the accident. Post-accident drug and alcohol testing of the operator is not required under this section if the

covered employee is tested under the fatal accident testing requirements of the Federal Motor Carrier Safety Administration Rule 49 CFR 389.303(a)(1) or (b)(1).

A covered employee who is subject to post-accident testing is required to be readily available for testing, which includes notifying his or her supervisor of his or her location if he or she leaves the scene of the accident prior to submission to such test. Otherwise, the covered employee may be deemed by the City to have refused to submit to testing.

47.10.3.3 Determination of Testing. The decision as to whether or not to test the employee will be left to a supervisory or management employee. The presumption is for testing. The only reason an employee will not be tested following an accident is if a determination is made that the employee's performance could not have been a contributing factor. If a fatality occurs, the employee will be tested irrespective of whether his/her involvement may be discounted.

47.10.3.4 Non-FTA Accident Defined. An accident occurs in the following circumstances: when an individual dies as a result of an occurrence involving the vehicle; when an individual suffers bodily injury and a State or local law enforcement authority issues a citation to the covered employee for a moving violation arising from the accident; or when a vehicle suffers disabling damage and a State or local law enforcement authority issues a citation to the covered employee for a moving violation arising from the accident. Disabling damage means damage to the vehicle that precludes departure from the scene or damage to vehicles that could have been operated but would have been further damaged if so operated.

47.10.4 Random Testing. Covered employees will be subject to random alcohol and drug testing as follows:

A. A random alcohol test will be administered just prior to the employee performing a safety-sensitive function (i.e., driving), while the employee is performing a safety-sensitive function, or just after the employee has stopped performing a safety-sensitive function. The City will subject at least 10% of the total number of covered employees to random alcohol testing per year or the level determined by State or Federal regulation.

B. A random drug test will be administered to at least 50% of the total number of covered employees per year. Some employees may be tested more than once in a year, while others may not be tested at all, depending on the random selection.

C. On the date an employee is selected for random drug testing, the employee's supervisor will ensure the employee's duties are covered. The employee will receive a written notice indicating the time he/she is to report to the lab for testing.

D. The selection of employees for random drug and alcohol testing shall be made by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with the employees' payroll identification numbers or other comparable identifying numbers. Under the selection process used, each covered employee shall have an equal chance of being tested each time selections are made.

E. The City will ensure that random drug and alcohol tests conducted under this part are unannounced and unpredictable, and that the dates for administering random tests are spread reasonably throughout the calendar year. Random testing must be conducted at all times of day when safety-sensitive functions are performed.

F. The City will require that each covered employee who is notified of selection for random drug or random alcohol testing proceed to the test site immediately. If the employee is performing a safety-sensitive function at the time of the notification, the employee will cease to perform the safety-sensitive function and proceed to the testing site immediately.

47.10.5 Reasonable Suspicion Testing. Covered employees are also required to submit to an alcohol or drug test when a trained supervisor has reasonable suspicion to believe the employee may be under the influence of alcohol or controlled substances. The observation must be based on short-term indicators, such as blurry eyes, slurring, alcohol on the breath, or other indicators as listed under Policy 35, Drug-Free Workplace.

47.10.5.1 Time Restrictions. The reasonable suspicion alcohol test will be administered within two hours of the observation. If not, the employer must provide written documentation as to why the test was not promptly conducted. No test may be administered after eight hours following the observation.

47.10.5.2 Supervisory Training. To ensure that supervisors are trained to make reasonable suspicion determinations, supervisors vested with the authority to demand a reasonable suspicion drug and alcohol test will attend at least one hour of training on alcohol misuse and at least one hour training on controlled substances use. The training will cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

47.10.6 Return to Duty/Follow-up Testing. A covered employee who has violated any of the prohibitions of this policy must submit to a "return to duty" test before he/she may be returned to his/her position after being assessed by the Substance Abuse Professional (SAP) and having completed the SAP recommended treatment program. The test result must indicate an alcohol concentration of less than 0.02 and a verified negative result on a controlled substances test.

47.10.6.1 Supplemental Follow-Up Testing. In addition, because studies have shown that the relapse rate is highest during the first year of recovery, the employee will be subject to follow-up testing, which is separate from the random testing obligation. The employee will be subject to at least six unannounced drug/alcohol tests during the first year back to work.

47.11 Procedures for Detecting Drugs and Alcohol. Procedures for specimen collection, chain of custody of specimens, laboratory analysis procedures, and quality control requirements will be in accordance with the United States Department of Health and Human Services *Mandatory Guidelines for Federal Workplace Drug Testing Program, Final Guidelines*, and the provisions set forth in 49 CRF Part 40, *Procedures for Transportation Workplace Drug and Alcohol Testing Programs* to assure a high degree of accuracy and reliability.

47.11.1 When a urine specimen collection is to be conducted, the City will supply the collector with the following information:

(a) Full name of the employee being tested.
(b) Employee identification number.
(c) Laboratory name and address.
(d) Employer name, address, phone number, and fax number.
(e) The City's Program Manager information.
(f) MRO name, address, phone number, and fax number.
(g) The DOT Agency which regulates the employee's safety-sensitive duties.
(h) Test reason, as appropriate: Pre-employment; Random; Reasonable Suspicion/Reasonable Cause; Post-Accident; Return-to-Duty; or Follow-up.
(i) Whether the test is to be observed or not.

47.11.2 Alcohol Testing. Alcohol testing will be conducted by using an evidential breath-testing device (EBT) approved by the National Highway Traffic Safety Administration. A screening test will be conducted first. If the result is an alcohol concentration level of less than 0.02, the test is considered a negative test. If the alcohol concentration level is 0.02 or more, a second confirmation test will be conducted.

47.11.3 Drug Testing. Drug testing will be conducted as follows:

A. The specimen will be split into two bottles labeled as "primary" and "split" specimen. Both bottles will be sent to the lab.

B. If the primary specimen tests positive for the presence of illegal, controlled substances, the employee has 72 hours from MRO's notice to request that the split specimen be analyzed by a different certified lab at his/her own expense.

C. Employees do not have access to a test of their split specimen following an invalid result. An invalid specimen is one that contains an unidentified adulterant, contains an unidentified interfering substance, has an abnormal physical characteristic, or has an endogenous substance at an abnormal concentration that prevents the laboratory from completing testing or obtaining a valid drug test result.

D. The sample will be tested for the following: marijuana, cocaine, opiate, amphetamines, and phencyclidine.

E. If the test is positive for one or more of the drugs, a confirmation test will be performed using gas chromatography/mass spectrometry analysis.

F. Specimen validity testing will be conducted on all urine specimens provided for testing under DOT authority. Specimen validity testing is the evaluation of the specimen to determine if it is consistent with normal human urine. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted. Diluted specimens have creatinine and specific gravity values that are lower than expected for human urine. Substituted specimens have creatinine and specific gravity values that are so diminished or so divergent that they are not consistent with normal human urine.

G. All drug test results will be reviewed and interpreted by a physician before they are reported to the employee and to the City.

H. With all positive drug tests, the physician (a.k.a. medical review officer) will first contact the employee to determine if there is an alternative medical explanation for the positive test result. If documentation is provided and the medical review officer determines that there was a legitimate medical use for the prohibited drug, the test result may be reported to the City's Program Manager as "negative." The Program Manager will obtain the employee's permission prior to releasing drug/alcohol records to others (except for the medical review officer and the Substance Abuse Professional).

I. If the laboratory reported to the MRO that the specimen had a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL and the MRO reported the specimen as a negative-dilute, then a second collection must take place under direct observation. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.

47.12 Refusal to Submit an Alcohol and/or Drug Test. A covered employee who refuses to submit to any required drug/alcohol testing will be treated in the same manner as an employee who tested 0.04 or greater on an alcohol test or tested positively on a controlled substances test.

47.13 Consequences of Failing an Alcohol and/or Drug Test. A positive result from a drug or alcohol test may result in disciplinary action, up to and including termination. If a covered employee is not terminated, the employee:

A. Must be removed from performing any safety-sensitive function.

B. Must submit to an examination by a substance abuse professional. Upon a determination by the substance abuse professional, the employee may be required to undergo treatment to cure his/her alcohol or drug abuse. The City is not required to pay for this treatment.

C. May not be returned to his/her former safety-sensitive position until the employee submits to a return-to-duty controlled substance and/or alcohol test, which indicates an alcohol concentration level of less than 0.02 or a negative result on a controlled substance test.

D. Will be required to submit to unannounced follow-up testing after he/she has been returned to his/her safety-sensitive position. See 47.10.6 above.

47.14 Additional Resources for Employees. Fact Sheets published by the Federal Transit Administration, addressing the effects of alcohol and the various controlled substances, which are tested for under this Policy will be periodically distributed to employees covered under this policy.

47.14.1 Employee Assistance Program. The City has established an Employee Assistance Program to help employees who need assistance with alcohol and controlled substance abuse, under Policy 23, Employee Assistance Program.

References

Policy 23, Employee Assistance Program
Policy 31, Disciplinary Action
Policy 35, Drug-Free Workplace

Policy Revised 1/9/12