



Folsom City Council Staff Report

MEETING DATE:	10/13/2020
AGENDA SECTION:	Consent Calendar
SUBJECT:	Ordinance No. 1308 – An Ordinance of the City of Folsom Repealing and Re-enacting Chapter 2.30 of the Folsom Municipal Code Pertaining to the Establishment and Maintenance of the City Merit System and Personnel Policies, Rules, and Regulations (Second Reading and Adoption)
FROM:	City Manager's Office and Human Resources Department

RECOMMENDATION / CITY COUNCIL ACTION

The Human Resources Director recommends that the City Council adopt Ordinance No. 1308 - An Ordinance of the City of Folsom Repealing and Re-enacting Chapter 2.30 of the Folsom Municipal Code Pertaining to the Establishment and Maintenance of the City Merit System and Personnel Policies, Rules, and Regulations.

BACKGROUND / ISSUE

Chapter 2.30 of the Municipal Code was initially adopted by the City Council in 1983 and most recently amended in 1995. The existing provisions do not clearly state the principals of the City Personnel Policies, Rules, and Regulations, restrict the administrative actions, and do not reflect actual practice.

The introduction and first reading of this Ordinance took place on September 22, 2020. There have been no changes to the Ordinance since then.

POLICY / RULE

Section 4.04 of the City Charter requires the City Council to provide, by ordinance, for the establishment, regulation, and maintenance of a merit system governing personnel policies.

ANALYSIS / FINANCIAL IMPACT

The proposed Ordinance will repeal existing Chapter 2.30 of the Folsom Municipal Code and re-enact Chapter 2.30 in its entirety.

The following changes are being proposed:

Section 2.30.010 is entirely new and spells out the principles of the City merit system and Personnel Policies, Rules, and Regulations. While many of these principles are spelled out in other documents, they have not been consolidated and presented as guiding principles. The current Ordinance 2.30.040 lists merit system requirements but does not list the principles.

Section 2.30.020(A) fulfills the City Council's Charter responsibility to provide for the establishment, regulation, and maintenance of the City's merit system by instructing the City Manager to prepare and maintain a system of Personnel Policies, Rules, and Regulations.

Section 2.30.020(B) replaces the existing section 2.30.020 and calls for the City Manager to amend the Personnel Policies, Rules and Regulations. Currently amendments are done by resolution of the City Council.

Section 2.30.020(C) instructs the Director of Human Resources to propose to the City Manager amendments to or new provisions of the Personnel Policies, Rules, and Procedures when it will be in the best interest of the City. This is currently expressed in Section 2.30.040(Q) of the current Ordinance.

Section 2.30.020(D) replaces the existing section 2.30.030 and spells out the requirements for meeting with labor unions when changes are made that affect their members. There is no substantial change to this provision.

Section 2.30.030(A) gives the City Manager the exclusive authority to manage City employment and personnel matters.

Section 2.30.030(B) permits the City Manager to hire a Director of Human Resources who shall oversee and assure the proper administration of the Personnel Policies, Rules, and Regulations. This is currently provided for in 2.30.015 of the existing Ordinance.

Section 2.30.040 states that the Personnel Policies, Rules, and Regulations apply, in whole or in part, to all persons employed by the City in a classified or unclassified position. Attachment 4 spells out in detail the classified and unclassified definitions. The main exception is that they are not intended to supersede any provision of an existing collective bargaining agreement. This is covered under section 2.30.030 of the existing Ordinance. The new Section 2.30.040 also designates certain positions as exempt and at-will employees and is the same as are listed in Section 2.30.080 of the existing Ordinance and Section 1.01.030 of the existing Personnel Rules and Regulations.

Section 2.30.050 allows Department Directors to propose, to the City Manager, personnel policies, rules, and regulations that are unique to their operational requirements. Such policies, rules and regulations must be approved by the City Manager. This is currently provided for in Section 1.01.070 of the existing Personnel Rules and Regulations.

Section 2.30.060 provides a list of those topics which should be included in the Personnel Policies, Rules, and Regulations. The list is not limited to those mentioned and reflects the current list of elements specified in Section 2.30.040 of the existing Ordinance.

Section 2.30.070 is an updated list of required records and reports that must be maintained as part of the Personnel system.

Section 2.30.080 is an outline of the elements included in Department Director employment Agreements. This provision reflects the current list specified in Section 2.30.070 of the existing Ordinance.

Section 2.30.090 presents the restrictions on the City Council in regards to personnel matters. This reflects the current restrictions specified in Section 2.30.060 of the existing Ordinance and Sections 2.07B and 2.07C of the City Charter.

ATTACHMENTS

1. Ordinance No. 1308 - An Ordinance of the City of Folsom Repealing and Re-enacting Chapter 2.30 of the Folsom Municipal Code Pertaining to the Establishment and Maintenance of the City Merit System and Personnel Policies, Rules, and Regulations (Second Reading and Adoption)
2. Existing Chapter 2.3 of the Folsom Municipal Code
3. Sections 2.07B, 2.07C, 4.04A, and 4.04B of the Folsom City Charter
4. Classified and Unclassified Definitions

Submitted,

Susan Walter,
Director of Human Resources

ATTACHMENT 1

**Ordinance No. 1308 - An Ordinance of the City of Folsom Repealing and Re-enacting
Chapter 2.30 of the Folsom Municipal Code Pertaining to the Establishment and
Maintenance of the City Merit System and Personnel Policies, Rules, and Regulations**

ORDINANCE NO. 1308

**AN ORDINANCE OF THE CITY OF FOLSOM
REPEALING AND RE-ENACTING CHAPTER 2.30 OF THE FOLSOM MUNICIPAL
CODE PERTAINING TO THE ESTABLISHMENT AND MAINTENANCE OF THE
CITY MERIT SYSTEM AND PERSONNEL POLICIES, RULES, AND REGULATIONS**

The City Council of the City of Folsom hereby does ordain as follows:

SECTION 1 PURPOSE

The purpose of this ordinance is to specify the principles that guide the City merit system and the Personnel Policies, Rules, and Regulations. In addition, it will provide for the establishment, amendment, and administration of the City merit system and Personnel Policies, Rules, and Regulations by the City Manager.

SECTION 2 REPEAL AND RE-ENACTMENT TO CODE

Chapter 2.30 of the Folsom Municipal Code is hereby repealed and re-enacted to read as follows:

CHAPTER 2.30

MERIT SYSTEM OF PERSONNEL ADMINISTRATION

Sections:

2.30.010	Principles of the City Merit System
2.30.020	Adoption and Amendment of Personnel Policies, Rules and Regulations
2.30.030	Personnel Administration
2.30.040	Application of Personnel Policies, Rules, and Regulations
2.30.050	Department Rules
2.30.060	Personnel Policies, Rules, and Regulations
2.30.070	Records and Reports
2.30.080	Department Head Employment Agreements
2.30.090	City Council Restrictions in Personnel Matters

2.30.010 PRINCIPLES OF THE CITY MERIT SYSTEM

In establishing, regulating, and maintaining the City merit system and the Personnel Policies, Rules, and Regulations, it is the policy of the City of Folsom to:

1. Provide equal employment opportunity (EEO) to all employees or applicants without regard to illegal discriminatory characteristics in accordance with applicable federal, state, and local laws. Nondiscrimination principles shall apply to all aspects of the

- employment relationship, including, but not limited to, hiring, discipline, termination, promotions, transfers, reductions in force, compensation, benefits, and training.
2. Comply with all applicable federal, state, and local employment laws relating to the administration of a comprehensive personnel program.
 3. Ensure that all persons at the workplace and /or involved in City operations have a work environment free of harassment, discrimination, abusive conduct, hostile work environment, and retaliation, including discrimination or harassment based on any legally protected class in accordance with all applicable federal, state, and local laws.
 4. Prohibit any employee of the City to act in any way to undermine a person's work performance or create an abusive, intimidating, hostile or otherwise offensive work environment.
 5. Provide a system for addressing personnel matters that balances the needs of employees and the interests of the city.
 6. Establish and maintain positive employee and labor relations.
 7. Maintain open, publicly posted, and competitive recruitment and selection processes.
 8. Employ the best qualified persons available and ensure that the tenure of every City employee will be based on compliance with laws, rules, and regulations (including City Personnel Policies, Rules, and Regulations) as well as satisfactory work performance.
 9. Ensure that promotions will be made based on required knowledge, skills, abilities and other measures of fitness; that poor performance, incompetence, and inappropriate behavior will not be acceptable; and that no permanent employee will be subject to suspension, demotion, dismissal or other disciplinary action without complying with the applicable process set forth in the City Personnel Policies, Rules, and Regulations or the collective bargaining agreement.
 10. Ensure that employees of the City of Folsom will be informed of their duties and responsibilities; that they will be provided with administrative and supervisory direction, and that they will be informed by their supervisor through periodic evaluation of the adequacy of their performance.
 11. Prohibit any employee, contractor, or other agent of the City to engage in any type of illegal discriminatory conduct.

2.30.020 ADOPTION AND AMENDMENT OF PERSONNEL POLICIES, RULES, AND REGULATIONS

- A. Pursuant to Section 4.04, as limited by 2.07(B) and 2.07(C) of the Folsom City Charter, and as further limited in implementation by the Meyers-Milias Brown Act of the state of California, the City Manager is instructed and authorized to prepare and maintain a comprehensive system of Personnel Policies, Rules, and Regulations following the principles set out in this chapter.
- B. The Personnel Policies, Rules, and Regulations shall be adopted and/or amended by the City Manager. The City's current Personnel Policies, Rules, and Regulations existing at

the adoption of this Ordinance shall continue to have full force and effect until amended by the City Manager.

- C. The Director of Human Resources may propose to the City Manager, adopting new or amending existing Personnel Policies, Rules, and Regulations whenever the Director believes it will be in the best interest of the City.
- D. Prior to adoption, the City Manager shall cause notice to be given to the appropriate employee labor organizations, if such amendments apply to employees covered by those labor organizations and are mandatory subjects of bargaining and the City Manager will consider comments submitted by employee organization representatives prior to final adoption.
- E. Upon adoption or amendment, the adopted or revised Personnel Policies, Rules, and Regulations shall be distributed to affected employee organizations or employees and made available to any City employee requesting a copy.

2.30.030 PERSONNEL ADMINISTRATION

- A. The City Manager is responsible for the overall administration of the City Personnel System, and shall appoint, remove, dismiss, promote or discipline all employees of the City, shall transfer employees between departments and organizational components of the City, and order investigation of any employment or work-related complaint from or involving any City employee, and to assure the integrity of the City merit system of employment.
- B. The City Manager shall appoint a Director of Human Resources to oversee and assure the proper administration of the personnel ordinance, Personnel Policies, Rules, and Regulations, and the City personnel merit system in all its aspects, and to administer all employee benefits, serve as the city labor relations officer for purposes of meeting and conferring with employees and their representatives, and further serve as the official upon or with whom all notices, requests for hearings, complaints and other official documents relative to City employee matters or affecting city employees shall be served or filed, and to perform such additional duties as the City Manager shall assign. The Director of Human Resources shall serve at the pleasure of the City Manager under the terms of an employment agreement.

2.30.040 APPLICATION OF PERSONNEL POLICIES, RULES, AND REGULATIONS

- A. The provisions of the Personnel Policies, Rules and Regulations shall apply, in whole or in part, to all persons employed as classified employees or unclassified employees of the City. This includes the categories of Unclassified Non-Employees, Unclassified Employees – Contract, Unclassified Employees, and Classified Employees.
- B. The Personnel Policies, Rules and Regulations are not intended to supersede any provisions of an existing collective bargaining agreement. If a provision of the Personnel Policies, Rules, and Regulations is directly covered by a provision of a collective bargaining agreement, the collective bargaining agreement shall prevail and the parallel provisions in the Personnel Policies, Rules, and Regulations shall not apply to the affected unit. This pertains to recognized bargaining units who represent and negotiate for all employee classifications within their unit.
- C. The following employees shall be designated as exempt from the classification plan, the rules pertaining to recruitment and selection, and as specified in the policies, rules, and regulations: the City Manager, the assistant city manager, the city attorney, all department heads, any confidential administrative assistants to the city manager or city attorney, and such other positions as designated by the City Manager after concurrence by the city council. These employees shall be employed at the discretion and will of the City Manager and the City Manager shall determine all terms, benefits, and conditions of employment.
- D. An employee designated as exempt from the classification plan shall be ineligible for any classified position in the City for a period of 1 year after the termination of any contract of employment.

2.30.050 DEPARTMENT RULES

- A. The separate department directors of the City may propose to the City Manager, any policies, rules, and regulations needed to improve the performance of their department responsibilities due to their unique operational requirements. Such policies, rules and regulations shall be in accordance with the principles set out in this Ordinance.
- B. Departmental personnel policies, rules, and regulations shall be reviewed and commented on by the Director of Human Resources and shall be approved by the City Manager prior to implementation or revision.

- C. Departmental personnel policies, rules, and regulations shall be adopted and/or amended in accordance with Section 2.30.020.

2.30.060 PERSONNEL POLICIES, RULES, AND REGULATIONS

The City merit system of personnel administration, as set out in detail in the Personnel Policies, Rules, and Regulations shall address, but not be limited to, the following areas and be guided by the principles set out in this Ordinance:

- A. Recruitment, Testing, and Certification
- B. Selection, Appointments, and Probationary Periods
- C. Classification and Pay
- D. Performance Evaluation and Merit Increases
- E. Training and Development
- F. Discipline, Grievances, and Appeals
- G. Hours and Working Conditions
- H. Employee Conduct
- I. Leaves and Holidays
- J. Downsizing
- K. Employee Relations
- L. Benefits Administration

2.30.070 RECORDS AND REPORTS

- A. The Director of Human Resources shall be responsible for producing the forms required to comply with the Personnel Policies, Rules, and Regulations, and
- B. The Director of Human Resources shall be responsible for maintaining the official file of personnel records relating to each employee in City service as required by law. These files shall contain information as required by law or as deemed appropriate by the Director of Human Resources.
- C. The department directors of the City are responsible for sending all records and reports that are to be kept in an employee personnel file to the Department of Human Resources.
- D. The Director of Human Resources shall compile and file reports as are required.
- E. All medical information regarding City employees shall be maintained in separate files and stored securely. Medical records shall not be placed in an employee's personnel file.

- F. All workers compensation information regarding City employees shall be maintained in separate files and stored securely. Workers compensation records shall not be placed in an employee's personnel file.
- G. All I-9 forms shall be maintained in separate files and stored securely. I-9 forms shall not be placed in an employee's personnel file.
- H. Employees may, upon reasonable advance notice to the Human Resources Department, inspect records pertaining to their own employment at any reasonable time during normal business hours.

2.30.080 DEPARTMENT HEAD EMPLOYMENT AGREEMENTS

Department heads and assistants to the City Manager and the city attorney shall be appointed to their positions by means of an employment agreement, pursuant to the provisions of City Charter Section 4.01(C), which employment agreements mandatorily shall address and encompass the following matters:

- A. Terms and conditions of employment;
- B. Compensation, including pay and benefits;
- C. Goals and objectives to be met, and the measurement of achievement of such goals and objectives;
- D. A requirement of and a procedure, including specific time intervals, for the periodic and regular evaluation of employee performance;
- E. Job obligations;
- F. Provisions of termination;
- G. No such employment agreement afforded by the city manager to a department head or assistant to the City Manager or the city attorney is intended to be in excess of 4 years, however, such agreement may be amended or extended at the discretion of the City Manager.

2.30.090 CITY COUNCIL RESTRICTIONS IN PERSONNEL MATTERS

Neither the City Council nor any of its members shall in any manner control, demand, or interfere with the City personnel system in any manner, including:

- A. No interference in or request regarding the appointment, discipline or release of any City department head or employee;
- B. No issuance of any direct order to any City employee, either publicly or privately;

- C. But the City Council shall have the authority to express its views and fully and freely discuss with the City Manager anything pertaining to the appointment and release of city department heads and employees, or the adoption of any personnel policy, rule, or regulation.

SECTION 3 SCOPE

Except as set forth in this Ordinance, all other provisions of the Folsom Municipal Code shall remain in full force and effect.

SECTION 4 SEVERABILITY

If any section, subsections, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 5 EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days from and after its passage and adoption. In lieu of publication of the full text of the Ordinance within fifteen (15) days after its passage, a summary of the Ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to Government Code section 36933(c)(1).

This Ordinance was introduced, and the title thereof read at the regular meeting of the City Council on September 22, 2020 and the second reading occurred at the regular meeting of the City Council on October 13, 2020.

On a motion by Council Member _____, seconded by Council Member _____, the foregoing Ordinance was passed and adopted by the City Council of the City of Folsom, State of California, this 13th day of October 2020, by the following vote, to wit:

AYES: Council Member(s)
NOES: Council Member(s)
ABSENT: Council Member(s)
ABSTAIN: Council Member(s)

Sarah Aquino, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

ATTACHMENT 2

Existing Chapter 2.30 of the Folsom Municipal Code

Chapter 2.30

MERIT SYSTEM OF PERSONNEL ADMINISTRATION

Sections:

- [2.30.010 Basis of personnel system.](#)
- [2.30.015 Department of personnel administration.](#)
- [2.30.020 Adoption and amendment of personnel rules.](#)
- [2.30.030 Meet and confer required.](#)
- [2.30.040 City merit system requirements.](#)
- [2.30.050 System of employee selection and appointment.](#)
- [2.30.060 Restriction on city council in personnel matters.](#)
- [2.30.070 Department head employment agreements.](#)
- [2.30.080 Employees exempt from classification.](#)

2.30.010 Basis of personnel system.

Pursuant to Section 4.04, as limited by 2.07(B) of the Folsom City Charter, and as further limited in implementation by the Meyers-Milias-Brown Act of the state of California, the city manager is instructed and authorized to prepare and present to the city council for its consideration and adoption a comprehensive system of personnel administration following the principles set out in this chapter. (Ord. 697 § 2 (part), 1990)

2.30.015 Department of personnel administration.

The city manager shall appoint a personnel director who shall serve at the pleasure of the city manager under the terms of an employment agreement. The personnel director shall direct the administrative work of the personnel department and shall be responsible for the following duties and responsibilities:

- A. Oversee and assure the proper administration of the personnel ordinance, personnel rules and regulations, and the city personnel merit system in all its aspects and in all respects;
- B. Maintain all personnel records, and certify to the finance director that all payments made to all employees are for work performed at the proper level of compensation, is earned, and is paid in a timely manner with the proper level of employee benefits included;
- C. Establish and maintain a roster of officers and employees of the city and, in conjunction and cooperation with the finance director, assure that all officers and employees are compensated properly and are provided with all employee benefits to which each is entitled;
- D. Be the official upon or with whom all notices, requests for hearings, complaints and other official documents relative to city employee matters or affecting city employees shall be served or filed;
- E. Serve as the city labor relations officer for purposes of meeting and conferring with employees and their representatives, as required by state law;
- F. Assure the integrity of the city merit system of employment;

G. Perform such additional duties as the city manager shall assign. (Ord. 697 § 2 (part), 1990)

2.30.020 Adoption and amendment of personnel rules.

The personnel rules which set in detail the system of city personnel administration shall be adopted by the city council by resolution. Amendments and revisions to the personnel rules shall be processed as provided in the personnel rules. (Ord. 697 § 2 (part), 1990)

2.30.030 Meet and confer required.

During development of the city personnel rules, as considered appropriate by the city manager, and prior to submission to the city council for its consideration and adoption, the city manager shall cause the city personnel rules to be subjected to the meet and confer process with duly selected representatives of city employee organizations, as required by California law. (Ord. 697 § 2 (part), 1990)

2.30.040 City merit system requirements.

The city merit system of personnel administration, as set out in detail in the personnel rules, shall include the specific procedures governing the following elements of the personnel program:

- A. Preparation, installation, revision and maintenance of a position classification plan covering all positions in the career service, including employment standards and qualifications for each job classification;
- B. Preparation, revision and administration of a plan of compensation directly related with the position classification plan;
- C. Public announcement of all vacancies and examinations;
- D. Acceptance of applications for employment;
- E. The use of examinations and the development of appropriate selection processes to determine the relative qualifications of employment applicants for appointment to or promotion in the career service;
- F. The establishment and use of employment lists containing the names of persons eligible for city appointment;
- G. The certification and appointment of persons from employment lists to fill vacancies in the career service;
- H. The establishment of a probationary period and evaluation of employees prior to attaining regular full-time status under the city's merit system;
- I. The making of provisional, temporary and emergency appointments;
- J. Transfer, promotion and demotion of employees within the career service;

- K. The resignation and reinstatement of employees;
- L. The separation of employees through layoffs, suspensions, dismissals, resignations and for incapacity to perform required duties;
- M. The establishment of provisions governing the accrual and use of various leaves such as sick leave, vacation, holidays and leave of absence;
- N. The establishment of grievance and appeal procedures which include provisions of hearing procedures on any appeal;
- O. The establishment of adequate personnel records and the certification of payrolls;
- P. Employee in-service training and professional development; and
- Q. Such other matters as the city council, city manager, personnel director and the meet and confer process determine to be desirable in a comprehensive and effective personnel program. (Ord. 697 § 2 (part), 1990)

2.30.050 System of employee selection and appointment.

The personnel rules shall provide for a comprehensive and detailed process for the selection, appointment, discipline and dismissal of city employees, which system mandatorily shall include the following elements:

- A. An open, public posted, and competitive employee selection process utilizing, where and when feasible, validated examinations at entry level, and objective evaluation process for all other classifications of city employment;
- B. Delegation by the city manager of appointment, discipline and dismissal of all employees except for department heads, assistants to the city manager, and the secretary to the city manager, to the several department heads, provided:
 - 1. Such delegation shall apply only to positions in the department assigned to the department head to which such authority has been delegated,
 - 2. The city manager shall approve, and may, in his/her discretion, modify or disapprove all recommendations for employee appointment, discipline or dismissal. (Ord. 697 § 2 (part), 1990)

2.30.060 Restriction on city council in personnel matters.

Neither the city council as a whole, nor the mayor, nor any individual member of the city council may interfere with the city personnel system in any manner, including:

- A. No interference in or request regarding the appointment, discipline or release of any city department head or employee;
- B. No issuance of any direct order to any city employee, either publicly or privately;

C. But the city council shall have the absolute authority to express its views and fully and freely discuss with the city manager anything pertaining to the appointment and release of city department heads and employees. (Ord. 697 § 2 (part), 1990)

2.30.070 Department head employment agreements.

Department heads and assistants to the city manager shall be appointed to their positions by means of an employment agreement, pursuant to the provisions of City Charter Section 4.01(C), which employment agreements mandatorily shall address and encompass the following matters:

- A. Terms and conditions of employment;
- B. Compensation, including pay and benefits;
- C. Goals and objectives to be met, and the measurement of achievement of such goals and objectives;
- D. A requirement of and a procedure, including specific time intervals, for the periodic and regular evaluation of employee performance;
- E. Job obligations;
- F. Provisions of termination;
- G. No such employment agreement afforded by the city manager to a department head or assistant to the city manager shall be for a term in excess of 4 years. (Ord. 697 § 2 (part), 1990)

2.30.080 Employees exempt from classification.

The following employees shall be designated as exempt from the classification plan and rules pertaining to classified employees as established in the city's personnel rules and regulations: the city manager, the assistant city manager, the city attorney, all department heads, any confidential administrative assistants to the city manager and such other positions designated by the city manager after concurrence by the city council. Those employees shall be employed at the discretion and will of the city manager, and the city manager shall determine all terms, benefits and conditions of employment. An employee designated as exempt from the classification plan shall be ineligible for any classified position in the city for a period of 1 year after the termination of any contract of employment. (Ord. 836 § 2, 1995)

ATTACHMENT 3

**Sections 2.07B, 2.07C, 4.04A, and 4.04B
of the
Folsom City Charter**

ATTACHMENT 3

SECTIONS 2.07B, 2.07C, 4.04A, and 4.04B OF THE FOLSOM CITY CHARTER

SECTION 2.07 PROHIBITIONS ON CITY COUNCIL:

B. Neither the Council nor any of its members shall in any manner control or demand the appointment or removal of any City department head or employee whom the City Manager or any subordinate of the City Manager is empowered to appoint. But the Council may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such department heads and employees.

C. Neither the Mayor nor any Councilmember shall interfere with the execution of the powers and duties of the City Manager. Except for purposes of inquiry, the Mayor and Councilmembers shall deal with the administrative service solely through the City Manager and neither the Mayor nor any Councilmember shall give orders to any subordinate of the City Manager, either publicly or privately.

SECTION 4.04 PERSONNEL SYSTEM

The City Council shall provide by ordinance for the establishment, regulation and maintenance of a merit system governing personnel policies necessary to effective administration of the employees of the City's departments and offices.

- A. Merit System Components: Such merit system of personnel administration shall include, but not be limited to classification and pay plans, selection processes, force reduction, working conditions, provisional and exempt appointments, discipline and dismissal, in-service training, grievances, relationships with employee organizations, regular and periodic employee performance evaluations, and incentive plans.
- B. Employee Selection. The merit system shall provide for open, publicly posted, and competitive employee selection processes utilizing, where and when feasible, validated examinations at entry level and objective evaluative processes for all other classifications.

ATTACHMENT 4

Classified and Unclassified Definitions

ATTACHMENT 4
CLASSIFIED AND UNCLASSIFIED DEFINITIONS

A. Unclassified Non-Employees

- 1) Elected officials (City Council) and appointed public members of boards, commissions, and committees.
- 2) Persons engaged under contract to supply expert technical, professional or any other service authorized by the City Council.
- 3) Volunteers.

B. Unclassified Employees – Contract

- 1) The City Manager, City Attorney, all department heads, Administrative Support Specialist, Assistant City Manager, Assistant City Attorney, Legal Secretary, and Legal Analyst.
- 2) Unclassified Employees – Contract shall be employed, rewarded, disciplined, or discharged at the discretion and will of the City Manager and the City Manager shall determine the wages, hours, and conditions of employment for the Unclassified Employees – Contract.

C. Unclassified Employees

- 1) Reserve, temporary, seasonal, provisional, and other employees who are not regularly employed in permanent positions or designated to be in classified service.
- 2) Probationary employees holding positions in the classified service.
- 3) Emergency employees who are hired to meet the immediate requirements of an emergency condition which threatens life, property, or the delivery of vital services to residents of the community.

D. Classified Employees

- 1) Represented Employees. The personnel policies, rules, and regulations are not intended to supersede any provisions of an existing collective bargaining agreement. If any section of the policies, rules, and regulations is covered by a provision of a collective bargaining agreement, the collective bargaining agreement shall prevail and the parallel provisions in the policies, rules, and regulations shall not apply to the affected unit. This pertains to recognized bargaining units who represent and negotiate for all employee classifications within their unit.
- 2) Unrepresented Employees. All employees not represented by a labor organization and/or are classified as “confidential employees” as defined in the Meyers-Milias Brown Act.

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