

# *Employee's Manual*

*City of Simi Valley*

*April 1989*



## EMPLOYEE ASSISTANCE

Departmental Management and the Personnel Division staff are available to assist all employees who may have questions or concerns which require information or assistance beyond the purview of this the Employee's Manual. In addition, there are formally recognized employee organizations to further meet the employee's informational and representational needs.

General Unit employees are represented by the California League of City Employee Associations (C.L.O.C.E.A.). General Unit employees may wish to contact a member of the Board of Stewards or the Union staff representative. The staff representative from C.L.O.C.E.A. is Bill Shawhan, Senior Consultant.

Police Unit employees are represented by the Simi Valley Police Officers' Association. Police Unit employees may wish to contact a member of the Board of Directors of the Police Officers' Association or the Association's legal representatives. Legal representatives may be contacted at the law firm of Silver, Kreisler, Goldwasser, and Shaeffer.

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EMPLOYEE'S MANUAL  
OF THE  
CITY OF SIMI VALLEY

POLICY 1

PURPOSE AND GENERAL PROVISIONS

1.0 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.

1.1 These policies set forth procedures which insure similar treatment for those who compete for employment and promotion, and define the obligations, rights, privileges, benefits and prohibitions which are placed upon all employees in the service of the City.

1.2 It is hereby the declared personnel policy of the City of Simi Valley that:

- 1.21 Employment decisions shall be based upon merit and fitness. It is prohibited to discriminate in employment decisions based upon race, color, national origin, religion, sex, age, political affiliation or physical handicap that does not effect work performance.
- 1.22 Appointment, promotions, and other actions requiring the application of the merit principle shall be based on tests and/or evaluations.
- 1.23 Continued employment shall be based upon adherence to standards, satisfactory work performance, necessity for the performance of work, and the availability of funds.

1.3 Any action concerning an employee's status of employment shall be processed on a Personnel Action Form. Each Department Head shall prepare such form according to his/her recommendation. All employees shall receive a true copy of any personnel action taken concerning their status of employment.

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

1.5 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."

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

POLICY 2

JOB CLASSIFICATIONS

2.0 It is the policy of the City of Simi Valley to develop broad-based job classifications to promote initiative, creativity and employee development. The City Manager shall be responsible for the classification of all positions on the basis of the kind and level of the duties and responsibilities of the positions, to the end that all positions in the same class 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.

2.01 A job class may contain one or more positions.

2.1 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.

2.11 The City Manager shall be responsible for recommending any position reclassifications. The City Council shall approve any position reclassifications.

2.12 Incumbents may or may not be reclassified with their positions. Incumbents who are reclassified with their positions shall meet the minimum qualifications of the new classification.

POLICY 3

COMPENSATION

3.0 The City Manager shall be responsible for recommending wage rates and salary ranges for each job class except the positions of City Manager and City Attorney. The wage rate or salary range for each class shall be such as to reflect fairly the similarities and differences in levels of duties and responsibilities and shall be related to the value of the employee to the organization.

3.1 All job classes 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 of the City Manager.

3.2 Newly hired employees shall be compensated at the base of the salary range of the job class for which he/she was 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 General Services Director or City Manager may authorize hiring at a higher rate in the salary range.

3.3 Merit salary increases for all employees may be granted only for continued meritorious and efficient service and continued improvement by the employee in the effective performance of the duties of his/her position. Such salary increases or denial of salary increases shall require the specific recommendation of the employee's Department Head.

3.31 Salary increases for the City Manager and City Attorney shall require approval of the City Council.

3.32 The effective date of salary increases shall be the first day of the pay period following the employee's anniversary date.

3.33 The effective date of merit salary increases shall be on the employee's anniversary date for all Management and General Unit Employees. Said merit increase to be paid at the regularly scheduled date for the next full pay period immediately following the employee's anniversary date retroactive to the anniversary date.

3.4 Salary ranges for those job classes in the General Unit shall contain six (6) salary steps. Newly hired employees in these job classes shall begin at the base of the salary range. Progression to the next step of the salary range shall be based upon merit evaluation. All increases shall be effective on the first work day of the succeeding pay period. (Revised 7/8/85)

3.5 An incumbent employee reclassified with his/her position to a lower job classification shall be placed at the same rate in the lower salary range if possible. If the top of the salary range of the lower job class is lower than the incumbent's rate of pay, his/her rate of pay may be lowered accordingly. If an employee retains his/her current salary rate after such downward reclassification, he/she shall not be eligible for any future salary increases until his/her salary rate is less than the maximum of the salary of the lower job class.

3.6 An employee transferred to an equivalent job with the same salary range shall retain his/her rate of pay and his/her anniversary date for purposes of merit review.

3.7 A Police Unit employee who is promoted or reclassified to a higher job class shall be granted a minimum five-and-one-half percent (5.5%) increase in base salary or the beginning of the new range, whichever is greater. Base salary shall not include any assignment or incentive compensation.

3.8 A Management employee, who is promoted or reclassified to a Management position in a higher classification shall be granted a minimum of five-and-one-half percent (5.5%) increase in base salary or the beginning salary rate of the new range or a salary rate that is a minimum of one-dollar (\$1.00) per month greater than any employee that such employee directly supervises, whichever of the three rates is greater. (Revised 7/1/84)

3.9 Any 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 five-and-one-half percent (5.5%).

3.10 A General Unit employee who is promoted or reclassified to a higher job class shall be granted a minimum five percent (5%) increase in base salary or the beginning of the new salary range, whichever is greater. Base salary shall not include any assignment or incentive compensation.

3.11 When an employee is promoted and accordingly receives a salary increase, the employee's anniversary date for evaluation purposes shall be changed to the effective date of the promotional appointment.

3.12 An employee in a job class which is assigned a different salary range as a result of pay adjustment shall retain the same anniversary date for purposes of merit review.

3.13 Special Assignment Pay shall be provided to employees assigned by the Department Head to the following:

Crew Leader.....	\$100 per mo. (eff. 7/4/88)
.....	\$110 per mo. (eff. 7/1/89)
Police Detective.....	\$ 75 per mo. (eff. 7/4/88)
Police Canine Officer.....	\$125 per mo. (eff. 6/24/85)
Police Field Training Officer.....	\$125 per mo. (eff. 6/24/85)
Police (D.U.I.T.) Officer.....	\$125 per mo. (eff. 6/24/85)
Secretary (Recording).....	\$100 per mo. (eff. 4/28/80)

POLICY 4

HOURS OF WORK AND PAYDAY

4.0 The standard work week for employees shall be forty (40) hours.

4.01 For all employees with a regular work week of forty (40) hours, the actual hourly rate of pay shall be twelve times the monthly rate divided by 2,080.

4.1 Regular salaries and compensation of all City employees shall be paid on a bi-weekly basis. Payroll checks shall normally be distributed on alternate Fridays. (Revised 7/1/86)

4.11 The bi-weekly pay period shall be the 14 calendar days from 12:00 a.m. Monday through 12:00 a.m. Sunday.

4.12 Department Heads shall furnish the General Services Department with payroll and attendance records of their personnel duly certified for payment and approved by them as to their validity, the morning of the day after the close of the payroll period.

4.13 Prior to issuance of any payroll checks, the payroll register shall be audited by the General Services Department. Any unauthorized payment appearing on the payroll register shall be withheld by order of the Director of General Services.

POLICY 5

PREMIUM PAY

5.0 Premium overtime shall be defined as that time worked in excess of 8 hours per day or 40 hours per week. When authorized, premium overtime shall be paid at the time and one-half rate or General Unit employees may accrue overtime hours at time and one-half, subject to Section 5.03 below.

5.01 Overtime for employees shall be rounded to nearest one-tenth (1/10) hour of overtime worked. (Revised 8/3/87)

5.02 All overtime must be authorized by the appropriate Department Head or his/her designate prior to being worked and recorded on the time records.

5.03 Compensatory time off in-lieu of time and one-half overtime pay may be taken by General Unit employees at the discretion of the Department Head. General Unit employees may accumulate compensatory time off in-lieu of overtime compensation up to a maximum accumulation of eighty (80) hours. (Revised 7/4/88)

5.04 Absences due to Annual Leave and holidays shall be treated as time worked for purposes of computing premium overtime compensation. (Effective 6/29/81 for Police employees; 8/9/82 for General Unit employees)

5.05 All full-time positions shall be eligible for overtime, except those designated as management positions.

5.1 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 for overtime.

5.2 The City Manager shall make determinations of eligibility of overtime when new temporary positions are authorized.

5.3 Stand by and callback minimum compensation for eligible employees shall be in accordance with the following provisions:

5.31 General Unit employees required to be on stand by status on Saturdays, Sundays and those holidays specified in Policy 12 shall be compensated fifteen dollars (\$15.00) per 24 hour period. Stand by compensation for all other periods shall be ten dollars (\$10.00) per 24 hour period. (Revised 7/1/84)

5.32 When a General Unit employee has left the work site and is called back, he/she shall receive a minimum of two hours pay at his/her regular rate, unless the employee works one-and-one-half (1½) hours or more, in which case, said employee shall receive pay at the rate of one-and-one-half (1½) times his/her regular rate for all hours worked in-lieu of the two (2) hour minimum.

- 5.33 A Police Unit employee who is requested to stand by shall receive .25 hours of overtime credit per hour of scheduled stand by, irrespective as to whether or not he/she is called to work.
- 5.34 When a Police Unit employee has left duty after completing his/her normal shift and any extensions thereof, and is then called back from his/her home when not regularly scheduled to report for duty, and is released from on duty status in less than two (2) hours, the employee is to be paid for two (2) hours at the time and one-half rate.
- 5.35 When a Police Unit employee is subpoenaed to court to testify in his/her official capacity when he/she is not regularly scheduled to be on duty, and he/she makes a reasonable effort to coordinate with the appropriate representative of the subpoenaing agency to ascertain the time that he/she will be called to testify, he/she shall be paid at the premium rate for a minimum of two (2) hours when the court is in Simi Valley, and a minimum of four (4) hours when the court is outside of Simi Valley.
- 5.36 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.

## POLICY 6

### RECRUITMENT, APPOINTMENTS AND PROMOTIONS

6.0 The purpose of this policy is to attract the most qualified persons to apply for employment. Recruitment activities shall be conducted in such a manner as to attract qualified applicants without regard to race, color, national origin, religion, sex, age, citizenship, physical handicap, political affiliation, or marital status.

6.1 Recruitments may be conducted in any of the two following manners:

- A. Open - any person may apply
- B. Promotional - only persons who are currently directly employed by the City may apply

The determination of the type of recruitment to be conducted shall be made by the Personnel Administrator after consultations with the affected Department Heads. Such determination shall consider the best interests of the City as well as the preference to promote current City employees.

6.2 Whenever a vacancy occurs and the department desires to fill such vacancy, the Department Head shall request that the General Services Department conduct a recruitment to fill such a vacancy. Such requests should be in writing and include a recommendation as to the type of recruitment requested.

6.3 Application forms shall be completed by each applicant for each position applied for.

6.4 Applications shall only be accepted during a recruitment period for the designated position(s). Applications must be filed in the Personnel division of the General Services Department, prior to the closing date of the application period. Applications, whether accepted or rejected, shall not be returned.

6.5 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.

6.6 No person holding or applying for a position shall be discriminated against because of race, color, national origin, religion, sex, age, physical handicap or marital status, unless such factors are bonafide occupational qualifications. Applicant information concerning such factors shall be used in a strictly confidential manner.

6.7 Examinations for appointment or promotion shall be in such form as will fairly test the abilities and aptitudes of the applicants for the duties to be performed and shall not include inquiry into the religious or political beliefs, affiliations, membership in or attitude towards any employee organization, ethnic or geographical origin, race, or marital status of any applicant.

Examinations may include appropriate written, oral, practical tests, or any combination thereof which will fairly test the knowledges, skills and abilities of the applicants. The nature of the examination and the testing methods used shall be determined by the Personnel Administrator.

6.8 Candidates who qualify for employment or promotion shall be placed on an eligibility list for the appropriate job class in rank order of the scores they obtained in the examination. After approval by the General Services Director, the list will be forwarded to the appropriate department for review. Candidates shall 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 Personnel Administrator may require justification for selection of candidates.

6.80 Eligibility lists may contain the names of one or more persons eligible for employment.

6.9 Eligibility lists shall remain in effect for a period not to exceed six months or until all names have been removed from the eligibility list. Eligibility lists may be extended for an additional period not to exceed six months by the General Services Director.

6.90 Whenever the appointment from an eligibility list is delayed due the imposition of a personnel hiring freeze by the City Council or City Manager, the term of the eligibility list may be extended by the City Manager for an additional period not to exceed one year.

6.10 The General Services Director may determine that an eligibility list is no longer in effect prior to the six month period because of changed requirements or a lack of qualified candidates.

6.11 The appropriate Department Head may request to have names removed from the eligibility list. The General Services Director may remove names from the eligibility list upon finding that such removal is appropriate.

6.12 The appropriate Department Head may also request that an eligibility list be abolished and a new recruitment be commenced whenever, in the judgment of the Department Head, the interest of the City makes such actions appropriate.

6.13 Appointments to vacant positions shall be based on merit and fitness as determined by competitive examinations and/or evaluations. Minimum standards of employment for each job class shall be recommended by the Personnel Administrator with the concurrence of the Department Head and approved by the City Manager. Such minimum standards may also be reviewed by the Affirmative Action Committee as appropriate.

6.130 When an appointment is to be made to a vacancy, the appropriate department shall submit to the General Services Department a completed Personnel Requisition Form indicating the name, beginning salary and range, and employment start date. The appointment and conditions of the appointment must be approved by the General Services Director and City Manager, if appropriate, prior to the employment start date.

6.131 Any appointment or promotion to a Department Head position shall be made by the City Manager.

6.132 Appointment or promotion to the position of City Manager or City Attorney shall be made by the City Council.

6.14 In the absence of an appropriate eligibility list, a provisional appointment may be made by the appropriate Department Head, with the approval of the Personnel Administrator, 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 after appointment, 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.

6.15 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, providing 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.

6.16 A General Unit employee may be temporarily assigned to a higher classification in an acting capacity when the Department Head determines that an acting assignment is required to temporarily replace an employee on leave anticipated to be 14 calendar days or more in duration, or a vacancy occurs in such a 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 he/she is assigned, or an additional 5% of his/her current salary, whichever is greater. This temporary pay increase will be effective on the first date of the pay period following such assignment. In no case shall the adjusted salary be greater than the maximum salary for the position to which the assignment has been made. A temporary acting appointment shall not exceed 120 consecutive or cumulative working days, unless approved in writing by the City Manager. (Revised 7/1/86)

6.17 A Management or Police Unit employee may be temporarily assigned to a higher classification in an acting capacity when a vacancy occurs in such a classification for an extended period of time, or if it is anticipated that the vacancy will be of substantial duration, and no employment list is available. Temporary acting appointments shall be requested by the Department Head, and approved by the General Services Director or City Manager, on the basis of sufficient need and the responsibility level of the vacant position. Whenever a temporary acting appointment is made, the employee shall receive the minimum salary for the position, or 5.5% over the employee's current salary, whichever is greater. In no case shall the adjusted salary be greater than the maximum salary amount of the position to which he/she has been temporarily appointed. The salary increase for an

acting appointment shall be effective on the first day of the pay period following the appointment. A temporary acting appointment shall not be made for a period of less than thirty calendar days. Acting appointment shall not be extended longer than 120 days without approval of the City Manager.

6.18 The goals and objectives of the Affirmative Action Plan shall be given due consideration by the Department Head in the appointment or promotion of employees.

6.19 All limited-term appointments shall be made in the same manner as regular appointments with regards to recruitment, and establishment of an eligibility list. 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.

## POLICY 7

### PROBATION

7.0 All original and promotional appointments shall be subject to a period of one year probation. In lieu of dismissal or demotion the probation period may be extended in individual cases by the Department Head, with the approval of the Personnel Administrator, provided that the recommendation and action to extend the probation occurs prior to the employee's anniversary date. The probationary period may not be extended more than once, for a maximum period of six months.

7.01 Promotional appointments in the following classifications shall not be subject to this policy since the less experienced or "in-training" classification in the progression is considered as the probationary period for the more experienced classification.

Dispatcher Trainee	to Dispatcher
Waterworks Service Worker In-Training	to Waterworks Service Worker I
Sanitation Plant Operator In-Training	to Sanitation Plant Operator I
Clerk	to Clerk II

7.1 The work and conduct of probationary employees will be subject to close scrutiny and evaluation. The appropriate Department Head may dismiss or demote the probationer 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 8, 8A, and 8B.

7.2 An employee shall be retained beyond the end of the probationary period only if the appropriate Department Head affirms that the services of the employee have been found to be satisfactory. The Department Head shall submit an employee evaluation and a Personnel Action Form authorizing the end of such probation.

7.3 The probationary period shall be considered to be a working test period, during which an employee is required to demonstrate his/her fitness for the position to which he/she is appointed by actual performance of the duties of the position.

7.4 An attempt will be made to keep an employee appraised of his/her progress, and the department concerned should consult with him/her concerning potential or actual problem areas.

7.5 An employee's probationary period may be extended, if, during said probationary period, the employee is absent due to illness, injury, discipline, or leave of absence requested by the employee. In order to extend the probationary period under this section, the employee shall be absent for the above reasons for a cumulative period of more than 30 calendar days during the probationary period. The period of extension of the probationary period shall be no longer than the actual number of work days that the employee was absent.

## POLICY 8

### DISCIPLINARY ACTIONS - GENERAL UNIT EMPLOYEES

8.0 Cause for Disciplinary Actions - The employment of all regular General Unit 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 does not apply to those employees except for the provisions of Policy 8.81.

Appointing authorities shall not discriminate on the basis of age, sex, national origin, religion preference or race when discharging their duty as to any employee of the City.

The basis for disciplinary action, including but not necessarily limited to, a reprimand, suspension, reduction in pay, demotion or dismissal, may be any one or more of the following charges as they relate to City employment:

- Misconduct, which includes, but which is not necessarily limited to, absent without authorized leave (absent without authorized leave for more than four consecutive days shall constitute an automatic resignation of the employee. There shall be no right to notice or of appeal as prescribed hereinbelow unless the employee denies that he/she was absent without leave, or the City does not reasonably believe that an abandonment of the position has occurred); improper political activity or failure to file such reports as may be required by state or local laws or rules; and negligent use, intentional misuse or unauthorized use of City tools, equipment, vehicles, materials, supplies or property.
- Incompetency.
- Inefficiency.
- Insubordination.
- Dishonesty, which includes, but which is not necessarily limited to, the falsification of records, fraud, misrepresentation in securing employment, or abuse of leave privileges.
- Mishandling of public funds.
- Any other act or acts which are incompatible with the public service.
- Failure to observe City or Department rules or regulations.

8.1 Oral or Written Reprimand - An employee may be subject to an oral or written reprimand for any of the reasons stated above in Section 8.0. An oral or written reprimand shall constitute a warning to the employee that

his/her performance is not satisfactory. If the reprimand is in written form, it shall be placed in the employee's official personnel file. The fact of an oral reprimand should be noted in the employee's official personnel file.

The employee shall be asked to sign the written reprimand to acknowledge that it has been read by the employee, and that he/she is aware that it will be placed in the employee's personnel file. If the employee refuses to sign, that fact shall be noted on the document.

An employee 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.

A written reprimand may contain a provision that it be removed from the employee's file at a future date. Periodic performance evaluations shall not be considered as a reprimand even if negative or detrimental comments or remarks are noted.

8.2 Suspension - An employee may be suspended without pay for any of the causes stated in Section 8.0. In addition, an employee may be suspended with pay for any reason. Suspensions with pay shall normally be made in order to relieve employees of their normal duties while an investigation which may result in disciplinary action takes place. Suspension with pay shall not constitute a disciplinary action.

8.3 Demotion/Reduction in Pay - An employee may be demoted or receive a reduction in pay for any of the causes stated in Section 8.0. No employee shall be demoted to a position for which he/she does not possess the minimum qualifications. Whenever an employee is demoted or receives a reduction in pay as a result of a disciplinary action, his/her anniversary date shall be changed to the effective date of the action. An employee who is demoted shall not be considered eligible for reinstatement to their previous position under Policy 10 unless the demotion action specifically states that reinstatement may be considered. An employee who is demoted is not barred from competing in future examinations for promotion as they may occur.

An employee may request a voluntary demotion to another position within the department or in another department. Any voluntary demotion shall require the approval of the Department Head(s) involved. An employee who requests a voluntary demotion may be reinstated to his/her former position in accordance with Policy 10, Section 10.1.

8.4 Discharge - A Department Head or other manager to whom "Appointing Authority" has been delegated with the approval of the City Manager, hereinafter referred to as "authorized manager", may take action to discharge an employee assigned to his/her department based on any one or more of the charges stated above in Section 8.0. Probationary employees may be discharged at any time without cause. Probationary employees discharged without cause are not subject to the notice requirements nor the appeal procedures set forth hereinbelow.

8.5 Transfer - An employee may be involuntarily transferred to another position in another department or within the same department at the same salary range. Such transfer does not constitute a disciplinary action.

8.6 Special Provisions - Demotions, transfers, discharges, resulting from reallocation or reduction in work force due to financial determination by the City Manager or City Council or due to reassessment of the public needs or services rendered shall not constitute discipline and shall not be appealable (See Policy 9).

Disciplinary action taken against certain employees of the Police Department shall be subject to Government Code Section 3300 through 3311, otherwise known as "The Public Safety Officer's Procedural Bill of Rights Act". Such provisions shall apply to those employees defined in the Act as "Peace Officer".

8.7 Notice of Intended Decision - Prior to taking any disciplinary action stated in Section 8.2 through 8.4 of this policy, a regular non-management employee who has successfully completed his/her probationary period shall be given written notice of such intended action at least five (5) 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 intended action and a statement indicating that copies of materials or documents on which the intended action is based, are available to him/her upon request. Such notice must also inform the employee that he/she is entitled to respond prior to the effective date of the intended action, either orally or in writing, to a reviewer designated by the City Manager who is not involved in the investigation or initiation of the intended disciplinary action. Following the employee's response, if any, such reviewer shall make a recommendation to the Department Head or authorized manager either confirming or modifying the intended disciplinary action. If the disciplining authority's intended action does become final, whether or not the employee responds to such notice, he/she 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.

8.8 Appeal of Disciplinary Action - All regular nonmanagement employees who are subject to the provisions of this policy shall have the right to appeal a dismissal, demotion, reduction in pay or a suspension in excess of two (2) working days imposed for disciplinary reasons.

8.81 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 attempting to clear his/her name.

8.9 Appeals Procedures - The following procedure shall be followed in the appeal of disciplinary action.

8.91 Right of Appeal:

Any employee who is the subject of disciplinary action stated in Section 8.8 subsection (a) or (b), has the right to appeal such action to the City Manager by filing a written request for appeal with the Personnel Administrator within ten (10) working days after the effective date of the action. The employee shall include in his/her request the reason(s) for appealing the action taken by the Department Head or authorized manager. 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 or other authorized manager.

8.92 Hearing:

The City Manager shall hear such appeal within (15) working days after the Personnel Administrator receives the employee's verified request for appeal. Written notice of this hearing shall be mailed to the employee not later than ten (10) working days before the hearing date.

The City Manager may determine at his/her option or may determine at the request of the employee, that an alternate Hearing Officer preside over the hearing.

In such cases that the City Manager determines that an alternate Hearing Officer shall be utilized, the selection of the alternate Hearing Officer shall be by mutual consent, or the Personnel Administrator shall obtain a list of five qualified and available Hearing Officers from the State Mediation and Concilitation 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. After the first removal of a person, the parties shall alternately remove persons from the list until one person remains. The last remaining person shall be the alternate Hearing Officer. (Revised 7/1/86)

In the case where an alternate Hearing Officer is utilized, the alternate Hearing Officer shall make his/her recommended decision to the City Manager for his/her consideration. The City Manager may accept, reject or modify the alternate Hearing Officer's recommendation. The City Manager's determination shall be final.

The hearing shall be public unless the employee, at least five (5) days before the hearing date, files a written request with the Personnel Administrator that the hearing be private. However, notwithstanding a timely request for a private hearing, the City Manager or his/her designee, hereinafter referred to as the "Hearing Officer", may order the hearing closed to the public if

he/she 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; and at the request of either party, he/she may exclude witnesses from the audience. The Hearing Officer shall preside at such hearing and shall determine whether to reverse any disciplinary action taken; modify the disciplinary action by implementing a lesser or more severe penalty; or sustain the action of the appointing authority, within ten (10) working days after such hearing. The Hearing Officer shall support his/her recommendation with appropriate findings resulting from the evidence submitted at the appeal hearing. The recommendation and findings shall be transmitted to the City Manager, whose determination shall be final.

#### 8.93 Hearing Expenses/Alternate Hearing Officer Services:

In such cases where the employee requests or the City Manager determines, at his/her option, that an alternate Hearing Officer preside over the hearing, the employee and the City shall each be responsible for one-half of the costs associated with the services of the alternate Hearing Officer.

#### 8.94 Hearing Expenses/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 utilization of 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.

#### 8.95 Time Limits:

Any time period specified in Section 8.92 of 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 written mutual consent of both parties and confirmation by the City Manager.

#### 8.96 Representation:

An employee may be represented in the appeals procedure by a representative of his/her choice. The employee and his/her authorized representative shall be present during all meetings and hearings contained in 8.7 or 8.92 of this Policy. Failure to be present, unless authorized by the Hearing Officer, shall constitute a waiver of such hearing or appeal rights.

8.97 Employee Release Time From Regular Duties:

If an employee remains employed with the City during the appeals process, he/she 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.

POLICY REVISION UNDER DISCUSSION

POLICY 8A

DISCIPLINARY ACTIONS - POLICE UNIT EMPLOYEES

8A.0 The employment of all permanent employees shall be conditioned on satisfactory work performance. Any employee may be reprimanded, suspended, reduced in pay, demoted or dismissed for sufficient cause. Whenever such disciplinary actions are considered, the employee shall be given notice of such intended action at least two (2) working days prior to the effective date of such action. The employee shall be provided with a written notice of the intended action or actions and the reason(s) for the action(s). If the employee requests, copies of any written materials or documents on which the actions(s) are based shall be furnished to the employee. In the case of intended discipline more severe than a 5-day suspension, the employee may request a hearing with a third party for further review of the action.

8A.01 When, in the judgement of the appropriate Department Head, an employee's work performance or conduct justifies disciplinary action short of demotion or dismissal, the employee may be reprimanded or suspended with or without pay. Written reprimands shall be placed in the employee's personnel file. In the case of a suspension, the Department Head shall file with the employee and the Director of General Services, a Personnel Action Form and a statement of the reasons for the action. (Revised 4/17/86)

8A.02 Any employee who is being paid a salary higher than the base of the salary range may be reduced on the basis of unsatisfactory work performance or conduct. Such action shall require the specific recommendation of the employee's Department Head and the approval of the City Manager. The employee shall be notified by his/her Department Head no later than two calendar weeks prior to the effective date of the action. The employee shall be advised of the unsatisfactory work and a reasonable improvement period established. At the end of the established improvement period, the employee may be reinstated to the previous salary rate.

8B.03 An employee may be demoted or dismissed whenever, in the judgement of the appropriate Department Head, the employee's work or misconduct so warrants. When considering such action, the Department Head shall file, with the General Services Director, a Personnel Action Form and a copy of the notice to the employee, containing a list of the reasons for the action and the effective date of the action.

8A.1 The intent of any employee to resign his/her employment shall be submitted in writing to his/her Department Head, giving a minimum of two weeks notice. The Department Head shall initiate a Personnel Action Form to the General Services Department. The Department Head may, at this time, also initiate a Personnel Requisition to replace the employee.

8A.2 An employee may request a voluntary demotion. Such a voluntary demotion shall require the approval of the Department Head under whom the employee will serve. An employee taking such a voluntary demotion may be placed in any salary of the appropriate salary range that does not provide an increase in salary. He/she shall be given a new anniversary date for purposes of merit review.

8A.3 If an employee takes a voluntary demotion as a result of a downward reclassification or impending layoff of his/her position, his/her salary status shall be in accordance with the policy provisions concerning demotions.

8A.4 Certain Police employees shall be subject to the provisions of Government Code Sections 3300 through 3311, otherwise known as "The Public Safety Officer's Procedural Bill of Rights Act." Such provisions shall be applied to those employees defined in the Act as "Peace Officers" and shall be considered in disciplinary matters of such employees.

POLICY 8B

DISCIPLINARY ACTIONS - MANAGEMENT EMPLOYEES

8B.0 Cause for Disciplinary Actions - The employment of all Management employees who have completed the probationary period shall be conditioned on satisfactory work performance and conformance with City and Departmental rules and policies. Note: This policy does not apply to Executive Management. For purposes of this section the use of the word "employee" refers to Management employees.

Appointing authorities shall not discriminate on the basis of age, sex, national origin, religion preference or race when discharging their duty as to any employee of the City.

The basis for disciplinary action, including but not necessarily limited to, a reprimand, suspension, reduction in pay, demotion or dismissal, may be any one or more of the following charges as they relate to City employment:

- Misconduct, which includes, but which is not necessarily limited to, absent without authorized leave (absent without authorized leave for more than four consecutive days shall constitute an automatic resignation of the employee. There shall be no right to notice or of appeal as prescribed hereinbelow unless the employee denies that he/she was absent without leave, or the City does not reasonably believe that an abandonment of the position has occurred); improper political activity or failure to file such reports as may be required by state or local laws or rules; and negligent use, intentional misuse or unauthorized use of City tools, equipment, vehicles, materials, supplies or property.
- Incompetency.
- Inefficiency.
- Insubordination.
- Dishonesty, which includes, but which is not necessarily limited to, the falsification of records, fraud, misrepresentation in securing employment, or abuse of leave privileges.
- Mishandling of public funds.
- Any other act or acts which are incompatible with the public service.
- Failure to observe City or Department rules or regulations.

8B.1 Oral or Written Reprimand - An employee may be subject to an oral or written reprimand for any of the reasons stated above in Section 8B.0. An oral or written reprimand shall constitute a warning to the employee that his/her performance is not satisfactory. Written reprimands shall be placed in the employee's official personnel file. The fact of an oral reprimand shall be noted in the employee's official personnel file.

The employee shall be asked to sign the written reprimand to acknowledge that it has been read by the employee, and that he/she is aware that it will be placed in the employee's personnel file. If the employee refuses to sign, that fact shall be noted on the document.

The employee 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.

8B.2 Suspension - An employee may be suspended without pay for any of the causes stated in Section 8B.0. In addition, an employee may be suspended with pay for any reason. Suspensions with pay shall normally be made in order to relieve employees of their normal duties while an investigation which may result in disciplinary action takes place. Suspension with pay shall not constitute a disciplinary action.

8B.3 Demotion/Reduction in Pay - An employee may be demoted or receive a reduction in pay for any of the causes stated in Section 8B.0. No employee shall be demoted to a position for which he/she does not possess the minimum qualifications. Whenever an employee is demoted or receives a reduction in pay as a result of a disciplinary action, his/her anniversary date shall be changed to the effective date of the action. An employee who is demoted shall not be considered eligible for reinstatement to their previous position under Policy 10 unless the demotion action specifically states that reinstatement may be considered. An employee who is demoted is not barred from competing in future examinations for promotion as they may occur.

An employee may request a voluntary demotion to another position within the department or in another department. Any voluntary demotion shall require the approval of the Department Head(s) involved. An employee who requests a voluntary demotion may be reinstated to his/her former position in accordance with Policy 10, Section 10.1.

8B.4 Discharge - A Department Head or other manager to whom "Appointing Authority" has been delegated with the approval of the City Manager, hereinafter referred to as "authorized manager", may take action to discharge an employee assigned to his/her department based on any one or more of the charges stated above in Section 8B.0. Probationary employees may be discharged at any time with or without cause. Probationary employees are not subject to the notice requirements or the appeal procedures set forth hereinbelow.

8B.5 Transfer - An employee may be involuntarily transferred to another position in another department or within the same department at the same salary range. Such transfer does not constitute a disciplinary action.

8B.6 Special Provisions - Demotions, transfers, discharges, resulting from reallocation or reduction in work force due to financial determination by the City Manager or City Council or due to reassessment of the public needs or services rendered shall not constitute discipline and shall not be appealable (See Policy 9).

8B.7 Notice of Intended Decision - Prior to taking any disciplinary action stated in Section 8B.2 through 8B.4 of this policy, a employee who has successfully completed his/her probationary period shall be given written notice of such intended action at least five (5) 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 intended action and a statement indicating that copies of materials or documents on which the intended action is based, are available to him/her upon request. Such notice must also inform the employee that he/she is entitled to respond prior to the effective date of the intended action, either orally or in writing, to a reviewer designated by the City Manager who is not personally involved in the investigation or initiation of the intended disciplinary action. Following the employee's response, if any, such reviewer shall make a recommendation to the Department Head or authorized manager either confirming or modifying the intended disciplinary action. If the disciplining authority's intended action does become final, whether or not the employee responds to such notice, he/she 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.

8B.8 Appeal of Disciplinary Action - All employees who are subject to the provisions of this policy shall have the right to appeal a dismissal, demotion, reduction in pay or a suspension in excess of two (2) working days imposed for disciplinary reasons.

8B.81 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 attempting to clear his/her name.

8B.9 Appeals Procedures - The following procedure shall be followed in the appeal of disciplinary action.

8B.91 Right of Appeal:

Any employee who is the subject of disciplinary action stated in Section 8B.8 subsection (a) or (b), has the right to appeal such action to the City Manager by filing a written request for appeal with the Personnel Administrator within ten (10) working days after the effective date of the action. The employee shall include in his/her request the reason(s) for appealing the action taken by the Department Head or authorized manager. 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 or other authorized manager.

8B.92 Hearing:

The City Manager shall hear such appeal within (15) working days after the Personnel Administrator receives the employee's verified request for appeal. Written notice of this hearing shall be mailed to the employee not later than ten (10) working days before the hearing date.

The City Manager may determine at his/her option or may determine at the request of the employee, that an alternate Hearing Officer preside over the hearing.

In such cases that the City Manager determines that an alternate Hearing Officer shall be utilized, the selection of the alternate Hearing Officer shall be by mutual consent, or the Personnel Administrator shall obtain a list of five qualified and available Hearing Officers from the State Mediation and Concilitation 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. After the first removal of a person, the parties shall alternately remove persons from the list until one person remains. The last remaining person shall be the alternate Hearing Officer.

In the case where an alternate Hearing Officer is utilized, the alternate Hearing Officer shall make his/her recommended decision to the City Manager for his/her consideration. The City Manager may accept, reject or modify the alternate Hearing Officer's recommendation. The City Manager's determination shall be final.

The hearing shall be public unless the employee, at least five (5) days before the hearing date, files a written request with the Personnel Administrator that the hearing be private. However, notwithstanding a timely request for a private hearing, the City Manager or his/her designee, hereinafter referred to as the "Hearing Officer", may order the hearing closed to the public if he/she 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; and at the request of either party, he/she may exclude witnesses from the audience. The Hearing Officer shall preside at such hearing and shall determine whether to reverse any disciplinary action taken; modify the disciplinary action by implementing a lesser or more severe penalty; or sustain the action of the appointing authority, within ten (10) working days after such hearing. The Hearing Officer shall support his/her recommendation with appropriate findings resulting from the evidence submitted at the appeal hearing. The recommendation and findings shall be transmitted to the City Manager, whose determination shall be final.

8B.93 Hearing Expenses/Alternate Hearing Officer Services:

In such cases where the employee requests or the City Manager determines, at his/her option, that an alternate Hearing Officer preside over the hearing, the employee and the City shall each be responsible for one-half of the costs associated with the services of the alternate Hearing Officer.

8B.94 Hearing Expenses/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 utilization of 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.

8B.95 Time Limits:

Any time period specified in Section 8B.92 of 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 written mutual consent of both parties and confirmation by the City Manager.

8B.96 Representation:

An employee may be represented in the appeals procedure by a representative of his/her choice. The employee and his/her authorized representative shall be present during all meetings and hearings contained in 8B.92 of this Policy. Failure to be present, unless authorized by the Hearing Officer, shall constitute a waiver of such hearing or appeal rights.

8B.97 Employee Release Time From Regular Duties:

If an employee remains employed with the City during the appeals process, he/she 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.

POLICY 9

LAYOFF AND RE-EMPLOYMENT

9.0 Reduction in Force - Whenever the City determines that a reduction in force is necessary, layoff shall occur in the following manner:

9.01 Order of layoff:

- A. The City shall determine the number of positions to be affected by classification within each department.
- B. The order of layoff, within the department, shall be by seniority within such classification, unless an employee who might otherwise be retained is not performing satisfactorily, and such unsatisfactory performance has been noted by previous performance evaluation, at least 120 calendar days prior to the notification of layoff.
- C. The City will notify any employee who is to be laid off fifteen (15) working days prior to the actual layoff, or provide commensurate pay.
- D. Seniority shall be determined by each employee's continuous service within his/her current classification. All uninterrupted employment within the current classification including provisional, probationary, CETA or limited-term periods shall be counted as continuous service seniority. Authorized leave of absence less than ninety (90) calendar days shall not constitute a break in service for this purpose.

9.02 Re-employment:

All persons who have been laid off or voluntarily demoted as a result of reduction in force shall have their names placed on a re-employment list by seniority with most senior employees being the first to be re-employed. Such laid off employees shall be offered re-employment to vacant positions in the same department and classification from which they were laid off or another vacant position within the same department for which she/he meets the minimum qualifications. 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 and in that department are hired. Persons will remain on reemployment lists for eighteen (18) months. 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.

9.03 Demotion in lieu of layoff:

Employees designated to be laid off, at the employee's individual option, may be demoted to any existing vacant position within the same department for which she/he meets the minimum qualifications or has previously held permanent status. The option to demote shall be on the basis of seniority, as previously defined, if more employees choose to demote than there are available positions.

## POLICY 10

### REINSTATEMENT

10.0 An employee who separates from employment for reason of resignation, or service retirement, may be reinstated to a vacant position in his/her former job class within one year of his/her termination date without requalifying for employment by competitive processes. Reinstatements shall be at the discretion of the appointing authority.

10.01 An employee reinstated within thirty days of his/her termination date shall be considered to have continuous service and shall be credited with the amount of accumulated sick leave he/she had at the time of termination. He/she shall be placed in his/her former position within the salary range and shall retain his/her anniversary date for purposes of merit review. If his/her anniversary date has occurred during the period of absence, his/her new anniversary date shall be the first day of the next pay period following reinstatement.

10.02 An employee reinstated after thirty days of his/her termination date may be considered to have broken service for purposes of salary status, and shall be considered to have broken service for all other employee benefits.

10.1 An employee who separates from employment due to disability shall be reinstated to employment if it is determined that he/she is no longer incapacitated. Any Public Employees' Retirement System (P.E.R.S.) disability retirement allowance shall be cancelled upon reinstatement to employment. The determination as to *whether* or not a recipient of a disability retirement allowance is incapacitated shall be made by the City Manager or his/her designee.

10.10 Any reinstatement to permanent employment under this section shall be conditioned upon the successful completion of a one-year probationary period, and any other examinations that may be required for an employee at the time of initial employment as determined by the Personnel Administrator. Such examination shall include, but are not limited to; medical examinations, personal and employment background examinations and a polygraph examination for potential Police employees.

10.2 An employee who has taken a voluntary demotion to a lower job class may be reinstated to a vacant position in his/her former job class within one year of the effective date of the voluntary demotion without requalifying by competitive processes.

10.21 An employee reinstated to his/her former job class from a voluntary demotion shall retain his/her lower rate of pay. He/she shall retain his/her anniversary date for purposes of merit review.

10.3 An employee who has been suspended, demoted or dismissed may be reinstated to his/her position as a result of a successful appeal through the grievance procedure.

10.4 The provisions of this Policy shall apply only to regular full-time employees.

POLICY 11

TRANSFER

11.0 A change of an employee's departmental assignment to a vacant position in a job class on the same salary range as his/her own job class in another department shall be considered a transfer.

- 11.01 A transfer from one department to another shall require the approval of the the Department Heads from which and to which the employee is transferring.
- 11.02 A transferred employee shall retain his/her rate of pay and his/her anniversary date for purposes of merit review.
- 11.03 The City Manager may authorize an increase in a transferred Management employee's rate of pay when such Management employee is transferred between Departmental units.
- 11.04 In order to be transferred to a job class with minimum standards of employment different from those of his/her own job class, an employee shall be required to demonstrate his/her eligibility for employment in accordance with the provisions of the policy governing appointments.

## POLICY 12

### HOLIDAYS

12.0 The following days shall be recognized as holidays for regular, full-time employees:

January 1st - New Year's Day  
Third Monday in January - Dr. Martin Luther King Jr. Day  
(added 1/16/84)  
Third Monday in February - Presidents' Day  
Last Monday in May - Memorial Day  
July 4th - Independence Day  
First Monday in September - Labor Day  
November 11th - Veteran's Day  
Thanksgiving Day  
Day after Thanksgiving  
December 24 - Christmas Holiday (1)  
December 25 - Christmas Day

Every day proclaimed by City Council as a public holiday.

Whenever any of the above listed holidays falls on Sunday, the holiday shall be observed by the City on the following Monday. Whenever any holiday falls on a Saturday, the preceding Friday shall be observed by the City as a holiday.

12.01 Regular, part-time employees shall receive holiday benefits on a prorated basis in accordance with Policy 21.

12.1 Employees who may be required to work on any of the above holidays or days observed in-lieu of those holidays shall receive compensation for such overtime worked at a rate equal to their normal pay in addition to their holiday pay. Sworn employees that are not regularly scheduled to work on City holidays, but are assigned to work on a City holiday, will receive premium overtime, except for uniformed personnel assigned to field responsibilities.

12.2 In order to be eligible for holiday pay, an employee must either be at work or on paid leave of absence on the regularly scheduled work day immediately preceding the holiday or day observed in-lieu of the holiday, and the regularly scheduled work day immediately following the holiday or day observed in-lieu of the holiday. No employee who is on suspension or unpaid leave of absence, on either the regularly scheduled work day immediately preceding, or immediately following the holiday or day observed in lieu of the holiday shall receive compensation for said holiday or day observed in lieu of the holiday.

(1) The City of Simi Valley shall eliminate the holiday known as "Columbus Day" (October 12th) as a recognized City holiday for all employees and add a holiday on December 24th. Such holiday shall be observed except if December 24th falls; (1) on a Wednesday, then the added holiday would be observed on December 26th, (2) on a Friday, then the added holiday would be observed on December 23rd, and (3) on a Sunday, then the added holiday would be observed on December 22nd.

POLICY 13

VACATIONS

(Policy 13, VACATIONS was deleted effective November 1, 1982)

POLICY 14

SICK LEAVE

(Policy 14, Sick Leave and Family Illness Leave was deleted effective July 1, 1984)

POLICY 15

INDUSTRIAL SICK LEAVE/ON-THE-JOB INJURIES

15.0 In the event that a regular, full-time non-sworn employee is absent from work as a result of an injury or illness which is accepted by the City as occurring or arising out of the course of his/her employment with the City, industrial sick leave shall be granted. Such leave shall begin on the first full workday after the City's acceptance. The maximum amount of industrial sick leave shall be three (3) days for each occurrence. Industrial sick leave is provided in addition to Annual Leave; however, compensation shall not exceed the employee's normal compensation. (Revised 11/1/82) Normal compensation shall mean the employee's straight-time compensation rate including eligible incentive or acting pay.

15.1 In the event that any employee, other than sworn personnel, is absent from work as a result of an industrial injury or illness, industrial sick leave shall be granted as follows: (Revised 11/1/82)

- 15.11 Any normal work days falling within the first three (3) consecutive calendar days of absence due to industrial accident or sickness shall be charged to industrial sick leave time.
- 15.12 Beginning with the fourth calendar day, at which time the employee begins to receive worker's compensation, the percentage difference between worker's compensation and the employee's gross pay may be charged to accrued Annual Leave.
- 15.13 The percentage of time represented by accrued Annual Leave, and/or compensatory time shall be recorded on the regular departmental time sheet in the appropriate columns. The percentage of time represented by worker's compensation insurance payments shall not be recorded on the time sheet.
- 15.14 In cases where there is sufficient accrued Annual Leave, vacation credit or compensatory time to cover that percentage of time not covered by worker's compensation payments, the employee may elect to receive payment for this time in his/her regular paycheck. If an employee determines that they do not wish to coordinate Annual Leave benefits with disability benefits the employee shall notify, in writing, the Department of General Services (Personnel) during the pay period in which said benefits would be utilized. The employee will receive payment for the percentage of his/her gross salary paid by worker's compensation insurance directly from the City's worker's compensation administrator. (Revised 7/1/85)
- 15.15 If accrued Annual Leave, or compensatory time does not exist, the employee will receive no compensation from the City, and will receive only worker's compensation payments. The employee will continue to receive the same level of benefits while absent from work due to industrial injury or illness.

15.2 Sworn employees absent from work as a result of any injury or disease which comes under the State of California Workers' Compensation Insurance and Safety Act shall receive full compensation for up to one year.

15.3 All injuries sustained in the course of employment shall be reported at once to the employee's immediate supervisor who shall file the proper accident investigation report with his/her Department Head. The department shall file a complete Employer's Report of Occupational Injury or Illness (Form 5020) with the General Services Department. In accordance with worker's compensation law, the procedures listed below shall be followed in the case of industrial injury or illness:

15.31 If an occupational injury or illness is severe and required 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 is life threatening.

15.32 In the case of an occupational injury 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 Personnel in writing that he/she wishes to use his/her current family physician, an appointment may be scheduled with the family physician. The employee shall notify his/her supervisor if he/she is requesting to be treated by a family physician prior to scheduling the appointment. 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 of all visits that the injury/illness is claimed to be work-related.

15.33 In case of occupational injury that does not require professional medical treatment, the employee shall notify the supervisor of the injury. If treatment is necessary for the injury at a later date, the employee shall notify the supervisor that treatment is requested.

\*Underlining indicates this language is pending agreement in current negotiations.

15.2 Sworn employees absent from work as a result of any injury or disease which comes under the State of California Workers' Compensation Insurance and Safety Act shall receive full compensation for up to one year.

15.3 All injuries sustained in the course of employment shall be reported at once to the employee's immediate supervisor who shall file the proper accident investigation report with his/her Department Head. The department shall file a complete Employer's Report of Occupational Injury or Illness (Form 5020) with the General Services Department. In accordance with worker's compensation law, the procedures listed below shall be followed in the case of industrial injury or illness:

- 15.31 If an occupational injury or illness is severe and required 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 is life threatening.
- 15.32 In the case of an occupational injury 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 Personnel in writing that he/she wishes to use his/her current family physician, an appointment may be scheduled with the family physician. The employee shall notify his/her supervisor if he/she is requesting to be treated by a family physician prior to scheduling the appointment. 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 of all visits that the injury/illness is claimed to be work-related.
- 15.33 In case of occupational injury that does not require professional medical treatment, the employee shall notify the supervisor of the injury. If treatment is necessary for the injury at a later date, the employee shall notify the supervisor that treatment is requested.

POLICY 16

SAFETY AND PROPERTY DAMAGE

- 16.0 The Personnel Administrator or his/her designee shall be the Safety Officer for the City of Simi Valley, whose function shall be to serve as chairperson of the Safety Advisory Committee; maintain and review copies of reports on all industrial accidents that may occur; and conduct preventative safety instruction as is required.
- 16.1 The Safety Advisory Committee shall consist of a representative of City Management, Sworn and General Unit employees.
- 16.11 Duties and responsibilities for the committee shall include:
- A. Establishing procedures to carry out its general objective of advising the City on means of achieving increased employee safety in its operations on an ongoing basis;
  - B. Reviewing accidents and causations;
  - C. Analyzing and assessing existing safety practices and procedures;
  - D. Proposing modifications and amendments having due regard for State legislative standards;
  - E. Assessing and making recommendations to the City pertaining to employee safety matters;
  - F. Disseminating and familiarizing employees with existing safety procedures.
- 16.2 Employees shall be responsible for adherence to all safety rules and regulations.

POLICY 17

MILITARY LEAVE

17.0 Any full-time, regular employee who has been in the service of the City continuously for not less than six months or more than one year and is a member of the military reserve or National Guard, shall be entitled to a temporary military leave of absence, ordered for the purposes of military training, providing that the period of ordered duty does not exceed fifteen (15) days in any calendar year. The employee shall receive his/her normal City compensation provided that he/she remits to the City Treasurer any salary received for the corresponding period of military service.

17.1 Any full-time, regular employee who has been in the service of the City for not less than one year and is a member of the military reserve or National Guard, shall be entitled to a temporary leave of absence, ordered for the purposes of military training, or the governor issues a proclamation of a state of extreme emergency, providing that period does not exceed thirty (30) days in any calendar year. The employee shall receive his/her normal City compensation during the period of military service. For purposes of this section in determining the one year of service, recognized military service shall be counted as City service.

17.2 An employee returning from temporary military leave of absence shall have an absolute right to be restored to his/her former office or position and status upon the termination of such temporary military duty, if such leave does not exceed 180 days. If the office or position has been abolished or otherwise has ceased to exist during his/her absence, he/she shall have the same rights and privileges that he/she would have had if he/she occupied the position when it ceased to exist and had not taken a temporary leave of absence.

17.3 Any employee who has been in the service of the City of Simi Valley for a period of not less than six (6) months immediately prior to the date upon which his/her temporary military leave of absence begins, shall receive the same vacation, sick leave, and holiday privileges and the same rights and privileges to promotion, continuance in office, employment, reappointment to office, or re-employment that he/she would have enjoyed had he/she not been absent therefrom; excepting that an uncompleted probationary period must be completed upon reinstatement. All service of said employee in recognized military service shall be counted as City of Simi Valley service.

17.4 Any employee on military leave other than temporary military leave of absence shall be granted a leave of absence without pay. When the employee is released, separated or discharged under conditions other than dishonorable, he/she may return to and re-enter upon the office or position within three months after the termination of his/her active service with the armed forces.

17.5 This Policy is subject to change if so mandated by changes in State or Federal laws.

17.6 If the provisions of this policy are in conflict with the provision of a Memorandum of Understanding reached pursuant to Sections 3560 et seq. of the Government Code, the Memorandum of Understanding shall be controlling without further legislative action, except that if such provisions of a Memorandum of Understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

POLICY 18

JURY AND WITNESS DUTY

18.0 In the event any full time employee is duly summoned to any court for the purpose of performing jury service or serving as a witness, except in cases wherein such employee is a plaintiff, petitioner, defendant or respondent, appellant or appellee; he/she shall receive his/her regular compensation for any regularly scheduled working hours spent in the actual performance of such service, provided the fees, except mileage or subsistence allowances which he/she receives as a juror are remitted to the General Services Director. The above exclusions shall not apply when an employee is summoned to court on approved City business.

POLICY 19

LEAVE WITHOUT PAY

- 19.0 Any employee who is absent from work and who is not on leave with pay shall be considered to be on leave without pay.
- 19.01 An employee on leave without pay shall receive no compensation and shall accumulate no benefits while on such leave.
- 19.02 An employee who has need to be absent from work and who is not eligible for leave with pay may request, on the appropriate form, to be placed on leave without pay. Leave without pay for a period not to exceed one week may be granted by the employee's Department Head. Leave without pay in excess of one week shall require the approval of the employee's Department Head and the City Manager, by the issuance of a Personnel Action Form. A request for a leave of absence greater than one week shall be submitted at least one month in advance, unless such leave is for a sudden and unexpected illness or physical incapacity.
- 19.03 A female employee whose attending physician has certified that she is physically incapacitated from performing her duties due to pregnancy, miscarriage or childbirth, and who does not have or wish to use Annual Leave, shall be eligible for leave without pay. Leave without pay shall be granted on an individual basis depending on the nature of her duties, her physical condition and the permission of her Department Head and the City Manager. The amount of leave, either with or without pay, shall be for a reasonable length of time, not to exceed four (4) months. (Revised 7/1/84)
- 19.04 In the event that leave without pay is granted an employee for reasons of illness or physical incapacity due to injury or illness, including maternity leave, the City of Simi Valley shall continue to contribute toward health plan premiums. (Revised 11/1/82)
- 19.05 An employee returning to work from leave without pay shall be placed in the same position in the salary range he/she was in prior to such leave. If such leave was in excess of thirty days, the employee's anniversary date for purposes of merit review shall be changed to conform with the provisions of Section 3.3, provided that he/she returns to a position in the same job class. If the employee returns to a position in a lower job class, his/her salary status shall be determined in accordance with the provisions of Policy 10.
- 19.06 An employee who is on leave without pay shall be responsible for any payroll deductions that he/she has authorized.

## POLICY 20

### OTHER BENEFITS

20.0 Designated personnel may be furnished uniforms and safety boots and/or uniform allowances or safety boot allowances in accordance with current agreements between the City of Simi Valley and the respective employee units.

20.1 The City of Simi Valley shall provide health insurance coverage for regular, full-time employees and premiums shall be paid in accordance with current agreements between the City and the respective employee units, and the provisions of any company or companies providing such coverage.

20.2 The City of Simi Valley shall pay the cost of employee retirement benefits for regular, full-time employees in accordance with current agreements between the City and the respective employee units, and the provisions of the contract between the City of Simi Valley and the Public Employees' Retirement System.

20.3 The City of Simi Valley shall provide dental insurance coverage for regular, full-time employees, and premiums shall be paid in accordance with current agreements between the City and the respective employee units, and the provisions of any contract between the City of Simi Valley and any company or companies providing such coverage.

20.4 The City of Simi Valley shall provide a long-term disability insurance plan for Police Employees with benefits equal to 66 2/3% of the employee's average monthly salary during the previous 12 month period, with a maximum monthly benefit of \$2,563, whichever is less. The program shall provide for a 30-day waiting period prior to eligibility for receipt of benefits. The premium for such insurance shall be paid by the City, in accordance with the current agreement between the City and the Police Unit employees. Any additional provisions of the plan shall be in accordance with the standard contractual provisions of the insurance carrier. (Revised 8/3/87)

20.5 The City of Simi Valley shall provide a vision care plan for regular, full-time employees. Vision care plan coverage shall also be available for eligible dependents of Management and Police Unit employees. Effective July 1, 1989 eligible dependents of General Unit employees shall also have vision care plan coverage available. Premiums shall be paid in accordance with the Management Compensation Resolution for Management-designated employees and in accordance with the agreements with Police and General Unit employees. Plan provisions shall be in accordance with the Management Compensation Resolution, agreements with Police and General Unit employees; and any contracts between the City and such company or companies providing such coverage. (Revised 7/1/88)

20.6 The City of Simi Valley shall provide long-term disability insurance coverage for Management-designated employees. The City shall contribute toward the premiums for such insurance in accordance with the Management Compensation Resolution and the provisions of the City's group policy contract.

20.7 The City of Simi Valley has elected coverage under the State of California, Disability Insurance Program for General Unit employees. The City shall make the required payroll deductions in accordance with the deduction rates mandated by the State. Eligibility and benefit levels shall also be determined by the State. (Added 11/1/82)

20.8 The City of Simi Valley shall provide a program of Group Life insurance for all eligible full-time employees. The premiums for such group life insurance shall be paid by the City. The life insurance coverage amounts shall be as follows (Revised 8/3/87 and 7/1/88):

Police Unit employees -	\$ 40,000
General Unit employees -	\$ 8,000* and \$10,000**
Management -	\$100,000 Executive level management \$ 50,000 All other management

\* Effective September 1, 1988

\*\* Effective July 1, 1989

Accidental death and dismemberment coverage and dependent life insurance coverage shall also be available in accordance with the provisions of the insurance carrier. (Revised 7/1/86)

20.9 The City shall contribute to the City's Salary Deferral Plan for management employees. The amount of any City contributions shall be determined by the "Management Compensation Resolution."

20.10 All employees who begin employment, re-employment or are reinstated to employment with the City after April 1, 1986 shall be subject to the Medicare portion of Social Security coverage. The City shall deduct payroll taxes for such coverage as required by the appropriate federal government agencies.

20.11 The City of Simi Valley shall add a seventh salary step to the salary ranges for the classifications of Police Officer and Police Sergeant. Police Unit employees who have completed six months at the sixth step of their respective classifications and who have been awarded a Bachelor of Arts or Science Degree, shall be eligible for such salary step. (Added 1/4/88)

20.12 The City shall pay for the renewal of the following certificates or licenses:

Either, the American Water Works Association Water Distribution Operator or the Department of Health Services Water Treatment Operator Grades I/II for Waterworks Service Workers I/II.

The California State Water Resources Control Board certificates for Wastewater Treatment Plant Operators Grades I, II, and III.

All Class I, State of California Department of Motor Vehicles licenses as required and approved by management (including the cost of required physical examinations).

POLICY 21

EMPLOYMENT STATUS

21.0 All employees shall be classified into one of the following employment classifications. These classifications determine the status of employment and level of hours and benefits.

- 21.01 Regular, Full-time: An employee in this classification shall be scheduled to work full-time (40 hours per week) on a continuing and indefinite basis. Regular, full-time employees are subject to all rules and regulations, and receive all benefits and rights as provided by these policies.
- 21.02 Regular, Part-time: An employee in this classification shall be scheduled to work part time (20 hours to 40 hours per week) on a continuing and indefinite basis. Regular, part-time employees are subject to all rules and regulations and receive all benefits and rights provided by these policies on a prorated basis dependent upon the actual hours worked. The percentage of pro-ration shall be determined by the General Services Department.
- 21.03 Temporary Full-time: An employee scheduled to work full-time (40 hours per week) in a position which has been budgeted for a limited period. Temporary full-time employees shall receive no benefits or rights under these policies unless such benefits or rights are specifically provided for in the individual policies.
- 21.04 Temporary Part-time: An employee scheduled to work part-time (40 hours or less per week) in a position that has been budgeted for a limited period. Temporary part-time employees shall receive no benefits or rights under these policies unless such benefits or rights are specifically provided in the individual policies.
- 21.05 Provisional: An employee who is 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.
- 21.06 Limited Term: An employee scheduled to work full-time (40 hours per week) in a position on a special project for a specific period of time and budgeted accordingly. (e.g. CETA or grant funded). Limited term employees may be subject to any employment status classification in Section 21.0.

POLICY 22

SERVICE AWARDS

22.0 Service awards, in the form of service pins or the equivalent, shall be presented to regular full-time employees for:

Five (5) years of service  
Ten (10) years of service  
Fifteen (15) years of service  
Twenty (20) years of service  
Twenty-five (25) years of service  
Thirty (30) years of service  
Thirty-five (35) years of service  
Forty (40) years of service

22.01 For purposes of this policy, the term "years of service" as applied to employees, shall be defined as continuous, full-time service.

## POLICY 23

### TRAINING AND TUITION REIMBURSEMENT

23.0 It is the policy of the City to improve services by providing encouragement for employees to continue education development. The intent of this policy is to improve the technical, managerial and personal competency of all employees.

23.1 The City shall reimburse each eligible employee the cost of tuition for academic courses that are job-related, or the City will reimburse each General Unit or Management employee a "Scholastic Incentive" for academic courses that are job-related, subject to the conditions below. Police employees are not eligible to receive reimbursement under the "Scholastic Incentive" program. (Amended 6/29/81)

- 23.10 To be eligible to submit a request for either the Tuition Reimbursement or the Scholastic Incentive, a person must be appointed to a full-time regular, probationary or temporary position and occupy it for at least 120 days, and start the course after the 120 day period has expired.
- 23.11 The course must be job-related, as determined by the Department Head.
- 23.12 An employee may not be receiving assistance, or be eligible to receive assistance from any other educational fund such as L.E.E.P.
- 23.13 Proper completion and submission of the Tuition Reimbursement Form must be made, and consent of the City Manager received, prior to enrollment in the course.
- 23.14 All payments are subject to final authorization of funds by the City Manager.
- 23.15 The maximum amount paid to an eligible employee through the Tuition Reimbursement and/or Scholastic Incentive policy shall not exceed \$700 per year in the case of Management-designated employees; \$500 per year in the case of General Unit employees; or \$600 per year in the case of Police employees. The Scholastic Incentive is a payment of \$50 for an academic course or training that is job-related which provides the equivalency of three semester credits or units. Police employees are not eligible to receive reimbursement under the Scholastic Incentive program. (Revised 6/29/81 and 7/1/84)

- 23.16 If overall requests exceed available funds, the City Manager will revise policy regarding amounts to be paid eligible employees to make it consistent with the available funds.
- 23.17 Class time must not interfere with the employee's normal duties.
- 23.18 A passing grade (or certificate of completion if the course or training does not provide credit) must be obtained and submitted with proof of payment to the General Services Department within 30 days after the last day of the course.

POLICY 24

PAYROLL DEDUCTIONS

24.0. Voluntary deductions of authorized amounts from employees' pay may be made if consistent with the payroll programming and for the following purposes:

- Employee Group Insurance, including supplemental life insurance
- Credit Union
- Authorized Employees' Associations
- United Way
- Additional P.E.R.S. contributions to payback previously withdrawn contributions
- State Disability Insurance (Added 11/1/82)

24.01 An authorization card must be signed and submitted to General Services for any deduction.

POLICY 25

PHYSICAL EXAMINATIONS

25.0 In order to be eligible for employment with the City of Simi Valley, candidates for jobs in certain designated classifications may be required to pass a physical examination, the character of which shall be in accordance with City of Simi Valley medical standards.

25.01 Physical requirements for all positions must be bonafide occupational qualifications. A bonafide occupational qualification is defined as an occupational qualification which is reasonably necessary to the normal operation of a particular function or position.

25.1 In order to be eligible for promotion or transfer to a job class in a category requiring greater physical qualifications than his/her present job class, any employee may be required to pass the appropriate physical examination.

25.2 Any employee, as designated by the Personnel Administrator, may be required to undergo a physical examination.

25.21 In the event that any employee in the regular service of the City fails to pass a physical examination, the employee's Department Head, and the City Manager, shall prescribe reassignment of duties to fit the employee's physical condition. If no appropriate position is vacant, such employee shall be recommended for disability retirement if he/she is eligible.

25.3 Any employee who returns to work after an absence in excess of one working day due to illness or physical incapacity may be required by the Department Head to sign an affidavit stating the condition of the absence.

25.4 All physical examinations required under the provisions of this policy shall be performed by a licensed physician graduated from a medical school recognized by the Industrial Commission of the State of California.

25.5 The City of Simi Valley shall pay for any physical examination required under the provisions of this Policy.

## POLICY 26

### OUTSIDE EMPLOYMENT

26.0 All employees, (including part-time and temporary) may engage in employment other than his/her job with the City of Simi Valley, with the approval of the City Manager, 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.

26.1 Employees are prohibited from holding two positions within City employment.

26.2 The Department Head shall notify the employee of the requirement for approval of outside employment, and it is the employee's responsibility to obtain approval of outside employment.

26.3 Except in cases of conflict of interest, as determined by the City Manager, Police Unit employees shall be allowed to participate in outside employment as a security guard. Police Unit employees who perform such security services outside of their employment with the City shall not be in Simi Valley Police Department uniform and no City property shall be used in outside employment activities. Employees may carry their identification badges and service firearms in the same manner as when on an off-duty status. These items of equipment shall not be displayed or utilized during outside employment, or be used to meet any requirements of such outside employment.

Police Unit employees with such outside employment do not have any relationship, whatsoever, with the City during such second employment. Such Police employees shall comply with the appropriate State and City codes and ordinances as well as Police Department policies regarding covered off-duty activities while providing security services on a contractual basis.

Police Unit employees shall secure approval from the Chief of Police, or his/her designee, and the City Manager, or his/her designee, prior to commencing outside employment. Requests from employees for approval shall be acted upon within a reasonable amount of time considering the circumstances of the request. (Added 6/27/83)

POLICY 27

THE EMPLOYMENT OF RELATIVES

27.0 Any Department Head or other individual having appointive power shall not appoint or promote any of their relatives to any position within the City of Simi Valley.

27.1 Hiring, reinstatement, promotion or transfer, which will result in relatives of employees working in the same department may be permitted, but only in such cases where direct supervision of a relative does not occur. A condition in which an employee has direct supervisory responsibility over another employee who is his/her spouse, is prohibited. If such a condition is created by marriage of two employees, immediate steps shall be taken by the department head to transfer or reassign either employee to alleviate the condition.

27.2. In cases whereby persons who are relatives are employed in the same department, action shall be taken by the Department Head and Supervisor to protect against situations:

- (1) which might interfere with reaction to public safety emergencies;
- (2) which might adversely impact office working conditions;
- (3) which might jeopardize confidentiality; and
- (4) which might suggest conflicts of interest.

27.3 For purposes of this policy, relatives shall mean spouse, son, daughter, brother, sister, mother, father, aunt, uncle, niece, nephew, grandson, granddaughter, grandmother, grandfather, either by blood or present marriage.

POLICY 28

GRIEVANCE PROCEDURES - MANAGEMENT AND GENERAL UNIT EMPLOYEES

28.0 Introductory - All employees of the City have the right to present a grievance only in the following situations:

- a) When an employee feels that he/she has been adversely affected by interpretation or application of the policies contained in the Employee's Manual;
- b) When an employee feels that he/she has been adversely affected by interpretation or application of the City's Employer-Employee Relations Resolution;
- c) When an employee feels that he/she has been adversely affected by interpretation or application of a written Memorandum of Understanding 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;
- d) When an employee feels that he/she has been adversely affected by a discriminatory action based upon race, color, national origin, religion, sex, handicap, age or marital status.

Grievance actions shall follow a series of steps as outlined in this Policy. Grievances should be resolved informally at the supervisory level if possible. An employee may be accompanied and assisted by a representative of his/her own choosing during any step of the grievance procedure.

28.1 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.

- Step I It shall be the responsibility of the employee to promptly inform and discuss any complaint or grievance as defined in Section 28.0, with their immediate supervisor. If after such discussion, the employee does not believe the grievance has been satisfactorily resolved, the employee shall proceed to Step II 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 reoccurring action, the grievance shall be brought to the supervisor's attention within 21 calendar days following the first instance of such reoccurring action.

Step II If the employee and his/her immediate supervisor cannot satisfactorily resolve the complaint or grievance within five working days after it is brought to the supervisor's attention, the employee may file a written grievance concerning the matter with his/her 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 working days after receipt of the written grievance, supply an answer in writing to the aggrieved employee, explaining his/her decision or proposed action.

Step III In the case where 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 5 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 his/her review of the grievance. The City Manager or his/her designee may request additional information or conduct additional research as he/she deems appropriate. The City Manager shall release the results of his/her review of the grievance within fifteen (15) working days after receiving the employee's request for such review. The results of the City Manager's review shall be final.

28.2 Employee Release-Time From Regular Duties - 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.

28.3 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. If the employee fails to file the grievance within the prescribed time limits without waiver, the employee relinquishes his/her right to grieve. If management fails to respond to the prescribed time limits set out in the grievance procedure, without waiver, the grievance automatically moves to the next step.

28.4 - Representation - Although an aggrieved employee may be assisted by representatives of his/her own choice, he/she shall be present personally and participate in the discussions and proceedings.

28.5 - Response to Performance Evaluations - Employees may respond in writing to a written performance evaluation. Such response shall be directed to the employee's Department Head and a copy of the response shall be placed in the employee's official personnel file at the employee's request.

POLICY REVISION UNDER DISCUSSION

POLICY 28A

GRIEVANCE PROCEDURES - POLICE UNIT EMPLOYEES

28A.0 Introductory - All Police Unit employees of the City are free to present complaints or grievances relating to employment or working conditions and shall be guaranteed freedom from discrimination, coercion, restraint or reprisal action. Except where otherwise provided for by law, any employee shall have the right to present a grievance in any manner arising out of his/her employment in accordance with the procedures outlined below. An aggrieved employee shall have the right to be accompanied and assisted by a representative of his/her own choosing during any step of grievance procedure.

28A.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.

Step 1 In order to be timely, grievances must be filed within twenty (20) employee working days following the act or occurrence upon which the alleged grievance is based.

Step II If the employee and his/her immediate supervisor cannot reach a satisfactory agreement on the complaint within five working days of the initiation of the discussion, the employee may file a written grievance concerning the matter with his/her Department Head. On a prescribed form furnished departments for this purpose, the employee shall clearly state the basis of the grievance, giving time, place, and other persons involved, and any other pertinent information. The Department Head shall, within five working days after receipt of a written grievance, supply an answer in writing to the aggrieved employee, explaining clearly his/her decision or proposed action and reasons therefor. The employee must file a grievance within ten (10) working days after receiving the supervisor's response. If the employee fails to file the grievance within the prescribed time limits without waiver, the employee relinquishes his/her right to grieve. If management fails to respond to the prescribed time limits set out in the grievance procedure, without waiver, the grievance automatically moves to the next step.

Step III Should the aggrieved employee not be satisfied with the answer received from his/her Department Head, the employee may within five working days after its receipt, file an appeal to the City Manager. The City Manager shall hold a hearing within ten (10) working days following the receipt of the appeal. The City Manager shall render a decision within ten (10) working days following the close of the hearing. The City Manager's decision shall be final.

28A.2 General

1. 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.
2. When circumstances warrant, the time limits specified in each step of the grievance procedure may be extended with the verbal consent of both parties concerned.
3. Failure of the aggrieved employee to file an appeal within the specified time limit for any step of the procedure shall constitute an abandonment of the grievance.
4. Although an aggrieved employee may be assisted by representatives of his/her own choice, he/she must be present personally and participate in the discussions and proceedings.

POLICY 29

ANNUAL LEAVE

29.0 Regular, full-time employees shall accrue Annual Leave with pay to be used as leave for vacation, illnesses, and other personal reasons. Eligible employees may accrue such paid leave as provided by the following policy, to be used in the future, or may convert accumulated Annual Leave to salary compensation under the specified conditions contained in these policy provisions.

29.1 Accumulation Rates (Management employees) - Management employees shall accrue Annual Leave at the end of each pay period.

- 29.11 Management employees classified as Department Heads shall accumulate Annual Leave at the rate of 9.23 hours per pay period (30 days per year).
- 29.12 Management employees who have completed five (5) or more years of service shall accumulate Annual Leave at the rate of 9.23 hours per pay period (30 days per year).
- 29.13 Management employees who have less than five (5) years service shall accumulate Annual Leave at the rate of 7.69 hours per pay period (25 days per year).
- 29.14 Upon hiring, new full-time management employees shall be granted fifty (50) hours of Annual Leave accumulations. Such employees shall not, however, accumulate any additional Annual Leave until after completion of three (3) months of continuous service. If a new management employee terminates during the first three months of employment, Annual Leave accumulations shall be adjusted to the actual amount that would have been accumulated at the rate of 7.69 hours per pay period. If the employee's use of Annual Leave during the term of employment exceeds the adjusted accumulation amount, then the employee shall refund to the City an amount equal to excess amount of hours times the employee's hourly salary compensation rate.
- 29.15 Employees who are promoted or reclassified to a full-time management position, and have less than five (5) years of continuous service shall accumulate Annual Leave at the rate of 7.69 hours per pay period.
- 29.16 Employees who are promoted or reclassified to a full-time management position and have completed five (5) or more years of continuous service shall accumulate Annual Leave at the rate of 9.23 hours per pay period.

29.2 Accumulation Rates - (Police Employees) Police Employees shall accrue Annual Leave at the end of each pay period.

- 29.21 Police employees who have completed five (5) or more years of service shall accumulate Annual Leave at the rate of 8.00 hours per pay period - 26 days per year. (Effective 7/6/87)
- 29.22 Police employees who have completed less than five (5) years of service shall accumulate Annual Leave at the rate of 6.47 hours per pay period - 21 days per year. (Effective 7/6/87)
- 29.23 Upon hiring new full-time Police Unit employees shall be granted forty-two (42) hours of Annual Leave accumulations. 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 been accumulated at the rate of 6.47 hours per pay period. If the employee's use of Annual Leave during the term of employment exceeds the adjusted accumulation amount, then the employee shall refund to the City an amount equal to excess amount of hours times the employee's hourly salary compensation rate. (Effective 7/6/87)

29.3 Accumulation Rates (General Unit Employees) - General Unit employees shall accrue Annual Leave at the end of each pay period.

- 29.31 General Unit employees who have completed five (5) or more years of service shall accumulate Annual Leave at 7.38 hours per pay period - 24 days per year. (Effective 7/4/88.)
- 29.32 General Unit employees who have completed less than five (5) years of service shall accumulate Annual Leave at the rate of 5.85 hours per pay period - 19 days per year. (Effective 7/4/88.)
- 29.33 Upon Hiring, new full-time General Unit employees shall be granted thirty-eight (38) hours of Annual Leave accumulations. Such employees shall not, however, accumulate any additional Annual Leave until after completion of three (3) 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 been accumulated at the rate of 5.85 hours per pay period. If the employee's use of Annual Leave during the term of employment exceeds the adjusted accumulation amount, then the employee shall refund to the City an amount equal to excess amount of hours times the employee's hourly salary compensation rate.
- 29.34 General Unit employees on Leave Without Pay for 30 calendar days or more due to a disability that precludes the employee from working, shall be eligible to receive an advance of Annual Leave accumulations under the same provisions as new General Unit employees. (Subsection 29.33)

29.4 Maximum Accumulation - (Management Employees) - The maximum accumulation of Annual Leave shall be 700 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 accumulations below the maximum.

29.5 Maximum Accumulation - (Police Unit Employees) - Except as provided below the maximum accumulation of Annual Leave for Police Unit employees shall be 550 hours. Police Unit employees shall be allowed to accumulate Annual Leave hours in excess of this maximum, however, any Police Unit employee having Annual Leave accumulations in excess of 550 hours on December 1st of any year shall convert to salary compensation all accumulated hours in excess of 550, which shall be in addition to any Annual Leave hours converted to salary compensation as provided in Section 29.8 of Policy 29.

29.6 Maximum Accumulation - (General Unit Employees) - The maximum accumulation of Annual Leave for General Unit employees shall be 400 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 accumulations below the maximum.

29.7 Conversion To Salary Compensation - (Management Employees) - Management employees shall be allowed to convert Annual Leave accumulations to salary compensation at two separate times during the fiscal year. The City Manager shall determine the two dates for conversion of Annual Leave accumulations to salary compensation. Such date shall be approximately six (6) months apart. The maximum number of hours that may be converted in a single fiscal year period shall be an amount equal to sixty percent (60%) of the employees Annual Leave yearly accumulation rate. The minimum amount that may be converted is eight (8) hours. However, Annual Leave accumulation balances of forty (40) hours or less may not be converted to salary compensation. These provisions only apply to employees with one or more years of service with the City as of the date the conversion is authorized by the City Manager.

In addition to the above, Executive Management may cash-in up to fifty (50) hours of Annual Leave once at anytime during the calendar year subject to the 60% limit.

29.8 Conversion to Salary Compensation - (Police Unit Employees) - Police Unit employees shall be allowed to convert Annual Leave accumulations to salary compensation at two separate opportunities during the fiscal year. The two conversion opportunities shall occur in December and July of each year, unless other dates are determined by the City Manager. Police Unit employees may convert between eight (8) hours and seventy-two (72) hours of Annual Leave accumulations to salary compensation, at the employee's then current rate, if the employee has taken a minimum of 50% of the amount of the accumulations accrued in the previous twelve (12) month period. This provision applies only to employees with one or more years of service with the City as of the first working day of December in which the conversion is requested. (Revised 7/1/86)

29.9 Conversion to Salary Compensation - (General Unit Employees) - General Unit employees shall be allowed to convert Annual Leave accumulations to salary compensation 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. General Unit employees may convert between eight (8) hours and fifty-six (56) hours of Annual Leave accumulations to salary compensation, at the employee's then current rate. This provision applies only to employees with one or more years of service with the City as of the first working day of December in which the conversion is requested. (Revised 7/1/86)

29.10 Notification and Approval - (Management Employees) - Annual Leave shall be scheduled in advance by the employee whenever possible, subject to the approval of the Department Head. It is the responsibility of the employee to provide the supervisor or Department Head with reasonable notice of absence. The Department Head shall have the authority to approve or deny the use of Annual Leave for any period of absence. The scheduling of the use of Annual Leave shall be by the Department Head with due regard to the wishes of the employee and particular regard for the needs of the City. Employees who are off for extended periods due to illness or injury may be required to provide a physician's statement authorizing their return to work.

29.11 Notification and Approval - (Police Employees) - Annual Leave shall be scheduled in advance by the employee whenever possible, subject to the approval of the Department Head. It is the responsibility of the employee to provide the supervisor or Department Head with reasonable notice of an absence. Subject to direction of the City Manager, 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 particular regards to the needs of the City. Whenever and whenever two (2) or more Police Unit employees that are assigned to the same work shift request to utilize Annual Leave on the same date, such requests shall be accommodated subject to manpower availability. (Shall not apply to Annual Leave accruals obtained by Police Sergeants under Section 29.14). Police Unit employees shall not be obligated to secure replacements as a condition of being allowed such time off.

29.12 Notification and Approval - (General Unit Employees) - Annual Leave shall be scheduled in advance by each General Unit employee whenever unrelated to illness, subject to the approval of the Department Head. It is the responsibility of the employee to provide the supervisor or Department Head with reasonable notice of an absence. 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. Employees who are off for one day or more due to illness or injury may be required to provide a physician's statement authorizing their return to work.

29.13 Conversion Upon Separation - Employees who separate their employment from the City shall have all Annual Leave accumulations converted to salary compensation at the employee's then current rate. Compensation shall be paid in one lump sum. Annual Leave shall not be used to extend an employee's actual date of separation. When notice is given by an employee that he/she is terminating, the use of Annual Leave shall be suspended.

29.14 Salary Conversion to Annual Leave - Police Unit Employees may convert salary compensation to Annual Leave at a rate of one and one quarter (1¼) hours of earned salary compensation for one hour of Annual Leave. Employee requests for such conversion shall be implemented each pay period. Employees shall be limited to a maximum conversion of 120 hours during each calendar year.

POLICY 30

BEREAVEMENT LEAVE (GENERAL UNIT EMPLOYEES ONLY)

(Policy 30, Bereavement Leave was deleted effective July 1, 1984)

POLICY 31

DISABILITY RETIREMENT  
(SAFETY EMPLOYEES)

31.0 GENERAL:

It is the responsibility of the City of Simi Valley to make certain determinations relating to Disability Retirement applications for safety members of the Public Employees' Retirement System (P.E.R.S.). Determination shall be made within six months of the receipt of the disability retirement request received by the City from P.E.R.S.

The City Council adopted Resolution No. 82-36 to delegate such responsibility to the City Manager or designated representative.

In order to assist the City Manager or designated representative; and to ensure fair and impartial review of all evidence relating to the application, the following procedures have been adopted.

31.1 APPLICATION:

31.11 Application to the P.E.R.S. Board for retirement of a member due to disability may be made either by:

- a) City Council,
- b) City Manager, or,
- c) Eligible employee or any person in his/her behalf.

31.12 Application shall be made on a form to be supplied by the City. Such form shall be completed in full, including any attachments, and filed with the Personnel Administrator or Director of General Services and may be forwarded for review to a designated consultant. If such application is defective and/or incomplete, it shall be returned to the employee for completion. No further action will be taken by the City until such application is completed.

31.2 ACKNOWLEDGEMENT:

31.21 Within five (5) working days of receipt of a completed application, a notification shall be sent to the employee or his/her representative containing the following:

- a) Acknowledgement of receipt of the application,
- b) A copy of this Policy, and
- c) If applicable, notice that a designated consultant has been engaged to review the application and prepare a recommendation to the City Manager.

31.22 Within five (5) working days of receipt of the application, it shall be the responsibility of the Personnel Administrator to forward the "Application for Retirement" form to the Public Employees' Retirement System for filing, provided the employee has not forwarded such form previously.

31.3 RECOMMENDATION:

31.31 The Personnel Administrator or the designated consultant shall prepare a recommendation to the City Manager regarding the disposition of the retirement application.

Such recommendation shall be based upon a thorough review of all medical reports and other pertinent information.

31.32 The Personnel Administrator or the designated consultant may arrange for the deposition of the employee, appropriate medical evaluations, the presentation of medical or other reports by subpoena duces tecum, and may arrange for other statements as they deem necessary. The costs for obtaining such information shall be borne by the City.

31.33 The Personnel Administrator or the designated consultant shall contact the employee or his/her representative to allow an opportunity to present statements, depositions, medical reports, or any other evidence they shall deem appropriate. Such materials shall be presented within thirty (30) working days after the mailing of the letter of acknowledgment. Such materials shall be incorporated in the recommendation. The costs for obtaining such materials shall be borne by the employee.

31.34 The recommendation shall be forwarded to the City Manager within forty-five (45) working days of the mailing of the letter of acknowledgment, unless medical evaluations, depositions, or other record gathering is pending or in progress. The recommendation shall be forwarded to the City Manager within forty-five (45) working days after the receipt of any outstanding materials.

31.35 If any issues are pending before the State Rehabilitation Bureau such issues must be fully resolved and a final order of case closure shall have been issued before any recommendation is forwarded to the City Manager. A copy of such recommendation shall be served upon the employee and his/her representative, if any.

31.4 NOTICE OF INTENT:

Within five (5) working days of the receipt of the recommendation from the Personnel Administrator or designated consultant, the City Manager shall provide to all parties a "Notice of Intent."

Such notice shall indicate that the City Manager has received the recommendation and shall certify the recommendation to P.E.R.S. within fifteen (15) working days unless an objection is filed with the City Manager's office prior to the expiration of the fifteen (15) working day period.

If no objection is received, the City Manager shall forward the determination to P.E.R.S.

31.5 CONFERENCE:

31.51 If an objection is received, the City Manager shall schedule a conference within twenty (20) working days. Written notice of the conference shall be provided to the employee. The purpose of the conference shall be to afford the parties an opportunity to frame issues, present stipulations, and if an agreement to the disposition of the matter cannot be reached, agree to a date for a formal hearing on the application.

31.52 The City Manager or designated representative shall preside over the conference.

31.53 The Personnel Administrator or designated consultant and the employee shall have the right to counsel at all proceedings.

31.54 If either party requests a formal hearing on the application, the parties may stipulate to, or the City Manager or designee shall set a date(s) for such formal hearing, no later than ninety (90) calendar days from the date of the conference.

31.55 The City Manager will advise the parties as to who shall preside over such formal hearing. The City Manager shall appoint an independent Hearing Officer.

31.6 COSTS

When an independent Hearing Officer is required, the employee shall bear the costs of such Hearing Officer and the costs of a court reporter. Each party shall bear the costs and fees of presenting their respective case evidence or testimony, including legal representation.

31.7 PRESENTATION OF EVIDENCE:

31.71 Each party may be requested by the Hearing Officer to divulge the number of potential witnesses to be presented and to give an estimate of the time necessary to present their case.

31.72 The parties shall have until twenty (20) working days before the hearing date to file with the Hearing Officer and serve on all parties any and all medical reports and records to be presented. In the absence of such completed filing, the parties may sustain the medical burden by presentation of direct medical testimony at the hearing.

31.8 HEARING CONTINUANCES:

31.81 The hearing may be continued only at the discretion of the Hearing Officer. Any request for continuance shall be made at least ten (10) working days prior to the scheduled hearing date or immediately following discovery of the reason for which a continuance is requested. A request for continuance shall be directed to the Hearing Officer, who may then cause the matter to be re-scheduled on notice to all interested parties. No single continuance shall be for more than thirty (30) calendar days.

31.9 STIPULATIONS:

At any time in the proceedings the parties may enter into stipulations and recommend to the City Manager or designated representative or to the Hearing Officer a disposition regarding the retirement and/or rehabilitation status of the employee.

31.10 SUBPOENAS:

Any subpoenas shall be issued in like manner as issued by the City Council.

31.11 WITNESSES:

31.111 Either party may present whatever witnesses they deem necessary in the presentation of their case.

31.112 Either party may avail themselves of the subpoena process to ensure the attendance of any witness.

31.113 No subpoena or subpoena duces tecum shall be issued by the City Clerk nor shall any subpoena apply to any City safety employee until a deposit of the witness fee has been made with the City Clerk in accordance with Government Code Section 68097.

31.12 HEARING:

31.121 The hearing shall be open to the public.

31.122 All proceedings shall be recorded by a certified court reporter.

31.123 The Hearing Officer will consider the retirement application based upon written documentation to be taken into evidence and oral testimony presented at the time of the public hearing.

31.124 Each party shall have the full rights to examine, cross-examine, object, or argue the merits of all such evidence. Each party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing

witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination, to impeach any witness regardless of which party called him/her to testify, and to rebut evidence. If the employee does not testify in his/her own behalf, he/she may be called and examined as if under cross-examination.

31.125 The parties or their representative, if any, may make opening and closing arguments.

31.126 The hearing need not to be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the extent that they are otherwise required by statute to be recognized at the hearing, and irrelevant and unduly repetitious evidence shall be excluded.

31.127 The employee shall have the burden of proof and shall be required to demonstrate by a preponderance of the evidence that the employee subject to Disability Retirement is substantially unable to perform the duties of his/her position in order for a finding of disability to be sustained. The employee shall not be found disabled solely on the basis of Workers' Compensation disability ratings or on the basis of medical restrictions which preclude the employee from performing activities that are not common occurrences. The disability must be found to be presently in existence and not prospective in nature.

31.128 The only issues to be decided by the Hearing Officer shall be:

- a) Substantial Incapacity - Is the employee substantially incapacitated from the performance of his/her duties of the job position last held and is such capacity considered permanent or of an uncertain and extended duration? Such determination shall be made on the basis of competent medical opinion.
- b) Industrial Causation - Is the disability industrial? That is, did it arise out of and in the course of City employment?

- c) Recommendation - Should the employee be recommended to P.E.R.S. for:
1. Service-connected Disability Retirement,
  2. Non-service-connected Disability Retirement,
  3. Regular Service Retirement, or
  4. No retirement benefits?
- d) Effective Date - What is the effective date of any retirement?
- e) Rehabilitation - Has a rehabilitation program been offered to the employee and, if so, what is the status of such program?
- f) Is there any third party liability related to the injury which caused the disability?
- g) If the employee is found to be disabled due to a mental disorder, is he/she competent to act on his/her own behalf in legally binding retirement matters?

31.129 The hearing shall continue from day-to-day or continued to a date certain upon the discretion of the Hearing Officer until the proceedings are concluded.

31.130 At the conclusion of the hearing, the Hearing Officer may hold the record open, at his/her discretion, for written legal briefs and/or the assignment of any independent medical examiner (IME). Such IME will be furnished all documentary evidence presented and will examine the employee at the expense of the City. Such IME shall report in writing to the Hearing Officer who will serve said report upon all parties within 15 days of receipt. Any party may request cross-examination of the IME either by (1) deposition or (2) at a hearing before the Hearing Officer. A request for such cross-examination shall be made within 15 days of service of the medical report. The moving party shall obtain the concurrence of all parties as to the manner of cross-examination and the office of the Hearing Officer shall schedule such cross-examination as appropriate.

31.131 The Hearing Officer shall render a decision on all issues within thirty (30) working days of the submission of the matter and the closing of the record. Such decision and findings shall be submitted to the City Manager.

31.132 The findings of fact and conclusion of law of the Hearing Officer shall be advisory to the City Manager, who may modify or certify the Hearing Officer's recommendations. The City's findings shall be forwarded to P.E.R.S. and the parties within five (5) working days of receipt of the findings and recommendations of the Hearing Officer.

31.133 Any party may order a transcript of the hearing and such party shall bear the full cost of such transcript, and shall provide the Hearing Officer with one copy; and shall notify all other parties that a transcript has been ordered. Any other party may then order a copy of the transcript at the copy price.

31.14 APPEAL:

Any aggrieved party may bring further proceedings in the Superior Court or in the Worker's Compensation Appeals Board as set forth in the Government Code.

There is no provision for appeal to any arm of City Government, including the City Council.

## POLICY 32

### HARASSMENT IN EMPLOYMENT

32.0 The purpose of this policy is to define and issue to all employees the City's policy on the prohibition of harassment in employment. Harassment as defined in Section 32.2, violates Title VII of the Civil Rights Act of 1964, the California Government Code, and regulatory guidelines of the Equal Employment Opportunity Commission, and the California Fair Employment and Housing Commission.

32.1 Harassment of an applicant or employee by a supervisor, management employee or co-worker on the basis of race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, sex or age will not be tolerated.

Disciplinary action up to and including termination will be instituted for behavior described in the following definition of harassment.

32.2 Harassment includes, but is not limited to:

- Verbal Harassment - For example, epithets, derogatory comments or slurs on the basis of race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, sex or age.
- Physical Harassment - For example, assault, impeding or blocking movement, or any physical interference with normal work or movement when directed at an individual on the basis of race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, sex or age.
- Visual Forms of Harassment - For example, derogatory posters, notices, bulletins, cartoons, or drawings on the basis of race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, sex or age.
- Sexual Favors - Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature which is conditioned upon an employment benefit, unreasonably interferes with an individual's work performance or creates an offensive work environment.

32.3 An employee who has been harassed on the job should inform the Personnel Administrator, his/her Department Head, or the Affirmative Action Officer of the grievement. To accommodate the unique nature of harassment complaints, a pre-grievance process is provided for the primary purpose of resolution of a complaint at the earliest possible date. The City's Personnel Administrator will be available to receive harassment complaints. The Personnel Administrator shall:

1. Counsel the employee and outline the options available.

2. Obtain a factual written statement of the complaint for the affected department head.
3. Assist in follow-up investigation, interview accused, witnesses and supervisors as appropriate, and recommend disposition of the complaint.

32.4 The Personnel Administrator: authorizes investigation of the complaint, reviews factual information collected to determine whether the alleged conduct constitutes harassment, giving consideration to the record as a whole and the totality of the circumstances, including the nature of the verbal, physical, visual or sexual favor aspect of the advance and the context in which the alleged incidents occurred. Takes and/or authorizes appropriate action.

32.5 Formal grievance procedures are available for resolution of complaints alleging harassment if the complaint is not adjusted to the satisfaction of the employee in the pre-grievance process. Time limits specified in the formal grievance procedures may be extended if pre-grievance procedures for a harassment complaint were initiated within the applicable time limits for filing a formal complaint. In these instances, if the complaint is not adjusted to the satisfaction of the employee, the time limits for filing a formal grievance should begin as of the date of notification of action taken by the Department Head.

If the employee did not initiate pre-grievance procedures within the time limits of the applicable formal grievance procedure, the Personnel Administrator may recommend extension of the filing deadline for a formal complaint. It should be reemphasized that the City wishes to know of any complaint alleging harassment as soon as possible after it occurs. Preliminary formal steps to resolve a grievance may, depending on the circumstances of the complaint, be waived and the formal grievance initiated at an appropriate higher step in the process.

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