

City of Angels

Personnel Policy

Rules and Regulations

Adopted by Resolution No. 96-06

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ARTICLE 1
DEFINITION OF TERMS

SECTION 1.01 DEFINITIONS

The following terms used in these Rules and Regulations shall have the meaning hereinafter designated, unless from the context hereof it clearly appears that a different meaning is intended. Any term not defined herein which is defined in the Meyers-Milias--Brown Act shall have the meaning set forth therein.

Acting Appointment. The temporary assignment of an employee to a vacant position in the absence of an employee who normally fills the position during a specific period of time.

Allocation. The official assignment of an individual to a position of an appropriate class on the basis of the duties performed and the authority and responsibilities exercised.

Anniversary Date. The employee's date of appointment to his/her current, permanent classification.

Applicant. A person who has submitted a written City application and required support for a specific position for employment with the city in accordance with these Rules and Regulations.

Appointing Authority. The person or persons having lawful authority to appoint or remove persons from positions in the City.

Appointment. The offer of and acceptance by a person of a position in the City service in accordance with these Rules and Regulations.

Assignment. A specific appointment to a job classification for a specified period of time.

Authorized Position. A position approved and authorized by the City Council for which funds are appropriated.

Bereavement Leave. An authorized leave with pay due to the death of an immediate family member or a close relative.

Break In Service. A resignation that ceases employment with the City.

Certified Employee Organization. An employee organization which has been recognized for representation purposes.

City. The City of Angels, a political subdivision of the state of California and where appropriate in this policy, "City" refers

to the City Council and/or City Administrator.

City Administrator. Chief administrative official appointed by the City Council to manage the operations of the City.

City Council. The City Council of the City of Angels.

Class (Classification). A position or group of positions, the duties, authorities and responsibilities of which are sufficiently similar so that the same descriptive title, examples of duties, recruiting standards, and compensation can be applied.

Closed Examination. A competitive examination for a particular class which may be taken by any employee who is paid by the City and who meet the requirements set forth in the examination announcement.

Compensatory Time Off (CTO). The leave time granted with pay in lieu of payment for approved overtime hours worked.

Confidential Employee. Any employee who is required to develop or present management positions with respect to employer-employee relations and whose duties normally require access to confidential information contributing significantly to the development of management positions

Consult. The verbal or written communication for the purpose of presenting and obtaining views or advising of intended actions.

Continuous Service. A length of employment where there is no break in service.

Day. A calendar day unless otherwise noted.

Demotion. A reduction in pay, unless it is part of a plan to reduce salaries and wages in connection with a general economy or curtailment program.

Department. An administrative unit of the City as determined by the City Council and approved in the organizational chart of each fiscal year budget by the City Council.

Department Head. The person who administers the operation of a City department.

Designee. An employee designated by a Department Head or the City Administrator to represent them in their absence.

Dismissal. Termination of an employee from the City service for cause.

Eligible. A person whose name is on a current employment, re-employment or reinstatement list.

Employee. A person employed by the city, but not including elected officials, members of boards or commissions, or a person under contract as an independent contractor.

Employer. The employment relationship between the City and its employees and their employee organizations.

Employment List. A list of eligibles established by competitive examination who may be considered for employment with the City under specific conditions set forth in these Rules and Regulations.

Examination (Test or Exam). The selection technique used to measure the relative capacities and fitness of applicants.

Exclusive Representative. An employee organization selected by majority vote of employees of a representation unit to be sole representative of all employees in that unit.

Fact-Finding. Identification of the major issues in a particular dispute; reviewing the positions of the parties; and the investigation and reporting of the facts by one or more impartial fact-finder; and the making of recommendations for settlement.

Final Score. The score used to establish an applicant's ranking on an employment list. The final score may be a score computed from a combination of scores from various parts of the exam process.

Grievance. Any disagreement concerning the interpretation or application of a written MOU or Administrative Policy or of these Rules and Regulations, department rules and regulations governing personnel practices or working conditions. An impasse in meeting and conferring upon the terms of a proposed MOU or Administrative Policy is not a grievance.

Hire Date. The date upon which an employee begins employment with the city, whether temporary, reserve, probationary, etc.

Immediate Family. The husband, wife, son, daughter, father, mother, brother, sister, father-in-law, mother-in-law, grandparents, or any relative living in the employee's household.

Impasse. A deadlock, after a reasonable period of time, in the meet and confer process between the City's management representatives and representatives of recognized employee organizations within the scope of matters concerning which they are required to meet and confer in good faith.

Insubordination. A refusal to submit or adhere to lawful directions given by a superior.

Layoff. The involuntary separation of one or more regular employees from the work force occasioned by the abolishment of a position or positions or the reduction in number of employees in a given class or in the interest of the economy.

Lead Position. An employee who supervises other employees in the same classification.

Leave of Absence. Approved absence from duty for a specified period with the right to return at the expiration of the period.

Management Employee. Any employee having significant responsibilities for formulating or administering City or departmental policies and programs or administering the City or a department.

Mediation. The effort by an impartial third party to assist in reconciling an impasse regarding matters within the scope of representation between representatives of the City and a certified employee organization through interpretation, suggestion and advice.

Meet and Confer. The mutual obligation of the City's management representatives and representatives of recognized employee organizations personally to meet and confer within a reasonable period of time in order to exchange freely information, opinions, and proposals, and to endeavor to reach agreement on matters within the scope of representation.

Memorandum of Understanding (MOU). A written memorandum jointly prepared by the parties incorporating matters on which agreement is reached through meeting and conferring between the City's representatives and representatives of a recognized employee organization. The memorandum shall be presented to the City Council for determination and implementation.

Merit Increase. A merit pay increase granted at the sole discretion of the City Council up to 5% above Step E of the employee's current classification.

Open Examination. A competitive examination for a particular class in which all those applicants who meet the qualifications for the class may participate, whether or not they are employed by the City.

Oral Reprimand (Oral Warning). A verbal statement to an employee, by the supervisor, explaining an unsatisfactory element of job performance. An oral reprimand (oral warning) is intended to be corrective or cautionary.

Overtime. The working by an employee of more authorized hours than a full work period for the position (for most classes, more than forty (40) hours per week). Overtime is paid per employee's MOU or FLSA.

Part-Time Employee. An employee who is filling a part-time position and is paid on an hourly or per diem basis.

Part-Time Position. A type of position in which a person works less than the regular assigned hours.

Pay Range (Salary Range). A series of pay or salary steps to which a class may be assigned.

Payroll Deduction. An arrangement under which the City deducts from the salary of the employee sums of money for various authorized purposes.

Permanent Employee. An employee who has been given permanent status upon the completion of a probationary period.

Personnel File. The official personnel file maintained by the City Administrator or his/her designee.

Personnel Officer. The City Administrator.

Position. A combination of current duties and responsibilities assigned to a single class or normally performed by one employee.

Position Description. A written statement of the essential factors which distinguish one job from other Jobs.

Probationary Appointment. An appointment made from an eligible list, if applicable, to a regular position for a specified working test period, during which an employee serves at will. The length of the probationary period is established by the appropriate MOU or Administrative policy.

Probationary Employee. An employee who has been appointed to a position but has not completed the probationary period.

Promotion. The movement of an employee from one class to another class resulting in a salary increase.

Provisional Employee. Appointment of a person who has not qualified through examination with such appointment not to exceed six months and not constitute a part of a probationary period.

Reallocation. The change in the assignment of a position from one existing class to another existing class, requiring no change in the classification plan.

Reclassification. The change in the assignment of a position from one existing class to a new class or another existing class.

Reemployment. The reappointment of a former regular employee from a reemployment list.

Reemployment List. A list of names of former regular employees who have been laid off from a class, with those laid off last at the top of the list for reemployment to that class. Said list will be valid for one year.

Regular Employee. An employee who has successfully completed the probationary period for a class and occupies a regular position.

Regular Position. A position that is established by the Council without any limitation as to time and is benefited.

Reinstatement. The restoration without examination of a former regular employee or probationary employee to a classification in which the employee formerly served as a regular non-probationary employee.

Relief Employee. An appointment of an individual who has been certified from an appropriate eligible list, if applicable, to cover such needs as seasonal peak work loads; emergency work loads of limited duration; vacation and sick leave relief; and other situations involving a fluctuating staff. Relief employees serve at the pleasure of the City.

Representation Unit. A unit of city Employees excluding extra-help/temporary, seasonal, relief, reserve or intermittent employees as presently constituted for the purpose of representation in employee relations matters.

Representative. A person who is authorized and designated by a recognized employee organization to represent the organization in dealing with the City.

Resignation. The voluntary separation of an employee from employment with the City.

Retirement. The separation from City employment for the purpose of retiring, as per the approved retirement system of the city.

Salary. The amount of individual salary compensation for the performance of duties in a position in a range and step established in accordance with an MOU or Administrative Policy.

Seniority. A status attained by length of continuous service with the city.

Service Date. Date used for the calculation of the vacation

accrual rate and longevity pay in a regular position.

Shift. A scheduled period of work or duty.

Step Increase. A pay or salary increase within the limits of the pay or salary range established for a class.

Supervisory Employee. Any employee having authority to exercise independent judgment in the interest of the City to assign, reward or discipline other employees or having the responsibility to direct them or to adjust grievances or to effectively recommend such action, if in connection with the foregoing the exercise of such authority is not merely routine or clerical in nature and requires the use of independent judgment.

Suspension. An involuntary absence without pay imposed by the City Administrator, with approval of the City Council, for cause.

Temporary Employee. An employee who has been appointed to a temporary position.

Termination. The separation of an employee from city service.

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

Vacant Position. Any position which has been authorized by the Council and has no incumbent.

Workday. The regularly scheduled workday shall be defined by the respective MOU or Administrative Policy.

Workweek. The regularly scheduled workweek shall be from Sunday through Saturday.

Written Reprimand. A cautionary or corrective written notice from the supervisor to an employee with a copy to his/her personnel file informing the employee of an action on his/her part which is the cause for disciplinary action.

Y-Rate. When an employee is demoted or is reclassified/reallocated downward, the City may chose to Y-Rate this employee. The employee would not have a decrease in his/her current salary but would not receive an increase in pay until his/her new classification's salary reached the level of the Y-Rated salary.

ARTICLE 2
GENERAL PROVISIONS

SECTION 2.01 PERSONNEL POLICY.

In accepting employment with the City each employee agrees to be governed by and to comply with the Angels Municipal Code, these Rules and Regulations, the administrative policies and procedures established by the City Council, the rules, regulations and directives of the department in which employed, and the MOU or Administrative Policy in effect between the City and the appropriate employee organization, and as amended from time to time.

SECTION 2.02 EQUAL OPPORTUNITY EMPLOYER.

- A. The City is committed to the goal of equal employment opportunities.
- B. It is the policy of the City to ensure that the application of these Rules and Regulations and regulations, and the recruitment, employment, training, advancement, layoff, pay, termination, and all other personnel actions for all positions, classes and individual employees shall be on the basis of qualifications and performance without regard to race, color, religion, national origin, sex, age, political affiliation, or physical handicap, except where a bona fide occupational qualification exists.

SECTION 2.03 POWERS OF THE CITY ADMINISTRATOR.

- A. The City Administrator is the chief administrative officer and the head of the administrative branch of the City Government (Chapter 2.08, Angels Municipal Code). Whenever the term "City Administrator" is used in these Rules and Regulations, it shall include the City Administrator or any person designated by him/her to carry out any function required by these Rules and Regulations. When any officer or employee, other than the City Administrator, is assigned a duty or responsibility under these Rules and Regulations, such assignment is subject to the direction and control of the City Administrator, and the City Administrator shall have the right to assign any other officer or employee, including himself/herself, to perform such duty or assume such responsibility.
- B. Subject to the Angels Municipal code and these Rules and Regulations, the City Administrator has the power and authority to:
 - 1. Establish, when not in conflict with these Rules and Regulations, other policies, procedures, rules and

regulations necessary for the control and supervision of the affairs of the City;

2. Appoint and remove all employees of the City, subject to these Rules and Regulations and regulations, except Management employees who are appointed and removed by the Council.
 3. Pass upon and approve all proposed appointments and removals of subordinate employees by all Department Heads;
 4. Transfer, promote, demote, reemploy, reinstate, discipline, layoff, reduce in pay, suspend, or dismiss city employees.
- C. The City Administrator shall interpret, apply, administer and enforce the provisions of these Rules and Regulations, any ordinances or resolutions relating to personnel matters, the employer-employee relations resolutions, the memoranda of understanding, and any other pertinent regulations, directives and policies which relate to the City's personnel system.

SECTION 2.04 DEPARTMENT RULES and REGULATIONS.

Department Heads may develop, implement and revise as necessary any policies, procedures, rules and regulations pertaining to unique operational requirements and their effect upon departmental personnel as are needed for the full performance of duties and responsibilities and not contrary to these Rules and Regulations, upon Council approval.

SECTION 2.05 APPLICATION OF RULES AND REGULATIONS.

- A. Except as provided otherwise, these Rules and Regulations shall apply to all City employees and positions except:
1. Elected officials;
 2. Members of appointed boards, commissions and committees;
 3. Persons engaged under contract to render professional, scientific, technical or expert services for a definite period of time;
 4. Volunteer personnel who receive no regular compensation from the city;
 5. Volunteer personnel who receive occasional compensation for participation in officially declared and funded

office of Emergency Services' emergencies; and

6. Classes of employment for which these Rules and Regulations establish exemptions from a provision or provisions of these Rules and Regulations.

SECTION 2.06 ADOPTION OF RULES AND REGULATIONS.

These Rules and Regulations shall be established by resolution and adopted by the City Council.

SECTION 2.07 AMENDMENT AND REVISIONS OF RULES AND REGULATIONS.

- A. Proposed amendments to or revisions of these Rules and Regulations shall be submitted to the City Council in writing by the City Administrator.
- B. The City Council shall adopt, amend or repeal the Rules and Regulations in open session.

SECTION 2.08 VIOLATION OF RULE AND REGULATIONS.

Each employee is responsible to comply with these Rules and Regulations and any amendments hereto. Violation of the provisions of these Rules and Regulations shall be grounds for disciplinary action, up to and including dismissal.

SECTION 2.09 RIGHT TO CONTRACT FOR SPECIAL SERVICES.

The City Administrator shall consider and make recommendations to the City Council regarding the extent to which the City should contract for the performance of technical services in connection with the establishment or operation of the personnel system. The council may contract with any qualified person or agency for the performance of all or any of the following responsibilities and duties imposed by this Chapter:

- A. The preparation of these Rules and Regulations and subsequent revisions and amendments thereof.
- B. The preparation of a position classification plan, and subsequent revisions and amendments thereof.
- C. The preparation of a plan of compensation and subsequent revisions thereof.
- D. The preparation, conduct and grading of competitive tests.
- E. Special and technical services of advisory or informational character on matters relating to personnel administration.

ARTICLE 3
CLASSIFICATION

SECTION 3.01 PREPARATION OF CLASSIFICATION PLAN.

- A. The City Administrator, or the person or agency selected for that purpose, shall ascertain, as needed, and record the duties and kind and level of responsibilities of all positions in the City and develop a classification plan for such positions, as needed.
- B. The classification plan may contain classes to which there are no current allocation of positions in order to provide for future organizational growth or changes in organizational structure.

SECTION 3.02 ADOPTION OF CLASSIFICATION PLAN.

- A. The classification plan shall be established and amended by resolution adopted by the Council.
- B. The Council may create new classes and adjust, divide, combine, revise, or abolish existing classes of positions in the City service.

SECTION 3.03 ALLOCATION OF POSITIONS.

All positions in the City service shall be established by the City Council.

SECTION 3.04 PROMOTIONAL CLASSES.

The City Administrator may recommend the arrangement of various classes of positions into promotional series when, in the judgment of the City Administrator, the classes are similar or closely related enough in requirements, duties and responsibilities to warrant such arrangement.

SECTION 3.05 CLASS DESCRIPTIONS.

The City Administrator shall prepare and maintain a written description for each class of position in the City service. Each class description shall set forth the title of the class, a definition of the class, examples of the typical tasks, and a statement of qualifications a person should possess.

SECTION 3.06 CLASS DESCRIPTION QUALIFICATIONS STATEMENTS.

- A. Qualifications may be stated as minimum or as desirable and shall be revised as the need arises.

- B. Personal qualifications commonly required of all incumbents of positions, such as honesty, fidelity, sobriety, industry, amiability to supervision, and willingness to cooperate with associates, the ability to read, write, and speak the English language, to follow written and oral instructions, shall be implied as qualifications required for every class even though such traits are not mentioned specifically in the job descriptions.
- C. Where a position requires an employee to drive either a City-owned or privately-owned vehicle on official City business, such employee must possess and maintain the appropriate valid California operator's license, and when driving a privately-owned vehicle, must have proof of insurance. When an employee must possess a California operator's license as a condition of employment, and a physical examination is required, the City shall pay only those costs associated with the basic examination needed to satisfy the requirements of said license.
- D. Where a position requires an employee to have a certificate, license, permit or registration, such employee must possess and maintain a current certificate, license, permit or registration. Unless otherwise specified, the employee shall bear the cost of maintaining any license, certificate, permit or registration.

SECTION 3.07 INTERPRETATION OF CLASS DESCRIPTION.

The class descriptions are descriptive and explanatory and not restrictive. They are intended to indicate the kinds of duties and responsibilities allocated to the various classes and should not be construed as limiting the assignment of duties and responsibilities to any position. The use of a particular expression or an illustration as to duties should not be interpreted to exclude others not mentioned that are of similar kind or level of responsibility. The description for each class should be considered in its entirety and in relation to other classes in the classification plan. Consideration should be given to the general duties, specific tasks, responsibilities, qualifications desired and relation to other positions.

SECTION 3.08 OFFICIAL USE OF CLASS TITLE.

A position shall be identified by class title in all official personnel and budget records and transactions.

SECTION 3.09 RECLASSIFICATION.

Whenever a material change in duties or responsibilities of any existing position in the City service occurs, the City Administrator, on his/her own initiative or upon request of the

Department Head, may investigate the duties of the affected position. A reclassification will only occur upon city Council approval.

SECTION 3.10 STATUS OF INCUMBENTS IN RECLASSIFIED POSITIONS.

Whenever reclassification occurs, an employee occupying the position may be retained in the position after it has been reclassified without further competitive examination when:

- A. The reclassification results from an official recognition of a change in duties and responsibilities which has already occurred for a significant period of time; and
- B. The changed duties and responsibilities justifying allocation to a different classification have taken place during the employment of the present incumbent in such position and were not the result of planned management action; and
- C. The incumbent possesses the knowledge, skills and abilities required of the different class.

SECTION 3.11 PROCEDURE FOR RECLASSIFICATION OF INCUMBENTS.

- A. The findings set forth in Section 3.10 of these Rules and Regulations shall be transmitted by the City Administrator at the time a reclassification is under consideration. The City Administrator shall recommend to the City Council appropriate action to be taken regarding the incumbent whose position is being reclassified.
- B. The City Administrator shall determine whether the reclassification of a position constitutes a downward, lateral or upward movement of the position relative to its former allocation. The following actions prevail with regard to each of the following kinds of changes:
 1. Downward. The incumbent may accept a demotion to the reallocated position or be reassigned to a vacant position in the same class and retain permanent status. If the incumbent refuses demotion and reassignment, then the layoff procedure will be invoked.
 2. Lateral. The incumbent will remain unchanged in the class to which the position is reallocated.
 3. Upgrade. The employee will retain permanent status in the new class when the City Administrator determines that either (a) there has been no essential change in the duties or responsibilities of the position during the individual's incumbency; or (b) there has been a

gradual change in the duties and the incumbent has performed the higher level tasks for a significant period, normally six months. If the change is the result of a reorganization, successful completion of a probationary period (1 year) may be required by the City Administrator prior to the incumbent attaining permanent status in the new class. If none of the above situations exist, the employee may be transferred, demoted, laid off or compete for the reallocated position.

SECTION 3.12 CLASSIFICATION FOR TEMPORARY EMPLOYMENT.

- A. A Department Head may request a temporary position by submitting justification and such other information as the City Administrator may require. The City Administrator shall submit to the City Council a recommendation on the need for such a class, a class title and a salary rate.
- B. Whenever a position is required for the efficient and economical operation of a department, a temporary appointment may be authorized by the City Administrator.

ARTICLE 4
PAY PLAN

SECTION 4.01 PREPARATION OF PAY PLAN.

- A. The City Administrator shall prepare a pay plan for all classes in City service.
- B. The pay plan shall establish a schedule of pay ranges and salary steps showing bi-weekly minimum and maximum rates.

SECTION 4.02 ADOPTION OF PAY PLAN.

- A. The pay plan shall be established and amended by resolution adopted by the council.
- B. Each class in City service shall be assigned to a pay range and salary steps, or an hourly rate.

SECTION 4.03 SALARIES.

All pay rates prescribed shall be fixed on the basis of full-time service in full-time positions, unless otherwise designated by action of the City Council.

SECTION 4.04 SALARY AT INITIAL APPOINTMENT.

Salary at initial employment shall be at a salary step as determined by the City Administrator. If the City Administrator appoints above Step C, it must be approved by the City Council.

SECTION 4.05 CALCULATION OF ANNIVERSARY DATE.

- A. Every regular employee who is employed in a class for which there is a salary range shall have an anniversary date. All salary adjustments, except longevity pay, are made effective upon the anniversary date or any time thereafter. The date of a subsequent salary adjustment, excluding longevity pay, shall become the new anniversary date. The anniversary date should not be confused with the employee's service date (date used for calculation of vacation and longevity pay) nor with the employee's date of hire (the date upon which the employee began working for the City - whether temporary, reserve, probation, etc).
- B. The anniversary date of those reemployed shall be the effective date of the reemployment.
- C. The anniversary date of those reinstated shall be the effective date of reinstatement.

SECTION 4.06 PERFORMANCE SALARY INCREASES.

- A. Department Heads may recommend a step increase only for those employees who have demonstrated appropriate standards of work performance. Step increases may be recommended to the next highest step in the salary range for the classification. Department Heads may recommend an additional merit increase based on exceptional performance by an employee only after attaining Step E in the salary schedule.
- B. The City Administrator shall process all step increases and shall notify the appropriate person, in writing, of all approved step increases and such notification shall constitute authorization for Payroll to make payment to the employee at a higher salary step rate.
- C. Step increases in salary are not automatic. They are made at the sole discretion of the City Administrator on the basis of merit, fitness and increased service value of the employee to the City as documented in performance evaluations by the Department Head or designee.
- D. A merit increase shall be made and take effect only after written recommendation of the Department Head and the City Administrator and the approval of the City Council for an employee who has attained Step E in the salary schedule.

SECTION 4.07 APPLICABLE SALARY RATES FOLLOWING PAY RANGE INCREASES AND DECREASES.

- A. When a pay range for a given class is revised upward, the incumbents of positions in classes affected shall have their existing salary adjusted to the same step in the new pay range (Step B to Step B, Step C to Step C, etc.).
- B. When a pay range for a given class is revised downward, the incumbents of positions in classes affected may have their existing salary adjusted to the same step in the new pay range (Step B to Step B, Step C to Step C, etc.), or they may be Y-Rated.

SECTION 4.08 PAY RATE CHANGE ON ANNIVERSARY DATE.

When a pay range change becomes effective on an employee's anniversary date, the employee shall receive first any range adjustment to which entitled and then receive the corresponding step adjustment.

SECTION 4.09 STEP INCREASE ON DATE OF PROMOTION.

When a step increase becomes effective on the date an employee is promoted to a higher class, the employee shall receive first any step increase to which entitled in the lower class, and then the promotional adjustment as provided.

SECTION 4.10 APPLICABLE PAY FOLLOWING REEMPLOYMENT.

Upon the appointment of an employee from a reemployment list as provided by section 9.10 of these Rules and Regulations, the employee shall receive the salary step in the pay range the employee received prior to layoff.

SECTION 4.11 APPLICABLE PAY FOLLOWING REINSTATEMENT.

Upon the reinstatement of an employee as provided by Section 9.10 of these Rules and Regulations, the employee shall receive not more than the same salary step in the pay range the employee received prior to voluntary resignation or voluntary demotion and a new anniversary date for the employee shall be established coinciding with the date of such reinstatement.

SECTION 4.12 APPLICABLE PAY FOLLOWING PROMOTION.

- A. Upon the promotion of any employee, such employee shall be placed at the step of the new range that provides a minimum five percent (5%) increase over the salary formerly received unless the top step of the new range is less than five percent in which case they shall be placed at the top step of the new range.

- B. Effective on the date of the promotion, a new anniversary date shall be established coinciding with the effective date of the promotion.

SECTION 4.13 APPLICABLE PAY FOLLOWING TRANSFER.

Upon the transfer of any employee from one position to another in the same class or to another class to which the same pay range is applicable, the employee shall remain at the same salary step and shall retain the same anniversary date.

SECTION 4.14 APPLICABLE PAY FOLLOWING DEMOTION TO A LOWER CLASS.

- A. Upon the demotion of any employee to a class with a lower maximum salary, the employee shall be assigned to a salary step in the lower pay range as follows:
1. If the demotion is a disciplinary demotion, the employee may be assigned to any designated step in the pay range for the lower class which is at least one step less than the dollar amount received in the pay range for the class from which demoted.
 2. If the demotion is a voluntary demotion which has been recommended by the Department Head and approved by the City Administrator, the employee shall be assigned to that salary step in the new pay range so as to receive the same salary he/she was receiving in the old range. If the same salary is not a step in the new range, he/she shall be placed on such step of the new range as to receive the nearest lower salary. The employee's previous anniversary personnel action date shall be retained.

SECTION 4.15 APPLICABLE PAY FOLLOWING RECLASSIFICATION.

- A. If a position is reclassified to a class which has the same maximum salary, the salary and the anniversary date of the incumbent shall not change.
- B. If a position is reclassified to a class which has a higher maximum salary, the salary shall be adjusted in accordance with Sections 4.09 and 4.12 of these Rules and Regulations.
- C. If a position is reclassified to a class which has a lower maximum salary, the incumbent shall be placed on the step of the new salary range so as to receive the same salary as received in the old range. If the present salary is between steps of the new range, the employee shall be placed on the step of the new range next higher than the present salary.

SECTION 4.16 ACTING APPOINTMENT.

The City Administrator may authorize, in writing, a special salary upgrading for an employee who is temporarily assigned the work of a higher position when it is determined to be in the best interest of the City to do so. Persons receiving an acting appointment must meet the minimum qualifications of the position. Acting appointments may be considered if cases where:

- A. A permanent position incumbent is expected to be absent for a significant period of time, generally thirty (30) days or more.
- B. A permanent position vacancy exists and organizational constraints preclude filling the position in a timely manner.
- C. The best interests of the city would be served from either a special project completion, training or special assignment standpoint.
- D. Such assignment will only apply to formal work/job classifications as adopted by the City Council.
- E. Acting appointments may extend for no longer than six months except that the City Administrator, may approve an additional extension of up to an additional six months if either of the following two (2) conditions are met:
 1. The city has conducted the recruitment process for appointment to a vacancy and decides it is in the best interest of the City to conduct a second recruitment process; or
 2. The incumbent Employee is on leave anticipated to expire subsequent to expiration of the initial one hundred and twenty (120) calendar days, but prior to expiration of an additional one hundred and twenty (120) days.

Said option shall be exercised, in writing, not later than the one hundred and twentieth (120th) calendar day subsequent to the employee being notified, as outlined above. In the event said option is not exercised, then any Employees so temporarily assigned out of class shall cease to be so assigned, and shall on the one hundred and twenty-first (121st) calendar day be considered to be returned to their regular assignment.

- F. An employee who is assigned to and performs the duties of a higher classification shall receive adjusted compensation at the first step in the pay range for the higher classification or a five percent (5%) increase in current

salary, whichever is greater.

- G. No adjusted compensation shall be paid unless and until the employee has worked in the higher classification for a minimum of one (1) two-week pay period, in which event the employee shall receive retroactively adjusted compensation from the first workday in the higher classification. An assignment to a higher classification shall not be manipulated to avoid paying the higher compensation.
- H. The classification title for employees serving in an acting capacity shall remain unchanged.
- I. Upon termination of the acting appointment, the employee shall be returned to the salary of his/her former position as though the special adjustment has not occurred.

SECTION 4.17 PAYROLL DEDUCTIONS.

Deductions from employees wages are made in accordance with prevailing laws, contracts, memoranda of understanding, Rules and Regulations and regulations and with the prior written approval of the City Administrator, such as:

- A. Deductions required by law and contracts include, but are not limited to such things as federal withholding tax, state withholding tax; and
- B. Deductions made on the written authorizations from each employee to include such things as credit union, recognized employee organization dues, deferred compensation contributions, and other similar type deductions as approved by the City Administrator or in an adopted MOU or Administrative Policy.

ARTICLE 5 EXAMINATION ANNOUNCEMENTS

SECTION 5.01 EXAMINATION ANNOUNCEMENT.

- A. All personnel requisitions shall be approved by the City Administrator prior to announcement of an examination.
- B. The Department Head shall prepare and the City Administrator shall approve an official bulletin announcing any proposed examination. The bulletin shall be posted in public view in such places and by such means as to attract a sufficient number of qualified applicants.
- C. The examination announcement shall contain the class title,

a statement that the city is an affirmative action-equal opportunity employer, and shall specify at least the major job responsibilities; minimum and desirable qualifications, the selection process to be used, and the time and manner of making applications.

SECTION 5.02 DATES MAY BE CHANGED IN EXAMINATION ANNOUNCEMENT.

Dates specified in any examination announcement may be extended, postponed or canceled by the City Administrator if such action is necessary or expedient to the needs of the City.

ARTICLE 6
APPLICATIONS AND APPLICANTS

SECTION 6.01 APPLICATIONS FOR EMPLOYMENT.

- A. Applications for employment with the City shall be made on official application forms available at City Hall, and when applicable, at the appropriate City office.
- B. The application shall contain the original signature of the applicant in the space provided on the completed application.
- C. The application shall be received in the Administration office on or before the announced final filing date and time.
- D. Applications and addenda to applications shall become the property of the City.

SECTION 6.02 CITIZENSHIP OF APPLICANTS.

Employment is open to qualified persons who are citizens of the United States and to qualified persons who are not citizens of the United States but who have complied with State and Federal laws defining the eligibility of non-citizens for employment in State and Local Government.

SECTION 6.03 INCOMPLETE APPLICATIONS.

Incomplete applications may be rejected.

SECTION 6.04 NUMBER OF APPLICATIONS.

- A. A separate, signed application must be submitted each time and for each classification of position for which an applicant applies.

- B. Notwithstanding any other provisions of this Article, the City Administrator may close the filing period when a predetermined number of applications have been received.

SECTION 6.05 APPLICATION INFORMATION SUBJECT TO VERIFICATION.

- A.. During the course of the employment process, information presented on an application may be verified and supplemented by investigations which may include the employment record, character and personal history of the applicant.
- B. Applicants may be required to furnish the City Administrator with certified copies of any diploma, license or any other accreditation or certification required to meet the qualifications established for the examination for which the applicant claims to hold.
- C. All finalists will be verified through State Department of Motor Vehicles (DMV) records, fingerprints and references.

SECTION 6.06 DISQUALIFICATION OF APPLICANTS.

- A. The City Administrator may disqualify any applicant from consideration, either before or after an examination, whose appointment is deemed contrary to the best interests of the City. Reasons for rejecting an application or an applicant may include but shall not be limited to any of the following deficiencies:
1. The applicant is lacking in any of the qualifications or requirements established for the examination or set forth in the class description for the class for which he/she is applying, or in these Rules and Regulations;
 2. The applicant has made false statement, or practiced or attempted to practice deception or fraud in his/her application or examination, or in securing eligibility for appointment;
 3. The applicant uses intoxicating liquors to excess or misuses narcotics or drugs illegally or to the detriment of work performance;
 4. The applicant has been dismissed from any position for any cause which would be cause for dismissal by the City;
 5. The applicant resigned from a position in order to avoid dismissal;
 6. The information from reference or background checks of the applicant indicates probable unfitness;

7. The applicant failed to submit the completed application to the personnel office by the prescribed filing date;
8. The applicant uses or attempted to use personal or political influence or pressure, or bribery, to secure an advantage in an examination or appointment; or
9. The applicant failed to appear promptly at the time and place designated for any position of an examination, or failed to reply within a reasonable time to communications concerning availability for employment.

SECTION 6.07 APPLICANTS WITH FELONY OR MISDEMEANOR CONVICTIONS.

Conviction including pleas of guilty and nolo contendere of a felony or of any misdemeanor which evidences moral turpitude or unfitness for employment on the part of the applicant or eligible shall be grounds for rejecting the applicant or removing the name of an eligible from any employment list.

SECTION 6.08 ACCESS TO CRIMINAL RECORDS BY CITY ADMINISTRATOR.

In order to further the objectives set forth in Section 6.08 of these Rules and Regulations and as authorized by the California Penal Code Section 11105(b) (10) and 13300(b) (10), the City Administrator is hereby authorized to have access to and utilize Criminal Offender Record Information on file with the State of California Department of Justice and/or local law enforcement agencies when it is necessary for such records to be utilized to fulfill employment or certification duties as set forth in these Rules and Regulations and in California Labor Code Section 432.7.

SECTION 6.09 NOTICE OF REJECTION OF APPLICATIONS.

Whenever an application is rejected, notice of such rejection shall be mailed to the last known address of the applicant by the City Administrator.

SECTION 6.10 APPLICATION AS PART OF THE EXAMINATION.

Applications shall be considered a part of the examination process.

ARTICLE 7
EXAMINATIONS

SECTION 7.01 RESPONSIBILITY TO CONDUCT EXAMINATIONS.

A. The City Administrator shall determine or approve the manner

and method of preparation of examinations, and by whom they are administered, and shall be responsible for the conduct of examinations for all classes of positions within the City service.

- B. The examination process is intended to test the job functions identified in the class descriptions, and the City Administrator or his/her designee may examine applicants by any one or combination of techniques such as: achievement tests, aptitude tests, evaluation of education, experience, personality, assessment centers, personal interviews, performance tests, evaluation of work performance and/or work samples, physical agility tests, other written tests, review and investigation of personal background and references, successful completion of prescribed training, or by such other techniques as determined by the City Administrator.

SECTION 7.02 NEED FOR EXAMINATIONS.

- A. The City Administrator shall schedule examinations as he/she deems necessary whether or not a vacancy currently exists.
- B. Examinations may be specified by the City Administrator as a closed exam or as an open exam.

SECTION 7.03 OPEN EXAMINATIONS.

- A. "Open Examinations" are open to all persons who meet the requirements and conditions set forth in the examination announcement.
- B. Open examinations shall be conducted when the City Administrator determines they are in the best interest of the City.

SECTION 7.04 CLOSED EXAMINATIONS.

"Closed Examinations" are open to any employee who is paid by the City and who meet the requirements and conditions set forth in the examination announcement.

SECTION 7.05 BACKGROUND INVESTIGATION.

- A. The City Administrator or his/her designee may review and investigate the personal background of any applicant being considered for employment with the City.

SECTION 7.06 RATING EXAMINATIONS.

- A. The passing score on an examination or any part of an

examination will be established by the City Administrator or his/her designee.

- B. An applicant's final score in a given examination shall be the score or combination of scores attained on each competitive part of the examination, as prescribed in the examination announcement.
- C. When so stated in the examination announcement, failure on any one part of the examination may be grounds for declaring that the applicant has failed the entire examination, or that the applicant is disqualified for subsequent parts of the examination.
- D. The City Administrator may designate any part of an examination as qualifying only, and no numerical weight need be assigned to passing scores on such part.

Section 7.07 NOTICE OF EXAMINATION RESULTS.

Each applicant in an examination shall be sent written notice to his/her last known address giving the results of such examination and, if applicable, his/her final score and relative position on the employment list.

SECTION 7.08 PROTEST OF WRITTEN TESTS.

For closed exams only, protests to the accuracy of scoring or substance of exam items must be submitted to the City Administrator within ten (10) working days of the date of the mailing of exam score notices and the City Administrator may take such corrective measures as appropriate. Correction of any score shall not invalidate any previous appointment.

SECTION 7.09 EXAMINATION RECORDS.

The records of an examination are working documents, confidential in nature, and not public documents. The City Administrator shall establish and maintain procedures to ensure the confidentiality of examination records including rating sheets, test results, reference checks, background investigations, physical and psychological examinations, records, ethnic, sex, age, citizenship/legal alien documents and data. The relative position of an applicant on an eligible list shall be made known only to the applicant and city employees involved in the employment process.

SECTION 7.10 STATUS OF PROTESTED EXAMINATIONS.

The City Administrator may, after considering the needs of the City, continue the scoring of tests and other parts of the closed examination, certification, and appointment process prior to

answering protests. Appointments made are not invalidated even if a protest is subsequently allowed.

SECTION 7.11 POSTPONEMENT AND CANCELLATION OF EXAMINATIONS.

If, in the opinion of the City Administrator, a sufficient number of qualified applicants has not made application for an examination, the City Administrator may extend the final date and the date of the examination or cancel the examination.

SECTION 7.12 UNLIMITED RECRUITMENT.

When it can be anticipated that the applicant group will be large in relation to anticipated vacancies, the City Administrator may take steps to limit the size of the applicant group through (a) shorter filing period; or (b) specifying a maximum number of applicants which will be accepted; or (c) other means which are appropriate to the circumstances and otherwise consistent with these Rules and Regulations.

SECTION 7.13 SELECTIVE RECRUITMENT.

The City Administrator may, within a job classification when a specific position's duties require a unique or specialized skill, restrict recruitment or selection processes to those individuals possessing the specialized skill.

ARTICLE 8
ELIGIBLE LISTS

SECTION 8.01 ESTABLISHMENT OF ELIGIBLE LISTS.

- A. Eligible Lists may be established as a result of examinations.
- B. Upon completion of scoring the examination, the names of successful applicants shall be arranged in order of final score earned, from the highest scored down to the lowest passing score.
- C. Eligible lists shall become effective when certified by the City Administrator.

SECTION 8.02 DURATION OF ELIGIBLE LISTS.

Eligible lists shall be effective for a period established by the City Administrator when the list is certified.

SECTION 8.03 CANCELLATION OF ELIGIBLE LISTS.

The City Administrator may cancel an eligible list prior to the end of the prescribed period because of changed requirements for filling the position or when there are less than three names left on the list.

SECTION 8.04 EXTENSION OF ELIGIBLE LISTS.

Prior to its expiration, the City Administrator may extend the effective period of an eligible list for a period of time not to exceed an additional twelve (12) months.

SECTION 8.05 ELIGIBLE LISTS RESULTING FROM CONTINUOUS EXAMINATION.

Persons attaining a passing score on continuous examinations shall be included on any existing eligible lists, their relative standing on such lists being determined by final earned score of all other persons on the new eligible list.

SECTION 8.06 AVAILABILITY OF ELIGIBILITY LISTS.

- A. It is the responsibility of eligibles or those on re-employment lists or requesting reinstatement to notify the personnel office of any change of address or other change affecting availability for appointment.
- B. Eligibles and those on re-employment lists who do not indicate willingness to accept employment under the offered conditions will be considered to have declined appointment, and their names may be withheld from certification for other positions in which the same employment conditions apply.

SECTION 8.07 REMOVAL OF NAMES FROM ELIGIBLE LISTS.

- A. The City Administrator may remove the name of any eligible from an eligible list for any of the following reasons:
 - 1. Disqualification, for the reasons identified in these Rules and Regulations that would be grounds for termination of employment;
 - 2. If a report, a background investigation or a reference check is unsatisfactory;
 - 3. If the medical, physical, or psychological examination is unsatisfactory;
 - 4. On evidence that the eligible cannot be located by postal authorities at the last know address. Failure to reply within five workdays from the date the letter or card was mailed requesting information as to availability for appointment, or failure to notify the

personnel department of any change of address resulting in the return of letters by the United States Post office, will be considered sufficient evidence. On submission of a request therefor, giving acceptable reasons as to why the notice was not returned or change of address not filed, the City Administrator may restore the name of an eligible to the appropriate list;

5. If the eligible has been appointed to the position for which the list was established;
6. Upon receipt of a written statement from the eligible requesting the removal of his/her name from the list;
7. If an offer of regular full-time employment in the class for which the list was established has been declined by the eligible; or
8. If the eligible selected has been granted at least two weeks to assume the position and fails to do so.

SECTION 8.08 SPECIAL CERTIFICATION OF ELIGIBLE LISTS.

When an eligible list for a class contains less than three names, the City Administrator may authorize the certification of less than three names or make provisional appointments to regular positions until additional names are secured through another examination, provided that no provisional appointment may be made if any names are available on the re-employment list for the class (see Provisional Appointments, Section 9.06, these Rules and Regulations).

Section 8.09 RESTORATION TO ELIGIBLE LIST.

Any person whose name has been removed from an eligible list shall receive consideration for restoration of his/her name to a list by submitting a request, in writing, to the City Administrator specifying the reason(s) which he/she feels substantiates that request. Restoration may be requested only during the original period of eligibility or extension thereof, and granting of restoration is at the discretion at the City Administrator.

ARTICLE 9 APPOINTMENTS AND PROMOTIONS

SECTION 9.01 APPOINTMENTS AND PROMOTIONS.

All appointments and promotions to positions shall be made

according to merit and fitness and, if applicable, from eligible lists.

SECTION 9.02 REQUEST TO FILL VACANCIES.

Whenever a position is to be filled, the Department Head shall notify the City Administrator and make a request for the certification of eligibles, if applicable, and provide such information as is required on the form(s) provided by the City Administrator.

SECTION 9.03 METHOD OF FILLING VACANCIES.

Vacancies shall be filled by appointment from lists as set forth in Article 9 of these Rules and Regulations. In the absence of persons eligible in such manner, provisional appointments may be made in accordance with Section 9.11 of these Rules and Regulations.

SECTION 9.04 CERTIFICATION OF ELIGIBLES.

Except as provided in these Rules and Regulations, when a position is to be filled from an eligible list, the City Administrator shall certify to the Department Head the names of the top three candidates on the eligible list.

SECTION 9.05 SELECTION OF EMPLOYEES.

- A. No appointment shall be made until the background evaluation, and any other pre-employment testing deemed to be necessary and appropriate are successfully completed.
- B. Once the Department Head or his/her designee has completed the interview/testing requirements, and has selected the top candidate, he/she will submit to the City Administrator a letter of intent to hire. Upon the City Administrator's written concurrence, the Department Head will contact the applicant and offer employment.

SECTION 9.06 POST EMPLOYMENT OFFER PSYCHOLOGICAL AND/OR MEDICAL EXAMINATION.

- A. Once an offer of employment has been made by the City and accepted by the applicant, a psychological and/or medical examination will be scheduled by the City. If the results of the examination(s) provides substantive evidence that the appointee's physical and/or psychological health will provide an undue hardship for the City, and that reasonable accommodations can not be made, and the undue hardship will persist, the City does have the authority to withdraw the employment offer. The burden of proof would be the documented factual job-related evidence, in relationship to

the employment. The results of the examination(s) shall be confidential information which will only be subject to review by the Department Head and the City Administrator, or their designee.

- B. A psychological and/or medical examination may be required for a promotional appointment, on the recommendation of the Department Head to the City Administrator.
- C. If the appointee passes the required psychological and/or medical examination(s), and reports for duty within such period of time as prescribed by the Department Head, the appointee shall be deemed to be appointed; otherwise, the applicant is deemed to have declined appointment.

SECTION 9.07 RETURN TO WORK PSYCHOLOGICAL AND/OR MEDICAL EXAMINATIONS.

- A. Where it is in the City's best interest, an employee, before returning to work after taking sick leave, may be required to undergo an examination by a physician, psychiatrist or psychologist designated by the City and/or submit a certificate of employability from the treating physician. The expense for said examination shall be borne by the City.
- B. In all cases of medical absence due to a communicable disease, or its potential, the afflicted employee shall notify the City Administrator and the Department Head immediately of such condition, and may be required to provide medical evidence of employability before returning to work.

SECTION 9.08 HEALTH MAINTENANCE PSYCHOLOGICAL AND/OR MEDICAL EXAMINATIONS.

When, in the opinion of the City Administrator and appropriate Department Head, it would be in the best interest of the City to evaluate the medical or psychological condition of any employee, the City Administrator may schedule such employee for an examination, at City expense, with a physician, psychiatrist or psychologist selected by the City.

In unusual circumstances where an employee may present a hazard to himself/herself, co-workers, or others, the Department Head may recommend and the City Administrator may authorize, in writing, the employee's reassignment, or compulsory leave with pay, pending results of a medical or psychological examination and appropriate hearing.

SECTION 9.09 ELIGIBILITY DETERMINATION.

Subsequent to any medical or psychological examination, the City

Administrator and appropriate Department head shall review the results of the examination(s). If a disability does exist, the City shall make reasonable accommodation to the physical or mental limitations of an otherwise qualified individual unless to do so would impose an undue hardship on the operation of the City. The City will take into consideration the physical and/or psychological requirements of the class to be filled. The report will be maintained in a confidential file with limited access. The City will make every effort to comply with the employment provision of the Americans with Disability Act (ADA).


SECTION 9.10 APPEALS.

An applicant/employee who is deemed unfit medically or psychologically and who wishes to appeal must use the following procedure:

- A. An appeal must be filed with the City Administrator within five (5) days after notice of nonemployability. The only basis for appeal is presentation of medical and/or psychological evidence that the appointee/employee meets the medical standards and the appointee/employee is employable, or that there can be reasonable accommodation, which would make the appointee/employee employable. All evidence must be presented within thirty (30) days.
- B. The City Administrator shall review the evidence submitted and within ten (10) working days of receipt determine whether the applicant/employee is employable. The City Administrator's decision shall be final.

SECTION 9.11 PROVISIONAL APPOINTMENTS.

- A. A provisional appointment to a regular position may be made when the demands of the service are such that it is not practicable to give advance notification of pending or anticipated vacancies, or when an employment list contains less than three (3) names as provided in section 8.08 of these Rules and Regulations and if it is not practical to delay appointment until a new employment list can be prepared and certified.
- B. The City Administrator may approve a provisional appointment to position until a regular appointment can be made.
- C. As soon as practical after a provisional appointment has been made, the City Administrator shall cause an examination to be prepared and an employment list established.
- D. No person shall be employed by the city under provisional appointment for a total of more than six (6) consecutive months.

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- E. No special credit shall be awarded in any examination or the establishment at any employment lists for services rendered as a provisional employee.
 - F. If a provisional employee is eventually hired as a regular employee, he/she shall not receive credit for any purpose for time employed as a provisional employee, except for the establishment of a starting date for seniority.
 - G. Unless otherwise approved by the City Administrator, benefits, including but not limited to retirement, health/medical insurance, life insurance, disability insurance, vision care, dental care, vacation, sick leave, and holiday pay shall not be granted nor accrue to any employee serving a provisional appointment.
 - H. A provisional employee serves at-will and may be removed at any time without the right of appeal or hearing.

SECTION 9.12 EXTRA-HELP/TEMPORARY APPOINTMENTS.

- A. The City Council may approve extra-help/temporary appointments.
- B. No special credit shall be awarded in any examination or the establishment of any employment list for services rendered under an extra-help/temporary appointment.
- C. An extra-help/temporary appointment will be made from an employment list if one is established. Any person on an employment list who accepts employment as an extra-help/temporary employee shall retain his/her place on such employment list.
- D. An extra-help/temporary employee is not a permanent appointment, and, if eventually hired as a regular employee, shall not receive credit for any purpose for time employed as a extra-help/temporary employee, except for the establishment of a starting date for seniority.
- E. Unless otherwise approved by the City Administrator, benefits, including but not limited to retirement, health/medical insurance, life insurance, disability insurance. vision care, dental care, vacation, sick leave, and holiday pay shall not be granted nor accrue to any employee serving in an extra-help/temporary appointment.
- F. An extra-help/temporary employee serves at-will and may be removed at any time without the right of appeal or hearing.

SECTION 9.13 REGULAR PART-TIME APPOINTMENTS.

A regular part-time appointment may be made when there is part-time work to be performed on a continuous basis.

SECTION 9.14 ACTING APPOINTMENTS.

- A. An acting appointment is the appointment of an existing City employee to a vacant position for a limited period of time. The acting appointment may be made when the demands of the service are such that it is not practical to leave the position vacant.
- B. The City Administrator may approve an acting appointment provided that:
 - 1. The Department Head certifies that the position is temporarily vacant due to the absence of the employee who normally fills such position.
- C. No special credit shall be awarded in any examination or the establishment of any employment list for services rendered under an acting appointment.
- D. An acting appointment may, but need not be made from an eligible list. Any person on an eligible list who accepts employment under an acting appointment shall retain his/her place on such eligible list.
- E. A person in an acting appointment shall not acquire regular status in such an appointment.
- F. An employee shall have no change in benefits, including but not limited to, retirement, health/medical insurance, life insurance, disability insurance, vision care, dental care, and all leave time.
- G. An employee in an acting appointment may be removed from such appointment and replaced in his/her original probationary or regular position at any time without the right of appeal or hearing.
- H. Employees so appointed will perform all the duties and responsibilities of the position for at least the full number of work hours of each workday.
- I. At the conclusion of the acting appointment, said employee shall return to his/her prior position.

SECTION 9.15 REINSTATEMENT APPOINTMENTS.

- A. A reinstatement appointment, for individuals previously employed by the City, may be made upon recommendations of the Department Head and City Administrator and approved by

the City Council, provided that the person reinstated meets the minimum qualifications for employment for the position and provided that the City receives a favorable medical report from the medical examiner when deemed appropriate.

- B. Any person reinstated shall be treated as a new employee and shall have no vested interest in or be entitled to any benefits accrued during any previous employment with the City.
- C. Any person reinstated must have previously completed probation and obtained permanent status.
- D. There are no implied rights to reinstatement and it is done solely at the City's discretion.

SECTION 9.16 APPOINTMENT OF RELATIVES.

- A. The City Council shall not appoint to a paid position any person who is a relative by blood or marriage within the third degree of any one or more members of such City Council and neither shall any officer having appointive power appoint any relative within such degree to any such position.
- B. Regular employees who are relatives by blood or marriage shall not be placed in such position as to supervise or evaluate a relative.

SECTION 9.17 EMPLOYEE OATH OF OFFICE.

- A. Every employee, before entering upon the duties of employment, shall take and subscribe to the Oath of Office required by the provisions of Article 20, Section 3, of the California Constitution.
- B. In the case of temporary employment, the oath or affirmation taken and subscribed as required by this Section shall be effective for all successive periods of employment which commence within one calendar year from the date of subscribing to the oath or affirmation.
- C. No compensation or reimbursement for expenses incurred shall be paid to any employee of the City unless such employee has taken and subscribed to the oath or affirmation required by this Section.

SECTION 9.18 PROOF OF CITIZENSHIP OR LOCAL RESIDENCY.

Any person appointed to a regular position shall be required to submit a proof of citizenship or legal residency and/or permit to work to the City Administrator.

ARTICLE 10
PROBATIONARY PERIOD

SECTION 10.01 PURPOSE OF PROBATIONARY PERIOD.

The probationary period is part of the testing and selection process and shall be used for observing the employee's work, for facilitating the effective adjustment of the employee to his/her position, and for rejecting any probationary employee. A probationary employee serves at-will and is subject to release without cause any time during the probationary period.

SECTION 10.02 LENGTH OF PROBATIONARY PERIOD.

- A. All regular appointments are subject to a probationary period.
- B. All regular employees shall serve a probationary period that shall be defined in their respective MOU or Administrative Policy.
- C. The probationary period shall not include the time served under any provisional, extra-help/temporary, emergency or acting appointment, and shall begin on the effective date of appointment to a regular position.
- D. Leaves of absence without pay, for any reason, shall not be counted toward completion of the probationary period and the probationary period shall be extended by the number of days of such leave that are in excess of one pay period.

SECTION 10.03 EXTENSION OF PROBATIONARY PERIOD.

As an alternative to the release of a probationary employee, a probationary period may be extended for a period or periods not to exceed six (6) months. Extension of probationary periods shall be approved, in writing, by the City Administrator.

SECTION 10.04 REJECTION DURING PROBATIONARY PERIOD.

- A. With written approval of the City Administrator, a probationary employee may be rejected and released at any time during the probationary period. Such rejection and release shall not be subject to an appeal. The effective date of termination shall be not later than the last day of the probationary period.
- B. An employee rejected during the probationary period from a position to which he/she has been promoted shall be reinstated to the position from which he/she was promoted,

unless he/she is dismissed from the service of the City, for cause.

ARTICLE 11
PERFORMANCE EVALUATION

SECTION 11.01 PERFORMANCE REPORTS OF EMPLOYEES.

Performance evaluation reports for employees shall be prepared on a schedule established by the City Administrator. In addition, a performance evaluation may be made at any time at the discretion of the Department Head.

SECTION 11.02 EVALUATION NOT APPEALABLE.

Performance evaluations are not appealable. Employees may request discussion of the performance evaluation and may file a written response to the performance evaluation which will be placed in his/her personnel file.

ARTICLE 12
CHANGES IN EMPLOYMENT STATUS

SECTION 12.01 ATTAINMENT OF PERMANENT STATUS AS A REGULAR EMPLOYEE.

An employee appointed to a position shall earn permanent status as a regular employee in a class if the employee has successfully completed the designated probationary period.

SECTION 12.02 PROMOTION OF AN EMPLOYEE.

Promotion to a position may be made from an employment list established for the class.

SECTION 12.03 STATUS OF EMPLOYEE FOLLOWING PROMOTION.

An employee who has been promoted, and successfully completes the designated probationary period to which promoted, gains status as a regular employee in the new class.

SECTION 12.04 TRANSFER OF AN EMPLOYEE.

A. At the discretion of the City Administrator, an employee may be transferred from one position to another position in the same class or to a comparable class at the same salary level.

- B. Whenever possible, except when waived by the employee, the employee being considered for transfer shall be notified within a reasonable period, not less than five (5) calendar days, in advance of the effective date of such transfer.

SECTION 12.05 DEMOTION OF AN EMPLOYEE.

- A. An employee may be demoted at his/her request, or as a result of reduction in force, or for disciplinary reasons.
- B. A permanent regular employee may request a demotion by submitting such a request in writing to the City Administrator. Any demotion resulting from an employee's request shall be known as a voluntary demotion. Voluntary demotions may be made to a vacant position or by a downgrade of the same position when recommended by the Department Head and upon written approval by the City Administrator. No employee may voluntarily demote to a position for which he/she does not meet the minimum qualifications and no employee has the right to voluntarily demote whether or not they meet the minimum qualifications.

ARTICLE 13
LAYOFF

SECTION 13.01 STATEMENT OF INTENT.

Whenever, in the judgment of the City Council, it becomes necessary to abolish any position or employment, the employee holding such position or employment may be laid off or demoted without disciplinary action and without the right to appeal.

SECTION 13.02 NOTIFICATION.

Employees to be laid off shall be given, whenever possible, at least fourteen (14) days prior written notice.

SECTION 13.03 VACANCY AND DEMOTION.

Except as otherwise provided, whenever there is a reduction in the work force, the City Administrator shall first demote the employee to a vacancy, if any, in a lower class for which the employee, who is the latest to be laid off in accordance with Section 13, is qualified.

SECTION 13.04 EMPLOYEE RIGHTS.

An employee affected by layoff shall have the right to displace an employee in the same department who has less seniority in a lower class in the same class series (e.g., Maintenance Worker,

Skilled Maintenance Worker, etc.) or in a lower classification in which the affected employee once held permanent status. For the purpose of this section and Section 4, seniority includes all periods of full-time service at or above the classification level where layoff is to occur.

SECTION 13.05 SENIORITY.

In order to retreat to a former or lower class, an employee must have more seniority than at least one of the incumbents in the retreat class and request displacement action in writing to the City Administrator within five (5) working days of receipt of notice of layoff. Employees retreating to a lower or similar class shall be placed at the salary step representing the least loss of pay. In no case shall the salary be increased above that received in the class from which the employee was laid off.

Employees retreating to a lower or similar class shall serve a probationary period in the new class unless they have previously successfully completed a probationary period in the class or a class in the class series.

SECTION 13.06 EMPLOYMENT STATUS.

In each class of position, employees shall be laid off according to employment status in the following order: temporary, provisional, probationary and regular.

- A. Temporary, provisional and probationary employees shall be laid off according to the needs of the service as determined by the City Administrator.
- B. In cases where there are two or more regular employees in the class from which the layoff is to be made, such employees shall be laid off on the basis of the last evaluation rating in the class, providing such rating has been on file at least thirty (30) days and no more than twelve (12) months prior to layoff.
- C. The City Administrator shall give due consideration to seniority only where the employee's qualifications and ability are relatively equal.

SECTION 13.07 REEMPLOYMENT LIST.

The names of persons laid off or demoted in accordance with these Rules and Regulations shall be entered upon a reemployment list. Lists from different departments or at different times for the same class of position shall be combined into a single list. Such list shall be used by the City Administrator when a vacancy arises in the same or lower class of position before certification is made from an eligible list.

SECTION 13.08 DURATION OF REEMPLOYMENT LIST.

Names of persons laid off shall be carried on a reemployment list for one (1) year, except that persons appointed to regular positions of the same level as that which laid off, shall, upon such reappointment, be dropped from the list. Persons who refuse reemployment shall be dropped from the list. Persons reemployed in a lower class, or on a temporary basis, shall be continued on the list for the higher position for the one (1) year.

ARTICLE 14
LEAVES OF ABSENCE WITH PAY

SECTION 14.01 BEREAVEMENT LEAVE.

In the event at a death in the employee's immediate family or of other close relatives (i.e., grandchildren, aunts, uncles, first cousins, brother-in-law, sister-in-law, and others as approved, in writing, by the City Administrator, an employee may be granted leave of absence with pay not to exceed three (3) working days. Time not worked because of such absence shall not affect accrual of vacation or sick leave.

SECTION 14.02 JURY DUTY.

- A. Each probationary or permanent full-time or part-time employee required to report for jury duty shall be granted leave of absence upon presentation of the notice to appear for jury duty to the Department Head. Every effort shall be made to give advance notice of jury duty to the Department Head.
- B. The employee shall receive full pay for the time served on a jury, which falls during their regular assigned shift. In addition, fees received from the court for such duty including compensation, mileage and subsistence allowances will be retained by the employee.
- C. An employee summoned to jury duty must provide evidence of such summons and subsequent jury duty days away from work to the Department Head, who shall forward such notice to the City Administrator.

SECTION 14.03 SUBPOENA.

The employee shall receive full pay for subpoenaed court appearances that are connected with the employee's official duties provided that the employee remits to the City all fees received for such appearances. Compensation for expenditures for mileage or subsistence allowances shall not be considered fees

and shall be retained by the employee.

SECTION 14.04 MILITARY LEAVE OF ABSENCE.

- A. Military leave shall be granted in accordance with the provisions of applicable state and Federal laws.
- B. An employee entitled to military leave shall give the Department Head and the City Administrator an opportunity within the limits of military regulations to determine when such leave shall be taken. Whenever possible, the employee involved shall notify his/her Department Head of such leave request at least thirty (30) calendar days in advance of the beginning date of such leave.
- C. An employee requesting military leave shall present military orders to his/her Department Head to qualify for this benefit.

SECTION 14.05 WORK RELATED DISABILITY LEAVE.

- A. Whenever an employee, except those employees subject to the provisions of Section 4850 et seq. of the State Labor Code (Police and Fire), holding a regular full-time position is compelled by direction of his/her physician to be absent from duty on account of an injury arising out of and in the course of his/her employment, he/she shall receive sick leave compensation during the first three (3) calendar days of such absence, provided he/she has accumulated sick leave to cover the period.
- B. Beginning with the fourth calendar day of such absence, he/she will apply prorated accrued sick leave to such absence and will receive compensation to which he/she is entitled under the Worker's Compensation Act at his/her regular pay, not to exceed the amount of his/her accumulated sick leave. If an employee is off more than fourteen (14) days, the first three (3) days off will be compensated under the Worker's Compensation Act.
- C. An employee will use any accumulated compensating time off, accumulated holidays and vacation time in like manner after his/her sick leave is exhausted.
- D. Employees subject to the provisions of section 4850 et seq. of the State Labor Code (Police and Fire) shall not have any portion of their work-related disability leave charged against accrued sick leave until 4850 time is exhausted. At such time, the employee shall be required to use sick leave until exhausted and then compensating time off, accumulated holidays and vacation until they are exhausted.

- E. Employees who are found to abuse or fraudulently use the privilege and benefits of the temporary disability program prescribed above shall be subject to disciplinary action up to and including termination from City service.
- F. An employee exercising these temporary disability provisions shall be required to provide the Department Head and the City Administrator with a copy of the attending physician's report, which shall contain a description of the nature and anticipated duration of the disability, and may be required to submit to physical, psychological, and/or medical examinations as directed by the City.
- G. An employee shall keep the Department Head and the City Administrator apprised of his/her medical condition at intervals prescribed by the City Administrator.
- H. An employee exercising these temporary disability provisions shall continue to accrue vacation, holidays, and sick leave while the employee receives Workers' Compensation payments under the provisions of the California Workers' Compensation Law or is otherwise in paid status with the City.

ARTICLE 15
LEAVES OF ABSENCE WITHOUT PAY

SECTION 15.01 AUTHORIZED LEAVE OF ABSENCE WITHOUT PAY.

An employee shall not be entitled to a leave of absence without pay as a matter of right.

SECTION 15.02 AUTHORIZATION FOR LEAVE OF ABSENCE WITHOUT PAY.

- A. Under special circumstances requests for leaves of absence without pay may be granted by the City Administrator for a period of up to one (1) year.
- B. The request for the authorization of any leave of absence without pay shall be made in writing to the City Administrator.
- C. A medical leave of absence without pay shall not be authorized until the employee has exhausted all leave balances.
- D. A personal leave of absence excludes the use of sick leave.

SECTION 15.03 EARLY RETURN FROM AUTHORIZED LEAVE OF ABSENCE WITHOUT PAY.

An employee may request permission from the City Administrator to return from an authorized leave of absence without pay prior to the expiration of such leave. Such a request may be granted at the discretion of the City Administrator.

SECTION 15.04 STATUS OF EMPLOYEE ON AUTHORIZED LEAVE OF ABSENCE WITHOUT PAY.

- A. Authorized leave of absence without pay shall not be construed as a break in service, except as listed below, and rights accrued as of the time the leave is granted shall be retained by the employee.
- B. Benefits including, but not limited to, health/medical insurance, life insurance, vision care, dental care, vacation, sick leave, holidays, retirement, payments for special assignments, and other similar benefits shall not be granted nor accrue to a person granted a leave of absence without pay during period of absence if such period exceeds one pay period.

Employees and their dependents may continue their health/medical insurance by paying monthly, in advance, the premiums for such time as the employee is on authorized leave of absence without pay. Employees must pay the current COBRA (California Omnibus Budget Reconciliation Act) rate that is in effect during the time of their leave. The premium must be received by the City one week prior to the beginning of the covered month.

- C. An employee returning to employment after an authorized leave of absence without pay shall retain the same status and shall be placed at the same salary step in the pay range in effect for the class as the employee received when the authorized leave of absence without pay commenced.
- D. Time spent on an authorized leave of absence without pay shall not count towards service and the employee's service date and anniversary date shall be set forward a period of time equal to the employee's total absence.

SECTION 15.05 FAILURE TO RETURN FROM AUTHORIZED LEAVE OF ABSENCE.

Failure of an employee to return to his/her employment upon the expiration of any authorized leave of absence without pay shall constitute an automatic resignation from City Service. If the employee can show proof that there was good cause for the failure to return upon the expiration of the authorized leave of absence, the City Administrator may authorize an extension of said leave.

ARTICLE 16
VACATION - SICK LEAVE

SECTION 16.01 VACATION ACCRUAL.

- A. Each probationary and full-time employee shall earn vacation benefits in accordance with his/her length of continuous service and in accordance with the provisions of approved memoranda of understanding.
- B. Each probationary and permanent employee shall accrue vacation in an amount proportionate to the ratio of scheduled hours of work per week to the standard work week but in no case shall the number of vacation hours accrued exceed those hours allowed full-time employees. Employees may accrue vacation in accordance with the provisions approved memoranda of understanding.
- C. Provisional, temporary, or emergency employees shall not accrue vacation.

SECTION 16.02 MAXIMUM ACCRUAL OF VACATION.

- A. Employees may accumulate vacation in accordance with the provisions of approved memoranda of understanding.
- B. When the maximum number of vacation hours is accumulated by an employee, vacation hours shall cease to accrue to that employee, unless the employee has obtained written approval from the City Administrator to increase his/her maximum accrual of vacation hours.

SECTION 16.03 TIME OF VACATION.

Dates of vacation may be requested by the employee, but are subject to the approval of the City Administrator, upon the recommendation of the Department Head, with particular regards for the needs of the City and due regards to the wishes of the employees.

SECTION 16.04 HOLIDAYS FALLING DURING VACATION.

When a holiday or day observed in lieu of a holiday occurs on a day on which an employee is taking vacation, such employee shall not be charged as using vacation for that day. The employee's compensation for that day shall be holiday and he/she shall not be paid or charged for vacation.

SECTION 16.05 ILLNESS OR ACCIDENT DURING VACATION.

- A. An illness or accident during a regularly approved and scheduled vacation period may be converted to sick leave, if

approved in writing by the City Administrator, when:

1. The employee, immediately upon return to duty, submits to his/her Department Head a written request for sick leave and, a written statement signed by the employee's attending physician certifying to the nature and dates of the employee's physical disability.

SECTION 16.06 PAYMENT FOR LEAVE BALANCES UPON TERMINATION.

An employee who leaves City employment shall be compensated at his/her current rate of pay for vacation, CTO, holiday and other leaves accrued but not taken up to the date of separation.

SECTION 16.07 SICK LEAVE: STATEMENT OF POLICY.

- A. Sick leave is a privilege extended by the city, not a right of the employee.
- B. Sick leave means the absence from duty of an employee because of illness or injury or as defined in Section 16.08.
- C. Any employee requesting sick leave shall notify his/her supervisor or department no later than one hour after their work shift begins or immediately when taken ill during work hours unless otherwise specified by the Department Head.
- D. No employee who is on sick leave shall engage in work or other activities at any time which would be detrimental to the employee's ability to work and perform the duties assigned.

SECTION 16.08 LEAVE CHARGEABLE TO SICK LEAVE.

- A. Sick leave is accumulated at a rate defined in the employee's respective MOU or Administrative Policy.
- B. An employee with accumulated sick leave may be granted sick leave for the following:
 1. Illness or physical incapacity of the employee;
 2. Enforcement quarantine of the employee in accordance with community health regulations;
 3. Illness or injury in the immediate family requiring the attendance of the employee, with a maximum of fifteen days of family sick leave taken per calendar year;
 4. Medical, vision and dental office appointments which cannot be scheduled at other than work hours; and

5. In conjunction with an on-the-job injury leave. (Refer to Section 14.05.)

SECTION 16.09 SICK LEAVE ACCRUAL.

- A. Each employee shall earn sick leave benefits in accordance with the provisions of approved memoranda of understanding.
- B. Each probationary and permanent part-time employee shall accrue sick leave in an amount proportionate to the ratio of schedule hours of work per week to the standard work week but in no case shall the number of hours of sick leave accrued per year exceed those hours allowed to full-time employees.
- C. Provisional and temporary employees do not accrue sick leave benefits unless approved by the City Council.

SECTION 16.10 MAXIMUM ACCRUAL OF SICK LEAVE.

- A. An employee may accumulate sick leave indefinitely.
- B. An employee will continue to accrue sick leave while disabled with an on the job injury for as long as stated in the relevant section of the memoranda of understanding.

SECTION 16.11 PHYSICIAN'S STATEMENT REQUIREMENT FOR SICK LEAVE.

- A. Prior to approving sick leave, the Department Head or the City Administrator may require a written statement from the attending physician or dentist, or from a physician or dentist selected by the City Administrator, that the employee requesting sick leave is or was incapacitated and unable to perform the duties of his/her position of employment.
- B. Before an employee returns to work following sick leave, the Department Head or the City Administrator may require a written statement from the attending physician or dentist, or from a physician or dentist selected by the City Administrator, that the employee is released to return to work and is capable of performing all the duties and responsibilities of his/her position of employment.
- C. When an employee is required to bring in doctor's substantiation that he/she was incapacitated and unable to perform the duties of his/her position of employment, the cost of procuring said note will be borne by the employee.

SECTION 16.12 EXPIRATION OF SICK LEAVE.

- A. In the event an employee's illness continues after

expiration of his/her sick leave, such absence shall be charged to compensating time off, accumulated holidays and Vacation, in that order.

- B. Upon expiration of sick leave, compensatory time off, accumulated holidays and vacation, an employee may request, in writing, a leave of absence without pay for the purpose of recovering from an illness, provided that:
1. The employee presents to his/her Department Head for referral to and consideration by the City Administrator a written explanation of the employee's illness and an estimate of the time required for recovery, signed by the employee's physician.

SECTION 16.13 MEDICAL RELEASE AND EXAMINATION AFTER SICK LEAVE.

Prior to resuming his/her duties, an employee who has been on sick leave or a leave of absence may be required to take a physical, medical and/or psychological examination as prescribed by the City Administrator. The employment record and the results of such medical examination shall be considered by the City Administrator in determining the employee's fitness to return to work. The costs associated with such exams shall be borne by the City.

SECTION 16.14 HOLIDAYS FALLING DURING SICK LEAVE.

When a holiday or day observed in lieu of a holiday occurs on a day on which an employee is taking sick leave with pay such employee shall not be charged as using sick leave for that day. The employee's compensation for that day shall be holiday and he/she shall not be charged for sick leave.

SECTION 16.15 RELEASE FROM EMPLOYMENT OR REDUCTION IN RANK DUE TO PHYSICAL OR MENTAL DISABILITY.

For non-disciplinary reasons, an employee's employment may be terminated or an employee may be reduced in rank because of physical or mental disability which disability precludes the employee from the proper performance of the essential duties of his or her job. Any such action shall be subject to the same provisions of these Rules and Regulations as are applicable to actions taken pursuant to Article 19.

SECTION 16.16 PAYMENT FOR SICK LEAVE UPON TERMINATION.

An employee who resigns, is laid off, or is dismissed from City service shall be compensated for unused sick leave per their MOU or Administrative Policy.

ARTICLE 17
OUTSIDE EMPLOYMENT AND USE OF CITY PROPERTY

SECTION 17.01 POLICY CONCERNING OUTSIDE EMPLOYMENT.

A City employee shall not engage in any employment, activity or enterprise for compensation which is inconsistent, in conflict with, or inimical to his/her duties as a City employee or with the duties, functions or responsibilities of such person's Department Head or the department in which employed.

SECTION 17.02 PROHIBITED ACTIVITIES FOR OUTSIDE EMPLOYMENT.
(Government Codes 1126 and 1127)

- A. Subject to the concurrence of the City Administrator, each Department Head may determine those outside employment's, activities or enterprises which, for employees under his/her jurisdiction, are inconsistent, incompatible, in conflict with or inimical to their duties as City employees.
- B. An employee's outside employment, activity or enterprise shall be prohibited if it:
1. Involves the use for private gain or advantage of City time, facilities, equipment, supplies, or the badge, uniform, prestige, authority or influence of his/her City office or position; or
 2. Involves receipt or acceptance by the City employee of any money or other consideration from anyone other than the City for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of his/her City employment or as a part of his/her City employment or as a part of his/her duties as a City employee; or
 3. Involves the performance of an act in other than the capacity of the City employee, which act may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other officer or employee of the City; or
 4. Involves such demands as would render performance of his/her duties as a City employee less efficient.

SECTION 17.03 AUTHORIZATION FOR OUTSIDE EMPLOYMENT.

Henceforth, with adoption of these Rules and Regulations:

- A. An employee wishing to engage in any sustained employment, activity or enterprise for compensation shall inform their

Department Head by submitting, in writing, information as to the nature of such activity. If the employment, activity or enterprise is deemed not compatible under Government Codes 1126 and 1127, the employee shall be notified by the City Administrator, in writing, to cease or abstain from such employment, activity or enterprise. The decision of the City Administrator shall be final.

SECTION 17.04 VIOLATIONS AND PENALTIES CONCERNING OUTSIDE EMPLOYMENT.

Any violation of these provisions respecting outside employment, activity or enterprise and use of City property shall constitute sufficient grounds for disciplinary action, up to and including immediate dismissal of the employee from the City service.

ARTICLE 18
DISCIPLINARY PROCEEDINGS

SECTION 18.01 POLICY FOR DISCIPLINARY PROCEEDING.

In order to establish employee standards of conduct and work performance that are consistent with the efficient and effective delivery of public services, this Article sets forth those circumstances under which disciplinary action may be required and the procedures which govern such proceedings.

SECTION 18.02 CAUSES FOR DISCIPLINARY ACTION.

The following may be causes for disciplinary action including, but not limited to, written reprimand, demotion, suspension, or dismissal of any employee. The purpose of specifying these causes is to alert employees to the more commonplace types of disciplinary issues. However, this list is not all inclusive and there may arise instances of unacceptable behavior not included in this list:

- A. Improper or unauthorized use or abuse of sick leave;
- B. Absence without authorized leave; chronic tardiness to assigned work station; or leaving assigned work without authorization;
- C. Misconduct, willful or negligent violation of the these Rules and Regulations, written department rules, regulations and policies, resolutions, and other related ordinances;
- D. Insubordination, which constitutes refusal to submit or adhere to lawful directions by a superior;

- E. Acceptance of gifts or gratuities in connection with or relating to the employee's duties;
- F. Refusal to take and subscribe any oath or affirmation which is required by law in connection with employment;
- G. Conviction of a felony or a misdemeanor involving a moral turpitude. A plea or a verdict of guilty, or a conviction following a plea of nolo contendere, to a charge of a felony or any offense involving moral turpitude is deemed to be a conviction;
- H. Fraud or the submission of false information related to employment application, payroll, or any work related record or report;
- I. Soliciting outside work or personal gain during the conduct of City business; engaging in outside employment for any business under contract by the City, or participating in any outside employment that adversely affects the employee's City work performance;
- J. Discourteous treatment of the public or City employees or disorderly conduct on City property or on City business including fighting, using profane or abusive or threatening language toward others;
- K. Conduct tending to interfere with the reasonable management, operation and discipline of the City or any of its departments or divisions or failure to cooperate reasonably with superiors or fellow employees;
- L. Engaging in political activities while on duty, in uniform or using the authority associated with City employment;
- M. Violation or neglect of safety rules;
- N. Failure of good behavior, either during or outside duty hours, which is of such a nature that it causes discredit to the City or one of its operating services;
- O. Discrimination, including harassment, against other employees or members of the public on the basis of race, color, national origin, religious creed, ancestry, sex, marital status, age or physical handicap;
- P. Inefficiency, incompetence, or negligence in the performance of duties, including failure to perform assigned tasks or training, or failure to discharge duties in a prompt, competent, and reasonable manner;
- Q. Refusal or inability to improve job performance in

accordance with written or verbal direction after a reasonable trial period;

- R. Refusal to accept reasonable and proper assignment from an authorized supervisor;
- S. Intoxication, intemperance, or incapacity on duty due to the use of controlled substances or alcohol;
- T. Suspension of driver's license where job duties require driving;
- U. Careless, negligent, or improper use of City property, equipment or funds, including unauthorized removal, or use for private purpose, or use involving damage or unreasonable risk of damage to property;
- V. Unauthorized release of confidential information or official records;
- W. Participation in an illegal strike, work stoppage, slowdown, or other job action against the City;
- X. Dishonesty;
- Y. Retaliation for actions protected by Law.

SECTION 18.03 PERSONS WHO MAY TAKE DISCIPLINARY ACTION.

- A. The City Administrator or any Department Head or designee may take any written disciplinary action against an employee within his/her respective department.
- B. The City Administrator may suspend any City employee, except those in Management, from his/her position subject to these Rules and Regulations.
- C. The City Council may suspend any Management employee from his/her position subject to these Rules and Regulations.
- D. The City Administrator shall be informed of any written disciplinary action within a twenty-four (24) hour period, subject to holidays and week-ends.

SECTION 18.04 TYPES OF DISCIPLINE AND PROCEDURES.

- A. Depending on the nature of the circumstance(s), discipline will bear a reasonable relationship to the violation(s).
- B. The type of discipline that may occur are as follows:
 - 1. Verbal Reprimand

2. Written Reprimand
3. Suspension Without Pay
4. Administrative Leave
5. Demotion
6. Dismissal

SECTION 18.05 VERBAL REPRIMAND.

A verbal reprimand notifies the employee that his/her performance or behavior must be improved. It defines the areas in which improvement is required, sets up goals leading to this improvement, and informs the employee that failure to improve will result in more serious action. Although the supervisor makes a note of the date, time, and content of the verbal reprimand, no record is placed in the employee's permanent personnel file unless subsequent action is necessary. If improvement does not commence, a written reprimand would be the next step.

SECTION 18.06 WRITTEN REPRIMAND.

- A. A written reprimand is an official notification to the employee stating the need for improvement in work performance or behavior, delineating the causes for dissatisfaction with the employee's services, and informing the employee that further disciplinary measures may be taken unless there is immediate and sustained improvement in work performance or behavior.
- B. A copy of the written reprimand shall be placed in the employee's personnel file by the City Administrator or his/her designee.
- C. A written reprimand may be considered as pertinent evidence or information in any subsequent hearing.
- D. The employee may provide a written response to the written reprimand and the response shall be placed in the employee's personnel file by the City Administrator or his/her designee.

SECTION 18.07 SUSPENSION WITHOUT PAY.

Suspension without pay is the temporary separation of an employee from work for disciplinary purposes. During a period of suspension without pay, an employee shall not accrue or be allowed to use any other paid time (vacation, sick leave, compensating time off, holidays, etc.).

SECTION 18.08 ADMINISTRATIVE LEAVE.

Notwithstanding the provisions of this Rule, the City

Administrator may approve the temporary assignment of an employee to a status of leave with pay pending conduct or completion of such investigations or opportunity to respond as may be required to determine if disciplinary action is to be taken.

SECTION 18.09 DEMOTION.

A reduction in pay shall be a demotion unless it is part of a plan to reduce salaries and wages in connection with a general economy or curtailment program.

SECTION 18.10 DISMISSAL.

Dismissal is termination of any employee from City employment for cause.

ARTICLE 19
DISCIPLINARY ACTION, APPEAL AND HEARINGS

SECTION 19.01 PROCEDURE FOR DISMISSAL, SUSPENSION, DEMOTION OR REDUCTION IN PAY.

- A. All employees who have not attained the status of permanent employee may be dismissed, suspended, demoted or reduced in pay upon the judgment of the Department Head, with the written concurrence of the City Administrator.
- B. The following procedural steps shall be followed with respect to the action of dismissal, suspension of more than three (3) days, demotion, or reduction in pay of a permanent employee in the competitive service.

First, prior to taking action of dismissal, suspension, or demotion, written notice of the proposed action shall be given the employee ten (10) calendar days in advance of taking the action, said notice shall contain the following:

1. The proposed action to be taken and the date set for the action;
2. The reasons for the proposed action;
3. A copy of the charges and materials upon which the proposed action is based; and
4. A statement advising the employee that he/she has a right to respond to the charges, in writing, to the person imposing the proposed action prior to the time the action is taken; that the employee has the right to be represented at all stages of the proceedings by

counsel of his/her choice at the employee's expense.

Second, on the date of taking action of dismissal, suspension or demotion of the employee, he/she shall be notified, in writing, of the action taken.

He/she shall then have a right to appeal to the City Council within five (5) calendar days from the date of written notification.

The City Council shall issue their decision, in writing, within thirty (30) calendar days after the conclusion of the hearing, unless waived, in writing, by either party.

There shall be no appeal from the City Council's decision. It shall be final and binding on the Association, the City of Angels, and on all bargaining unit employees.

Any time limitation provided herein may be waived in writing by mutual agreement of the employee or his/her designated representative and of the City Council or their designated representative. If either party fails to comply with any time limitation or extension thereof, absent written waiver of same, the appeal shall automatically be resolved in favor of the other party.

An employee shall have the right to process an appeal individually, by the Association and/or by an Attorney at Law. In cases wherein more than one appeal is filed on the same issue(s), the City shall have the ability to combine the appeals together for hearing purposes.

C. For suspension of three (3) days or less, the procedure shall be as follows:

1. The employee shall be given, by his/her Department Head, written notice containing the following:
 - a. the proposed action to be taken and the date set for action;
 - b. the reasons for the proposed action;
 - c. a statement that any materials upon which the proposed action is based are available for the employee's inspection; and
 - d. a statement advising the employee that he/she has the right to a hearing before the City Administrator if requested within three (3) working days after receipt of said notice.

2. If the employee requests a hearing, the City Administrator shall schedule a hearing within five (5) working days and advise the employee of the time and place of the hearing.
3. The employee shall have a right to be represented at the hearing by an Association representative or other person of his/her choice.
4. The decision of the City Administrator shall be final.

Section 19.02 INVESTIGATION AND INTERROGATION OF PUBLIC SAFETY OFFICERS.

In the investigation and interrogation of public safety officers who are suspected of malfeasance, the rights afforded under Chapter 9.7 for Public Safety Officers, Section 3300 through 3311 of the Government Code of California, shall apply.

ARTICLE 20
GRIEVANCE PROCEDURE

SECTION 20.01 GRIEVANCES.

It is the policy of the City that all grievances of employees relating to working conditions be resolved at the lowest level of supervision possible. Such unresolved grievances shall be resolved as follows:

- A. The employee, with or without the employee association representative/certified organization representative, shall take up the grievance or dispute with the employee's immediate supervisor within ten (10) calendar days of the date of the grievance or the employee's knowledge of its occurrence. The supervisor shall attempt to adjust the matter and shall respond to the employee within five (5) calendar days.
- B. If the grievance has not been settled, it shall be presented in writing by the employee or employee representative to the Department Head within seven (7) calendar days after the supervisor's response is due. The Department Head shall respond to the employee in writing within five (5) calendar days.
- C. If the grievance still remains unresolved, it shall be presented by employee or employee representative/certified organization representative to the City Administrator in writing within seven (7) calendar days after the response of the Department Head is due. The City Administrator shall

respond in writing to the employee within seven (7) calendar days.

- D. Failure by the City Administrator to respond to the grievance within the specified time limit, unless the time limit has been extended by mutual agreement of both parties, shall deem the grievance to be decided in favor of the grievant.
- E. If the grievant is not satisfied by the City Administrators response, grievant shall have the option to bring the matter to the attention of the City Council via an agendized oral presentation to the Council or appear in closed session at their next regularly scheduled meeting. Such oral argument shall be limited to the content of each of the grievance responses and shall specifically exclude any additional testimony or other evidence, unless agreed upon, in writing, by both parties prior to the scheduled meeting. The City Council's response shall be in writing, rendered within thirty (30) calendar days, and will be the final administrative decision.

ARTICLE 21 EMPLOYER-EMPLOYEE RELATIONS

SECTION 21.01 PURPOSE.

It is the purpose of this resolution to establish policies and procedures for the administration of employer-employee relations in City government, the formal recognition of employee organizations and the resolutions of disputes regarding wages, hours and other terms and conditions of employment.

SECTION 21.02 RIGHTS OF EMPLOYEES.

Employees of the city shall have the right to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employee relations. Employees of the City also shall have the right to refuse to join or participate in the activities of employee organizations. It shall be an additional right of the employees to represent themselves individually in their employee relations with the City, as allowed by state law. Neither the City nor the employee organizations shall interfere with, intimidate, restrain, coerce, or discriminate against employees because of the exercise of their rights under this section.

SECTION 21.03 RIGHTS OF CITY.

Responsibility for management of the City and direction of its

work force is vested in city officials and Department Heads whose powers and duties are specified by law. In order to fulfill this responsibility it is the exclusive right of City Management to determine the mission of its constituent departments, offices and boards, set standards of services to be offered to the public and exercise control and discretion over the City's organization and operations. It is also the exclusive right of City Management to take disciplinary action for proper cause, relieve city employees from duty because of lack of work or other legitimate reasons and determine the methods, means and personnel by which the City's operations are to be conducted and to take all necessary actions to maintain uninterrupted service to the community and carry out its mission in emergencies.

SECTION 21.04 CERTIFICATION OF EMPLOYEE ORGANIZATION.

A. The representation units of the City shall be:

1. Confidential Employees
2. General Employees
3. Management Employees
4. Police Safety Employees

The City Administrator may after consultation with affected employee organizations modify the Units by moving classes from one unit to another, creating units, abolishing units, adding new classes and deleting old classifications. The bargaining units shall be kept current with any changes.

Employees or an employee organization may petition the City Administrator to create a new representation unit or other-wise modify the existing units. The City Administrator or his designee shall consult with affected employee organizations prior to taking action on this request.

In the event that a new unit is split from an existing unit represented by a certified representative or exclusive representative shall still represent that unit and a new employee organization may only become the representative of the new unit by way of decertification election.

Any of the parties to a dispute concerning the appropriateness of a unit may request mediation by the State Conciliation Service. The costs of mediation, if any, shall be borne equally by both parties.

B. Employee organizations may be certified to represent their members by action of the Council upon showing of support by the member employees.

C. Where there is not exclusive representative of the

employees, a representative organization may become eligible for certification as the exclusive representative as follows:

1. Upon receipt of an original petition signed by not less than 30% of the respective employees of the City stating their desire to be exclusively represented by a representative organization, the City Administrator shall give notice of an election not less than thirty (30) days nor more than forty (40) days after receipt of the petition.
2. Other employee organizations may be placed on the ballot of the election by filing no later than fifteen (15) days prior to the date set for the election, a secondary petition signed by not less than fifteen percent (15%) of the employees who were employees on the date the original petition was received, stating their desire to be represented by the other representative organization.
3. The election shall be held by secret ballot; only those persons who were employees at the time the original petition was received shall be eligible to vote.
4. For a representative organization to be eligible for certification as the exclusive representative, a canvas of the ballots must show:
 - a. A majority of the employees voting desire to be represented by an employee organization; and
 - b. The representative organization received a plurality of the votes cast between competing representative organizations.
5. Thereafter, challenges or decertification shall not be instituted sooner than one (1) year following certification of any employee organization as the exclusive representative.

SECTION 21.05 CHALLENGES TO CERTIFICATION AND REQUEST FOR DECERTIFICATION.

- A. In the event of challenge to certification or the request to decertify the representative of a representational unit, the following procedure shall apply:
 1. A request to challenge or to decertify the certified or exclusive organization shall be accomplished by or in the form of a petition executed by at least thirty percent (30%) of the employees within the

representational unit. Upon receipt of such a petition the City Administrator shall schedule an election within thirty (30) days of the receipt of such petition for the purposes of decertification and replacement of certified employee organization.

2. The certified employee organization shall be decertified or changed upon a majority of those casting valid ballots in an election for decertification.

SECTION 21.06 EMPLOYEE ORGANIZATION RIGHTS AND DUTIES.

- A. Upon request, a certified employee organization shall have the right to meet and confer in good faith with appropriate levels of City Management regarding wages, hours, and other terms and conditions of employment for its representational unit, within the scope of representation.
- B. An exclusive employee organization shall be the sole representative of all employees in the unit and shall represent all employees of the unit, except that any employee of the unit shall have the right to represent himself/herself in his/her employment relations with the City, as allowed by State law.

SECTION 21.07 SCOPE OF REPRESENTATION.

The scope of representation shall include all matters relating to employment conditions and employer/employee relations, including but not limited to wages, hours, and other terms and conditions of employment, except, however, that the scope of representation shall not include consideration of the merits, necessity, or organization of any service or activity provided by law of executive order.

SECTION 21.08 ADVANCE NOTICE.

Each certified employee organization affected shall be given reasonable written notice of any ordinance, rule, resolution, or regulation directly relating to matters within the scope of representation proposed to be adopted by the City and shall be given the opportunity to meet with the appropriate management representatives prior to adoption. For the purposes to such notification, the published agenda of the City Council will suffice for notice of proposed actions by those bodies. This form of notification, however, shall not be deemed sufficient where the agenda item is so phrased as to not indicate the full and true nature of the matter to be considered.

SECTION 21.09 ATTENDANCE AT MEETING.

Certified employee organization may have a reasonable number of

employees who serve as official representatives released from work without loss of compensation when meeting and conferring with City representatives where matters within the scope of representation are being considered.

SECTION 21.10 ACCESS TO WORK LOCATIONS.

Authorized representatives of certified employee organizations shall be allowed reasonable access to employees or the unit during work hours for representational purposes including the processing of grievances.

Access to City work locations and the use of City paid time, facilities, equipment and other resources by employee organizations and those representing them shall be authorized only to the extent provided for in memoranda of understanding and/or administrative procedures, shall be limited to lawful activities consistent with the provisions of these Rules and Regulations that pertain directly to the employer-employee relationship and not such internal employee organization business as soliciting membership, campaigning for office, and organization meetings and elections, and shall not interfere with the efficiency, safety and security of City operations.

SECTION 21.11 BULLETIN BOARDS.

Space shall be made available to certified employee organizations for locating bulletin boards within the City only at such facilities where the certified employee organization has members and provided such use does not interfere with the needs of the various departments. Notices shall be dated and shall identify the certified employee organization who will be responsible for their issuance. The employee organization will be responsible for insuring that material posted is of current interest and that out-of-date material is removed in a timely manner.

SECTION 21.12 EMPLOYEE PAYROLL DEDUCTIONS.

A certified employee organization may have the regular dues and employee benefit programs of its members deducted from the employee's individual paycheck. Deductions or withdrawals shall be made only upon the written authorization of the individual employee.

SECTION 21.13 MEET AND CONFER.

A. City representatives and the representatives of certified employee organizations shall have the mutual obligation to personally meet and confer within a reasonable period of time in order to freely exchange information, opinions and proposals and to endeavor to reach agreement on matters within the scope of representation.

- B. Upon commencement of the meet and confer process, the parties shall refrain from making public statements to the press or to individuals not party to the meet and confer process, provided that the parties may exchange information with regard to items under discussion to other jurisdictions or employee organizations. Nothing contained herein shall preclude the parties from the exercising of rights granted them by the City, State, or Federal laws.

SECTION 21.14 MEMORANDUM OF UNDERSTANDING.

Upon agreement by the parties, a proposed written memorandum of understanding shall be prepared and shall be jointly presented to the City Council.

SECTION 21.15 IMPASSE PROCEDURE.

Impasse procedures are as follows:

- A. If the parties agree to submit the dispute to mediation, and agree on the selection of a mediator, the dispute shall be submitted to mediation. All mediation proceedings shall be private. The mediator shall make no public recommendation, nor take any public position at any time concerning the issues.
- B. If the parties fail to agree to submit the dispute to mediation or fail to agree on the selection of a mediator, or fail to resolve the dispute through mediation within fifteen (15) days after the mediator commenced meeting with the parties, the parties may agree to submit the impasse to fact-finding.
- C. If the parties agree on fact-finding, they may agree on the appointment of one or more fact-finders. If they fail to so agree on one or more fact-finders, a fact-finding panel of three (3) shall be appointed in the following manner: one member of the panel shall be appointed by the Employee Relations Officer, one member shall be appointed by the Exclusively Recognized Employee Organization, and those two shall name a third, who shall be the chairperson. If they are unable to agree upon a third, they shall select by agreement the third member from one or more lists of seven (7) names of individuals having fact-finding experience in the municipal sector to be provided by the State Conciliation Service, or any other source mutually agreed upon.

SECTION 21.16 FACT-FINDING.

The following constitutes the jurisdictional and procedural requirements for fact-finding:

- A. The fact-finders shall consider and be guided by applicable Federal and State laws.
- B. Subject to the stipulations of the parties, the fact-finders shall determine and apply the following measures and criteria in arriving at their findings and recommendations:
1. First, as relevant to the issues in dispute, the fact-finders shall compare the total compensation, hours and conditions of employment of the employees involved in the fact-finding proceedings with the total compensation, hours and conditions of employment of other employees performing similar services in public and private employment in the same and comparable communities. "Total compensation" shall mean all wage compensation, including but not limited to premium, incentive, minimum, standby, out-of-class and deferred pay; all paid leave time; all allowances, including but not limited to educational and uniform benefits; and employer payments for all health, welfare and pension benefits.
 2. The fact-finders shall then adjust the results of the above comparisons based on the following factors:
 - a. The compensation necessary to recruit and retain qualified personnel.
 - b. Maintaining compensation relationships between job classifications and positions within the City.
 - c. The pattern of change that has occurred in the total compensation of the employees in the unit at impasse as compared to the pattern of change in the average "consumer price index" for goods and services, and the pattern of change in wages and compensation of other wage earners.
 3. The fact-finder(s) shall then determine preliminary recommendations based on the comparisons as adjusted above which, however, shall be reduced as appropriate based on the financial resources of the City to implement them. In assessing the City's financial resources, the fact-finder(s) shall be bound by the following:
 - a. Other legislatively determined and projected demands on agency resources, i.e., budgetary priorities as established by the governing body; and
 - b. Allowance for equitable compensation increases for

other employees and employee groups for the corresponding fiscal period(s); and

- c. Revenue projections not to exceed currently authorized tax and fee rates for the relevant fiscal year(s); and
 - d. Assurance of sufficient and sound budgetary reserves; and
 - e. Constitutional, statutory (and charter) limitations on the level and use of revenues and expenditures.
- C. The fact-finder(s) shall make written findings of fact and recommendations for the resolution of the issues in dispute, which shall be presented in terms of the criteria, adjustments, and limitations specified above. Any member of a fact-finding panel shall be accorded the right to file dissenting written findings of fact and recommendations. The fact-finder or chairperson of the fact-finding panel shall serve such findings and recommendations on the Employee Relations Officer and the designated representative of the Exclusively Recognized Employee Organization. If these parties have not resolved the impasse within ten (10) calendar days after service of the findings and recommendations upon them, the fact-finder or the chairperson of the fact-finding panel shall make them public by submitting them to the City Clerk for consideration by the City Council in connection with the Council's legislative consideration of the impasse.
- D. If the parties do not agree on mediation or the selection of a mediator and do not agree on fact-finding, or having so agreed, the impasse has not been resolved, the City Council may take such action regarding the impasse as it in its discretion deems appropriate as in the public interest. Any legislative action by the City Council on the impasse shall be final and binding.

SECTION 21.17 COST.

The cost of mediation and fact finding proceedings, if any, shall be borne equally among all parties involved.

SECTION 21.18 LABOR MANAGEMENT COMMITTEE.

- A. There is hereby established a special joint committee for the purposes of discussing common problems. An association and the City may each designate up to three (3) representatives to serve on the committee.

- B. The committee shall meet at such times as are mutually agreed to and as requested by one or both parties. The party or parties requesting to meet will provide an agenda for items to be discussed. All items presented by one or both parties will be addressed. Meetings will be held during normal working hours at no loss of pay to participants. There will be no overtime authorized for meetings or portions of meetings that are conducted outside of an employee's normal work schedule. The committee shall make recommendations which may be implemented by the appropriate authorities.

SECTION 21.19 CONSTRUCTION.

- A. Nothing in this Article shall be construed to deny any person, employee, or employee organization the rights granted by Federal and State laws.
- B. The rights, powers and authority of the City Council and the rights of employee organizations in all matters, including the right to maintain legal action, shall not be modified or restricted by this Article.

ARTICLE 22
MISCELLANEOUS

SECTION 22.01 TRAINING.

For the purpose of improving the effectiveness and broadening the knowledge of municipal officers and employees in the performance of their duties, the City Administrator shall be responsible for providing training programs as he/she deems necessary. Where a training program is offered by the city and the employee is requested or required by the City to attend, the City shall pay the cost thereof, as stipulated in the City's adopted Travel Policy.

SECTION 22.02 AID FROM STATE OF CALIFORNIA.

The City of Angels declares that it desires to qualify to receive aid from the State of California under the provisions of Chapter 1 of Title 4, Part 4 of the California Penal Code.

SECTION 22.03 SAVING CLAUSE.

If any article or section of these Rules and Regulations or any addendum or amendment thereto should be held to be invalid by operation of law or by a tribunal of competent jurisdiction, or if compliance or enforcement of any article or section should be restrained by such tribunal or the enactment of superseding rule,

regulation, law or order, such article or provision shall be immediately suspended and be of no force and effect. Invalidation of a part or portion of these Rules and Regulations shall not invalidate any remaining portions unless those remaining portions were contingent upon the operation of the invalidated section.

In the event of a conflict between a specific provision of an MOU or Administrative Policy and a written rule, regulation or solution of the City or any of its divisions, the terms of the MOU or Administrative Policy shall prevail.