

**RESOLUTION NO. 2000-58**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF ELK GROVE ADOPTING PERSONNEL RULES AND  
REGULATIONS TO ESTABLISH POLICIES, PRINCIPLES AND  
PROCEDURES FOR DEALING WITH PERSONNEL MATTERS**

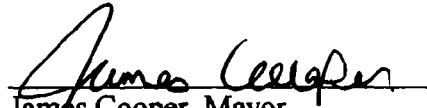
WHEREAS, it is the purpose of these Rules and Regulations to establish policies, principles and procedures for dealing with personnel matters; and

WHEREAS, it is the City's intent to establish a practical personnel system based upon merit that will provide efficient and effective service to the public through uniform personnel procedures that will provide reasonable rights for prospective and current employees.

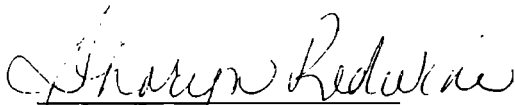
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove does hereby approve and adopt the City of Elk Grove Personnel Rules and Regulations attached hereto, as Exhibit A and by this reference is made a part hereof.

The City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original resolution.

PASSED AND ADOPTED by the City Council of the City of Elk Grove on this 15<sup>th</sup> day of November 2000.

  
James Cooper, Mayor

ATTEST:

  
Sharyn Redwine, City Clerk

**STATE OF CALIFORNIA        )**  
**COUNTY OF SACRAMENTO    )**  
**CITY OF ELK GROVE         )**

I, SHARYN REDWINE, City Clerk of the City of Elk Grove and Clerk of the Council of said city, do hereby certify that the foregoing **Resolution No. 2000-58** was duly adopted by the City Council of said city and was signed by the President of said council, at a regular meeting of said City Council held on the 15<sup>th</sup> day of November 2000 and was approved by the following vote:

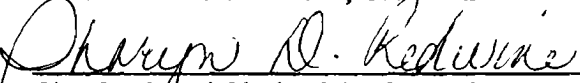
**AYES:       COUNCIL MEMBERS:** Dan Briggs  
Rick Soares  
James Cooper

**NOES:       COUNCIL MEMBERS:** NONE

**ABSTAIN:   COUNCIL MEMBERS:** NONE

**ABSENT:    COUNCIL MEMBERS:** Michael Leary  
Sophia Scherman

SHARYN D. REDWINE, CITY CLERK

  
City Clerk and Clerk of the Council  
of the City of Elk Grove

# CITY OF ELK GROVE

## PERSONNEL RULES AND REGULATIONS



November 15, 2000

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## **CHAPTER I - INTRODUCTION**

### **1.1 Personnel System**

It is the purpose of these Rules and Regulations to establish policies, principles and procedures for dealing with personnel matters. The intent is to establish a practical system based upon merit that will provide efficient and effective service to the public. This will be accomplished through uniform personnel procedures which will provide reasonable rights for prospective and current employees to be informed of the City's criteria and expectations affecting employment.

### **1.2 Adoption and Amendment of Rules**

The City Council may add to or revise these rules and regulations by resolution. Revisions to such rules and regulations may be proposed from time to time.

### **1.3 Application of Rules and Regulations**

These Personnel Rules and Regulations shall apply to all officers and employees in the service of the City, except the following:

- a. Elective officers.
- b. The City Manager and any assistants to the City Manager.
- c. The City Attorney.
- d. Members of appointive boards, commissions and committees.
- e. All department managers.
- f. Persons engaged under contract to supply expert, professional, technical, or any other services.
- g. Volunteer personnel.
- h. All Council-appointed city officers.
- i. Emergency employees who are hired to meet the immediate requirements of an emergency condition, such as extraordinary fire, flood or earthquake which threatens life or property.
- j. Employees, other than those listed elsewhere in this section, who are not regularly employed in permanent positions. "Regularly employed in permanent positions" means an employee hired for an indefinite term in a budgeted position, who is regularly scheduled to work no less than one

thousand and forty (1,040) hours per year, and has successfully completed the probationary period and been retained as provided in Ordinance No. 2000-13 and the personnel rules.

- k. Any position primarily funded under a state or federal employment program.
- l. Employees not included in the competitive service under this section shall be considered at-will employees and serve at the will of the Appointing Authority.

The portions of the Personnel Rules relating to Work Week/Work Hours, Benefits, Leaves and Leaves of Absence, Resignation, Layoff, and Miscellaneous Policies shall apply to the incumbents of regular positions allocated by the City Council, not otherwise covered by these Rules.

#### **1.4 Human Resources Officer**

The City Manager, as designated by City Ordinance 2000-13, shall serve as the Human Resources Officer. The Human Resources Officer may delegate any of the power and duties conferred upon him/her as Human Resources Officer under this section to any other officer or employee of the City, or may recommend that such powers and duties be performed under contract as provided in Section 1.7. The Human Resources Officer shall:

- a. Administer all the provisions of the Personnel Ordinance and of the Personnel Rules and Regulations not specifically reserved to the City Council.
- b. Prepare and recommend to the City Council Personnel Rules and revisions and amendments to such Rules.
- c. Prepare or cause to be prepared a Position Classification Plan, including class specifications and revisions of the Plan.
- d. Create appropriate policies and procedures to implement these rules and regulations, including but not limited to recruitment and selection procedures for the filling of positions in the competitive service, consistent with the merit and fair employment principle.

#### **1.5 Personnel Reports and Records**

- a. **Personnel Records.** The Human Resources Officer shall maintain a service or personnel record for each employee in the service of the City showing the name, title of the position held, the department to which the employee is assigned, salary, changes in employment status, employee performance reviews, and such other information as may be considered pertinent.

- b. **Change of Status Report.** Every appointment, transfer, promotion, demotion, change of salary rate, and any other temporary or permanent change in status of employees shall be reported to the Human Resources Officer in such a manner as he/she may prescribe.

#### **1.6 Merit and Fair Employment Principle**

The City of Elk Grove maintains a formal merit system governing personnel actions. Employment and promotion shall be based on merit and fitness, free of personal and political considerations, and in no way shall be affected or influenced by race, religious creed, color, national origin, ancestry, sex, age, or disability, unless sex or physical or mental ability is a bona fide occupational qualification. These Rules and Regulations and their administration shall be consistent with applicable State and Federal guidelines. Continued employment of employees covered by these Rules shall be subject to satisfactory work performance, necessity for the performance of work and the availability of funds.

#### **1.7 Right to Contract for Services**

The City Manager 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 City Council may contract with any qualified person or public or private agency for the performance of all or any City service.

#### **1.8 Severability**

If any section, subsection, sentence, clause, phrase or portion of these Personnel Rules and Regulations 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 the Personnel Rules and Regulations.



## **CHAPTER 2 – DEFINITIONS**

**Advancement:** A salary increase within the limits of a pay range established for a class.

**Anniversary Date:** The date recurring annually upon an employee's appointment or date of hire to a regular position. This date is used principally in matters regarding leave accruals, performance evaluations and other related personnel actions. In the event of a promotion, for purposes of salary administration and related personnel actions, an employee will have an additional anniversary date recurring annually upon the date of promotion.

**Appointing Authority:** The City Manager of the City of Elk Grove shall be the Appointing Authority and shall have the final authority to demote, dismiss, reduce in pay, or suspend without pay any employee in the competitive service.

**Appointment:** The employment of a person to a position in City Service.

**City:** The City of Elk Grove, a municipal corporation.

**Competitive Service:** All regular and probationary full-time employees and regular and probationary part-time employees and positions which are included or may be included under the personnel system by ordinance or resolution, specifically excluding at-will, temporary, seasonal, and provisional employees.

**Demotion:** The voluntary or involuntary reduction of a regular employee from a position in one class to a position in another class having a lower maximum salary rate.

**Discharge:** The involuntary separation of an employee from the service of the City.

**Employment Status:**

- a. **Temporary employee:** A part-time or full-time employee whose position is funded on a seasonal or other special time period basis.
- b. **Regular employee:** An employee who has completed probation and is assigned to a position which has been established on a regular, year-round basis.
- c. **Probationary employee:** A new or promoted employee who has been appointed to a regular full-time position, specifically excluding temporary and seasonal employees.
- d. **Volunteer:** An individual who has agreed to provide a service to the City with full knowledge that monetary compensation will not be provided. Such individuals must be approved for appointment by the City Manager and registered with the Human Resources Officer.

- e. **Full-time employee:** An employee whose normal assigned work hours equal a forty-hour work week.
- f. **Part-time employee:** An employee whose normal assigned work hours are less than a forty-hour work week.
- g. **Exempt employee:** Employees designated by the Human Resources Officer as ineligible for overtime pay.
- h. **Non-exempt employee:** Employees designated by the Human Resources Officer as eligible for overtime pay.

**Flexible Staffing:** For designated classifications and positions, appointments may be made at the entry or journey level based on qualifications. Upon meeting the requirements of the higher level classification employees at the entry level may be moved to the journey level position in conjunction with a performance evaluation upon the recommendation of the Department Manager and approval of the City Manager.

**Hire Date:** The date of an employee's original appointment to a regular position in the competitive service. This date is used principally in matters regarding leave accruals and other related personnel actions.

**Layoff:** The separation of employees from the active work force due to lack of work or funds, or the abolition of the position for the above reasons or due to organizational changes (see Section 8.3).

**Merit Salary Advancement:** The increase of an employee's salary within the salary range established for the class or position based upon job performance. Merit service advancement is not an automatic advancement.

**Merit System:** The process whereby employment and promotion are based on merit and fitness, free from personal and political considerations, and in no way shall be affected or influenced by race, religious creed, color, national origin, ancestry, sex, or disability, unless sex or physical or mental ability is a bona fide occupational qualification.

**Overtime:** The working by non-exempt employees of more than forty (40) hours in a work week.

**Human Resources Officer:** The City Manager or the individual designated by the City Manager to administer the personnel system.

**Probationary Period:** A working test period during which an employee is required to demonstrate his/her fitness for the position to which he/she is appointed by actual performance of the duties of the position. The probationary period for full-time

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employees in regular positions is one year. The appointing authority may extend such probationary period for six months.

**Provisional Appointment:** An appointment of a person who possesses the minimum qualifications established for a particular class and who has been appointed to a position in that class in the absence of an appropriate employment list.

**Resignation:** Voluntary termination of employment by an employee.

**Separation:** Leaving the competitive service for any reason.

**Suspension:** A temporary removal from duty, with or without pay, or removal of an employee for disciplinary purposes or for the purpose of investigating accusations brought against an employee.

**Termination:** Separation from city services with the action initiated by the employee voluntarily, or the City within the provisions of these rules which state the cause and procedures for such action.

**Work Day:** A twenty-four hour period from 12:01 a.m. to 12:00 midnight, unless otherwise specified by the City.

**Work Week:** A seven day period beginning at 12:01 a.m. on Monday and ending at 12:00 midnight on the following Sunday, unless otherwise specified by the City.

## **CHAPTER 3 - COMPENSATION AND HOURS**

### **3.1 Salary Administration**

- a. Employees will be appointed to a salary at the minimum rate or within the salary range assigned to the classification in which he/she is being employed. When warranted, the City Manager may make adjustments in an employee's salary consistent with the adopted municipal budget.
- b. Employees are normally eligible for a salary adjustment after the completion of one year of service from the date of appointment. The adjustment will be made based upon the performance of the employee as recommended by the Department Manager and approved by the City Manager.
- c. All future salary adjustments are incentive adjustments based on the performance evaluation to encourage an employee to improve his/her work and to recognize increased skill on the job. Employees are normally eligible for these adjustments any time after the completion of twelve (12) months of service at the preceding salary rate. This period may be modified in conjunction with the performance evaluation recommendations and if approved by the Department Manager and the City Manager.
- d. All rates shown are in full payment for services rendered, and cover full payment for the number of hours regularly worked in each class.
- e. The comprehensive wage and salary plan is based on a full-time employee working a forty (40) hour work week.
- f. Overtime:
  - 1) It is the policy of the City that overtime work be discouraged. Overtime work may be required of an employee, however, in an emergency, or when required by the public interest. When overtime work is required, the use of flex-time within the work week may be encouraged to avoid the payment of overtime or accrual of compensatory time off.
  - 2) All overtime work must have the prior approval of the direct supervisor or departmental management.
  - 3) Each hour worked over 40 hours in a work week by non-exempt employees will be compensated at one and one-half times the employee's regular hourly rate of pay in accordance with Federal law.
  - 4) Compensatory Time Off: As an alternative, with the Department Manager's approval and upon the request of an employee, the employee may accrue compensatory time off at the rate of one and one-half hour for

each hour worked to a maximum of 80 hours. The use of compensatory time off requires prior approval of the direct supervisor or department management. Employees who terminate employment shall be paid in a lump sum for any compensatory time off accrued and not taken at the date of termination.

g. **Salary Upon Promotion, Demotion, Transfer, Reinstatement, Working Out-of-Class**

- 1) **Promotion:** The salary increase received by an employee upon promotion will be determined by the City Manager.
- 2) **Demotion:** The salary adjustment received when an employee is demoted shall be a minimum decrease of 5% or to the control point of the new class whichever is lower. If the demotion follows a promotion within the past twelve months, the amount of the salary decrease shall equal the amount of the increase received at the time of the promotion.
- 3) **Transfer:** There is no salary adjustment at the time of a transfer.
- 4) **Reinstatement:** The salary will be determined by the City Manager.
- 5) **Working-Out-of-Class:** The salary increase received by an employee when working out-of-class will be determined by the City Manager based on the range of duties assigned.

**3.2 Work Week/Work Hours**

Full time City employees are generally scheduled to work forty (40) hours in a work week. Actual working hours will be determined on the basis of operational efficiency and employee preference. Working schedules are subject to the approval of the Department Manager and the City Manager. The City Manager may prescribe hours of work other than those specified if circumstances appear to require it.

**3.3 Benefits**

All full-time, probationary and regular employees and their dependents will be eligible to participate in the City's benefit programs within the constraints of the benefit plans. The level of contribution by the City will be determined by the City Council. Part-time employees who work the equivalent 20 hours a week or more and are assigned to regularly allocated positions will receive benefits in accordance with the part-time benefit tier determined by their assigned work hours. The Human Resources Officer will establish the part-time benefit tiers.

The City of Elk Grove will develop a cafeteria-type benefit plan. At this time, the maximum contribution by the City will be \$650 monthly for each employee to use toward

health insurance premiums and other benefits for the employee and his/her dependents. Any remainder may be placed in a Section 457 deferred compensation account or a 401 account, or the City will also allow unused health benefit dollars to be added to base salary.

### **3.4 Retirement and Deferred Compensation**

- a. The City shall participate in the Public Employees' Retirement System (PERS) and will pay both the employer and the employee contributions to the 2% at 55 program plan available for all employees.
- b. The City has made a deferred compensation plan available for all employees.

### **3.5 Insurance Benefits**

- a. The City will contract with PERS Health Care Program for health insurance. The City will contribute a specified amount towards the premium for employees and dependents.
- b. The City will provide a dental insurance plan for eligible employees. The City will contribute a specified amount towards the premium for employees and dependents.
- c. The City will provide a vision plan for eligible employees. The City will contribute a specified amount towards the premium for employees and dependents.
- d. The City will provide term life insurance and pay the premium for eligible employees in the amount of \$50,000.
- e. The City will provide short-term and long-term disability insurance and pay a specified amount for eligible employees.

### **3.6 Employee Assistance**

The City will provide an Employee Assistance Program for eligible employees and their dependents at no cost to the employee.

### **3.7 Educational Incentive and Professional Development Programs**

- a. Eligible Supervisory/Administrative and Management employees may participate in the Educational Incentive Program that provides reimbursement for tuition and books required for educational pursuits in accordance with City Policy. Employees may qualify for reimbursement up to \$1,500 per year providing funds are available for this purpose.

- b. Eligible Executive Management employees may use up to \$5,000 per year in Professional Development funds to participate in conferences, classes, training, and similar activities. The amount available to each employee will be recommended by the City Manager and allocated in the annual City budget.

### **3.8 Employee Responsibilities**

It is the City's policy to recruit highly qualified staff and provide competitive salaries and benefits. The employees shall be responsible for striving to meet the high performance standards established by the City Council and City Management.

## **CHAPTER 4 - LEAVES AND LEAVES OF ABSENCE**

### **4.1 Annual Leave**

Regular and probationary full-time employees in regular positions shall accrue Annual Leave hours rather than traditional vacation and sick leave hours according to the following schedule:

<b>Years of Service</b>	<b>Annual Accrual</b>	<b>Maximum Accrual</b>
1 through 4	17 days (136 hours)	34 days (272 hours)
5 through 9	20 days (160 hours)	40 days (320 hours)
10 through 14	23 days (184 hours)	46 days (368 hours)
15 through 19	25 days (200 hours)	50 days (400 hours)
20+ years	30 days (240 hours)	60 days (480 hours)

Regular and probationary full-time employees will accrue Annual Leave beginning the first year of employment. Employees may not accrue more than two times their annual accrual. Once an employee reaches the maximum accrual, the employee will stop accruing Annual Leave unless written approval is provided by the City Manager for extenuating circumstances.

Employees are encouraged to take accrued leave on an annual basis.

Annual Leave hours may be used for any absence approved by the City, including:

- a. Vacation
- b. An absence caused by illness or injury to the employee
- c. Doctor, dental and vision appointments for the employee
- d. If the employee's presence is required due to the illness or medical appointment of an immediate family member. Members of immediate family include spouse, children and parents.

The times during which an employee may use Annual Leave for vacation shall be determined by the Department Manager with due regard for the needs of conducting City business and the wishes of the employee. Employees with less than three (3) months of service with the City will not be allowed to use Annual Leave for vacation unless the use of such leave was agreed to and documented prior to employment.

In order to receive compensation while using Annual Leave for an unscheduled illness or injury, the employee shall notify his/her immediate superior or the Department Manager prior to or within one (1) hour after the time set for beginning his/her daily duties, or as may be specified by his/her Department Manager. When an unscheduled absence is for one workday or more and the supervisor questions the use of the leave, the employee may



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be required to file a physician's certificate with his/her Department Manager or the Human Resources Officer, verifying the need to be absent due to illness or injury. The intent of the Annual Leave program is to provide greater flexibility to the employee; however the City still retains the right to question use of leave if the unscheduled leave is having a negative impact on City operations and the City has municipal performance concerns.

Annually, at a time determined by the City (or upon special approval by the City Manager), employees may, upon written request and written approval, receive compensation for up to forty (40) hours of unused Annual Leave based on their regular rate of pay. The ability to cash-out Annual Leave in return for compensation is based on the following criteria:

- a. The employee used at least 40 hours during the previous year; and
- b. The employee will have a minimum balance of 80 Annual Leave hours after the cash out.

Regular and probationary part-time employees who work the equivalent of 20 hours a week or more and are assigned to regularly allocated positions will accrue Annual Leave consistent with the part-time benefit tier which corresponds to the hours the employee is assigned to work. The same terms and conditions regarding Annual Leave that apply to full time employees will apply to part-time employees, consistent with the appropriate part-time benefit tier.

Employees who terminate employment shall be paid in lump sum for all accrued Annual Leave earned by the effective date of termination.

#### **4.2 Holidays**

The holidays observed by the City are as follows:

New Year's Day	January 1
Martin Luther King Day	Third Monday in January
Presidents' Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Fourth Friday in November
Christmas Eve (4 hours)	December 24
Christmas Day	December 25
New Year's Eve (4 hours)	December 31

Holidays falling on Sunday shall be observed on the following Monday. Holidays falling on Saturday shall be observed on the preceding Friday unless this, too, is a holiday and then one day sooner.

Regular and probationary full-time employees shall receive eight (8) hours pay for these holidays. If a holiday falls on an employee's regularly scheduled time off, the employee will be given compensatory time off to be scheduled with his/her supervisor before the end of the calendar year. An employee must be paid for all of both the regularly scheduled work assignment immediately prior to a holiday and the regularly scheduled working assignment immediately after that holiday in order to receive holiday pay.

Employees assigned to work on authorized holidays shall receive regular holiday compensation and compensation for the actual hours worked at the employee's regular rate of pay. At the request of the employee, and within the City's ability to maintain appropriate service levels, such assigned employees may be granted compensatory time off, in lieu of pay, within the pay period in which the holiday falls. If such time is not taken within the pay period, the employee shall automatically receive regular holiday compensation.

#### **4.3 Family and Medical Leave**

It is the City's intent to provide its employees with benefits equivalent to those required by the federal Family Medical Leave Act (FMLA) and the California Family Rights Act (CFRA). It is further the City's intent that its employees are subject to the same obligations provided by FMLA and CFRA.

##### **a. Family and Medical Leave**

Employees who have been employed by the City for 12 months or more and who have worked at least 1,250 hours during the preceding 12 month period are eligible to take an unpaid leave of absence under the following circumstances:

- The birth and care of a newborn child;
- The placement and initial care of an adopted or foster care child;
- The employee's own serious health condition; and
- The care of an employee's spouse, child or parent with a serious health condition.

##### **b. Leave Request Procedure**

Requests for family and medical leaves must be approved in advance by the City Manager. If the need for leave is foreseeable, employees must provide the City with at least 30 days advance notice before the leave is to begin. Leave requests must set forth the reasons for the leave, the anticipated start date of the leave, the anticipated duration of the leave, or the anticipated

schedule for medical treatment. Additionally, all leave requests should be made in writing.

If the need for leave is not foreseeable, and 30 days notice is not possible, notice must be given as soon as practical, and at least verbally, within two days of learning of the need for leave.

Generally, the City requires that leave for medical or family reasons be taken in one consecutive period of time. Under certain circumstances, an employee may take leave intermittently or on a reduced work schedule. If the employee takes intermittent or reduced work schedule leave, the City may temporarily transfer that employee to another position of equivalent pay and benefits in order to better accommodate his/her leave. If the employee requires leave for a regimen of medical treatments, he/she should make a reasonable effort to schedule leave so as to not unduly disrupt the City's operations.

**c. Medical Certification**

Leave requests based on the serious health condition of the employee or the employee's spouse, child or parent must be supported by written medical certification from a health care provider on a form provided by the City. If there is a dispute about the initial medical opinion as to the employee's own serious health condition, the City may require a second opinion by a health care provider of its choice at the City's expense. If a third opinion is necessary, a third health care provider may be selected, also at the City's expense. Failure to provide the required medical certification may result in denial of a request for leave of absence.

All employees returning to work from a medical leave must provide medical certification of their fitness to return to work. All employees requesting a leave extension must provide medical certification of the need for continued leave prior to the expiration of their approved leave. Leaves for a serious health condition that are expected to exceed 30 days require medical certification every 30 days to support the continued need for leave of absence.

**d. Duration of Family and Medical Leaves**

Eligible employees are entitled to up to a cumulative maximum of 12 weeks of family and/or medical leave within a 12-month leave period. The 12-month period is measured backwards from the date an employee's requested family and/or medical leave will begin. Parents who are both employed by the City are entitled to a combined total of 12 weeks leave in a 12-month period for the birth, adoption or foster care placement of their child.

Employees on a workers' compensation leave of absence will be granted leave consistent with the City's obligations under workers' compensation law. If the

employee's work-related injury also meets the criteria of a serious health condition, the absence will be counted against an employee's family and medical leave entitlement.

Employees disabled due to pregnancy/maternity related conditions may be entitled to additional leave. Pregnancy/maternity disability leave is discussed in section 4.9 of the Personnel Rules and Regulations.

**e. Compensation and Benefits During Leave**

Generally, family and/or medical leave is unpaid. Employees taking leave of absence exceeding three days duration due to their own serious health condition must use accrued paid leave. At employee's request, and upon City approval, the employee may also use accrued benefits to care for a spouse, child or parent with a serious health condition. Once an employee exhausts available benefits, accrued Annual Leave must be used to extend compensation during the family/medical leave.

Employees taking a leave of absence for the birth and care of a newborn child or placement and initial care of an adopted or foster care child must use accrued Annual Leave.

It is the responsibility of the employee on medical leave to apply for State Disability Insurance (SDI) benefits, workers' compensation benefits or other disability benefits, as may be applicable. These benefits will be coordinated with any accrued paid leave benefits from the City.

The use of Annual Leave does not extend the length of the leave, but merely provides a means to continue compensation to the extent accrued paid leave benefits exist. Length of service credits and Annual Leave will continue to accrue only during the paid portion of a family or medical leave.

The City will maintain medical, dental and vision insurance benefits for eligible employees during a medical leave, family leave or pregnancy leave combined with a bonding leave up to a maximum of 12 weeks per leave year under the same conditions as coverage would have been provided if the employee had been continuously employed during the leave period.

If an employee fails to return to work following an approved family or medical leave for a period of at least 30 days, the employee must repay to the City the cost of insurance premiums paid by the City during any unpaid portion of leave, unless the employee's failure to return is related to a serious health condition or is due to other circumstances beyond the employee's control.

**f. Return to Work**

All employees returning from a medical leave must provide medical certification of their fitness to return to work at least five (5) business days prior to their scheduled return date.

Upon return from an approved family or medical leave of less than 12 weeks duration, the employee will be reinstated in his or her same position or one that is equivalent in pay, benefits and terms and conditions of employment if the prior position has ceased to exist. If the employee's position or an equivalent one is unavailable at the end of leave, the employee will be offered an available job for which the employee is, without cause, qualified. If no such position is available, the employee will be terminated consistent with the City's obligations under any other applicable law. Reinstatement may be denied to certain key employees, if necessary for City operations.

Employees who do not return to work after taking the maximum amount of leave will be considered to have resigned, unless the employee obtains approval to extend the leave prior to his or her planned return date. If an employee extends his or her leave of absence, it may not be possible to guarantee reinstatement. Acceptance of other employment during a family and/or medical leave will be considered a voluntary resignation.

#### **4.4 Bereavement Leave**

Full-time employees are eligible for a maximum of three (3) days bereavement leave in the event of the death of a member of the employee's immediate family. For purposes of bereavement leave, immediate family includes spouse, children, parents, brothers, sisters, parents-in-law, grandparents, and grandchildren.

#### **4.5 Management Leave**

In recognition of the additional hours worked by exempt employees, the City will provide each full-time, exempt employee with eighty (80) hours of Management Leave at the beginning of each fiscal year. Employees may cash-out up to fifty percent (50%) of their Management Leave in the month of June and in the month of December. With the approval of the City Manager up to forty (40) hours of Management Leave may be carried over to the following fiscal year. Eligible employees who are hired or promoted to an exempt position mid-year will be granted a prorated portion of the Management Leave based on their date of hire.

#### **4.6 Leaves for Regular Part-time Employees**

For part-time employees who work 20 hours or more and who are assigned to regularly allocated positions, the above leaves will be granted consistent with the part-time employee's benefit tier.

#### **4.7 Leaves of Absence**

##### **a. Attendance**

Employees shall be in attendance at their work location in accordance with the rules regarding hours of work, holidays and leaves. All departments shall keep attendance records of employees which shall be reported to the Human Resources Officer at the time and in the manner he/she specifies. Failure on the part of an employee to return to duty within 24 hours after notice to return may be considered a voluntary resignation, and such employee automatically waives all rights under the Personnel Ordinance and these Rules. The depositing of a postage-paid, first class letter in the United States mail addressed to the employee's last known place of residence shall be reasonable notice. Such a voluntary resignation may be rescinded by the Human Resources Officer if the employee presents satisfactory reasons for his/her absence within three (3) days of the effective date of his/her resignation.

##### **b. Military Leave**

Military leave shall be granted in accordance with the provisions of Chapter 7, Division 2, Part 1, of the California Military and Veteran's Code. All employees entitled to military leave shall give the appointing authority an opportunity within the limits of military regulations to determine when such leave shall be taken.

##### **c. Leaves of Absence without Pay**

The City Manager may grant a regular or probationary employee a leave of absence without pay or seniority, not to exceed three (3) months. After three months, the leave of absence may be extended, if authorized. No such leave shall be granted except upon written request of the employee setting forth the reason for the request, and such approval shall be made in writing. Upon expiration of a regularly approved leave or within a reasonable period of time after notice to return to duty, the employee shall be reinstated in the position held at the time the leave was granted. Failure on the part of an employee on leave to report promptly after the leave has expired or within a reasonable time after notice to return to duty shall be cause for discharge. The depositing of a postage-paid, first class letter in the United States mail addressed to the employee's last known place of residence shall be reasonable notice.

Department Managers may grant a regular or probationary employee leave of absence without pay for a period not to exceed one calendar week. Such leaves shall be reported to the Human Resources Officer.

##### **d. Jury Duty/Court Testimony**

Any regular or probationary full-time employee of the City who is called as a witness due to the course and scope of City employment or is required to serve as a trial juror shall be entitled to be absent from his/her duties with the City during the period of such service. During these periods of service, the employee shall receive full compensation up to a maximum of four (4) weeks. Any additional compensation received, except mileage reimbursement, from the court will be submitted to the Director of Finance and will be included as a credit toward total remuneration. On any day the employee is not required to serve on jury duty, not required to be physically present or is relieved for the day, the employee will be expected to be at the work place unless there is one hour or less left in the work day.

#### **4.8 Pregnancy Disability/Maternity Leave**

Employees disabled due to pregnancy, childbirth or related medical conditions are entitled to a leave of absence for the time they are disabled up to a maximum of four months. Employees are eligible for pregnancy disability leave upon hire. Full-time employees who have worked for the City for more than one year are eligible for additional maternity leave benefits that are not dependent upon disability.

##### **a. Leave Request Procedure**

The leave request procedure for a pregnancy disability/maternity leave is the same as described in subsection b of Section 4.4 regarding family and medical leave. Failure to comply with the notice requirement may result in deferral of the requested leave until such time as the employee complies with the notice provisions.

##### **b. Medical Certification**

An employee is required to provide written medical certification of disability. If the employee's condition meets the requirements of a serious health condition, the certification provided for family medical leave is sufficient.

##### **c. Duration of Pregnancy Disability/Maternity Leave**

For part-time employees who worked less than 1,250 hours in the prior year and for employees who have been employed for less than one year, the length of leave is a cumulative maximum of four months' disability leave for each pregnancy. These employees are ineligible for non-disability related maternity leave.

For full-time employees who have worked for more than one year, the maximum combined length of pregnancy disability and maternity leave is 6 months for each pregnancy. If the employee also is eligible for family medical leave, those leave benefits will be coordinated with the pregnancy

disability/maternity leave and may operate to extend the total period of leave time.

**d. Accommodation of Pregnancy-Related Disabilities**

If an employee's physician advises that she is no longer able to perform her usual duties, the employee may request a temporary transfer to a less strenuous or hazardous position for the duration of her pregnancy. If there is another available position for which the employee is qualified, and no person would be displaced by the employee's transfer, the City will provide this reasonable accommodation.

**e. Compensation and Benefits During Leave**

Generally, pregnancy disability/maternity leaves are unpaid. Employees taking pregnancy disability leave exceeding three days duration must use accrued Annual Leave.

It is the responsibility of the employee on medical leave to apply for State Disability Insurance (SDI) benefits, workers' compensation benefits, or other disability benefits, as may be applicable. These benefits will be coordinated with any accrued paid leave benefits from the City.

The use of Annual Leave does not extend the length of the leave, but merely provides a means to continue compensation to the extent accrued paid leave benefits exist. Length of service credits and Annual Leave will continue to accrue only during the paid portion of a pregnancy disability/maternity leave.

For full-time employees with at least one year of service with the City, the City will maintain all health-related insurance benefits for eligible employees during a pregnancy disability/maternity leave, up to a maximum of 6 months per leave under the same conditions as coverage would have been provided if the employee had been continuously employed during the leave period. If the employee is eligible for family medical leave, these benefits will be coordinated and will run concurrently.

For full-time employees with less than one year of service with the City, and for part-time employees who regularly work at least 20 hours per week, the City will maintain all health-related insurance benefits for eligible employees during a pregnancy disability/maternity leave, up to a maximum of 3 months per leave under the same conditions as coverage would have been provided if the employee had been continuously employed during the leave period. If the employee is eligible for family medical leave, these benefits will be coordinated and will run concurrently.



If an employee fails to return to work following an approved pregnancy disability/maternity leave for a period of at least 30 days, the employee must repay to the City the cost of insurance premiums paid by the City during any unpaid portion of leave, unless the employee's failure to return is related to a serious health condition or is due to other circumstances beyond the employee's control.

**f. Return to Work**

All employees returning from a pregnancy disability/maternity leave must provide medical certification of their fitness to return to work at least two business days prior to their scheduled return date.

Upon return from an approved pregnancy disability/maternity leave of less than 6 months, the employee will be reinstated to her same position, unless legitimate business reasons prevent reinstatement. If the employee cannot be reinstated to her prior position, the employee will be placed in a comparable position if one is available and if the employee is qualified for the position. If no such position is available, the employee will be terminated consistent with the City's obligations under any other applicable law. (Employees returning from a family portion of leave are governed by the family medical leave policy in Section 4.4.)

Employees who do not return to work after taking the maximum amount of leave will be considered to have resigned, unless the employee obtains approval to extend the leave prior to his or her planned return date. If an employee extends her leave of absence, it may not be possible to guarantee reinstatement. Acceptance of other employment during a pregnancy disability/maternity leave will be considered a voluntary resignation.

## **CHAPTER 5 - APPOINTMENT, PROBATIONARY PERIOD, TRANSFER, PROMOTION, DEMOTION, REINSTATEMENT, AND PROVISIONAL APPOINTMENT**

### **5.1 Appointment**

Appointments to vacant positions in the competitive service shall be in accordance with the merit and fair employment principle (Section 1.6). Appointments and promotions shall be based on merit and fitness to be ascertained by selection techniques which will test fairly the qualifications of candidates. Examinations, such as written tests, personal interviews, performance tests, physical agility tests, evaluation of daily work performance, work samples, or any combination of these or other tests, may be used and conducted to aid in the selection of qualified employees. The probationary period shall be considered an extension of the examination process. Physical, medical and psychological tests may be given as part of the examination process. In any examination, the Human Resources Officer may include, in addition to competitive tests, a qualifying test or tests and set minimum standards thereof.

All appointments shall be made consistent with provisions in the City Municipal Code.

If sufficient qualified applicants exist at the conclusion of an examination process, the Human Resources Officer may establish an employment list from which to make future appointments. Employment lists shall remain in effect for six (6) months, unless exhausted or abolished by the Human Resources Officer. Such lists may be extended for additional periods prior to their expiration dates by action of the Human Resources Officer.

### **5.2 Probationary Period**

#### **a. Objective of Probationary Period**

The probationary period shall be regarded as a part of the examination process. During the probationary period, the employee's work performance shall be closely observed and evaluated to determine the capability of the new employee in his/her position. This will also be a period of time to provide an effective orientation for the employee, educating him/her in prevailing management attitudes, policies and procedures, and training him/her in the tasks associated with the assignment.

#### **b. Regular Appointment Following Probationary Period**

All original and promotional appointments shall be tentative and subject to a probationary period of twelve (12) months of actual service. The Human Resources Officer shall notify the Department Manager and the probationer

concerned at least two (2) weeks prior to the termination of any probationary period. If the performance of the probationary employee has been satisfactory to the Department Manager, the Department Manager shall file with the Human Resources Officer a statement in writing that such employee has successfully completed probation. If the performance of the probationary employee has not been satisfactory to the Department Manager, the Department Manager shall file with the Human Resources Officer a statement in writing that such employee has not satisfactorily completed probation and his/her employment shall be terminated no later than the expiration of the probationary period. Failure to file a performance report within the time period specified will not mean the employee has successfully passed probation.

**c. Termination of a Probationer**

During the probationary period, an employee may be terminated at any time upon the recommendation of the Department Manager and approval by the Appointing Authority, without cause and without right of appeal. Notification of termination in writing shall be served on the probationer and a copy filed with the Human Resources Officer.

**d. Extension of Probationary Period**

Upon recommendation from a Department Manager and approval by the Appointing Authority and Human Resources Officer, the probationary period may be extended for a period not to exceed six months. Under no circumstances shall any employee's probation, subject to these Rules, be extended more than six months.

**e. Failure to Successfully Complete Probation Following Promotion**

Any employee who has not successfully completed the probationary period following a promotional appointment shall be reinstated in the position from which he/she was promoted if a vacancy exists, unless charges are filed and he/she is discharged in the manner provided in these Rules for positions in the competitive service. If no vacancy exists, the employee may be terminated from City service.

**5.3 Transfer**

No person shall be transferred to a position for which he/she does not possess the minimum qualifications. Upon recommendation by the Department Manager and approval of the appointing authority and Human Resources Officer, an employee may be transferred at any time from one position to another position in a comparable class. For transfer purposes, a comparable class is one with the same or similar maximum salary,

involves the performance of similar duties and/or requires substantially the same basic qualifications.

If the transfer involves a change from one department to another, both Department Managers must consent unless the City Manager orders the transfer for purposes of economy and efficiency. Transfer shall not be used to effectuate a promotion, demotion, advancement, or reduction, each of which may be accomplished only as provided in these Rules.

An employee who transfers to another position will serve an additional probationary period in the new position. If the employee is in a probationary status at the time of the transfer and has served six (6) months or less of the probationary period, the probationary period in the new position will be one (1) year. If the employee has completed his/her probationary period in the current position or has served at least six (6) months of the probationary period, the probationary period due to the transfer will be an additional six (6) months.

#### **5.4 Promotion**

When in the best interests of the City, vacancies in the competitive service may be filled by promotion from within the competitive service, after a promotional examination has been given and promotional list established. The Human Resources Officer will determine, after consultation with the affected Department Manager, whether a promotional or open competitive examination would best meet the needs of the City.

#### **5.5 Demotion**

The appointing authority may demote an employee whose ability to perform his/her required duties falls below standard, or for disciplinary purposes. Also upon request of the employee, and with the consent of the appointing authority, demotion may be made to a vacant position. No employee shall be demoted to a position for which he/she does not possess the minimum qualifications. Written notice of the demotion shall be given to the employee and a copy filed with the Human Resources Officer.

#### **5.6 Reinstatement**

With the approval of the appointing authority and the Human Resources Officer, a regular employee or a newly promoted probationary employee who has completed probationary service in another classification and who has resigned with a good record may be reinstated within one (1) year of the effective date of resignation to a vacant position in the same or comparable class, without being required to undergo an additional qualifying examination. Upon reinstatement, the employee shall be subject to the probationary period prescribed for the class. No credit for former employment shall be granted in computing salary, leaves or other benefits. A comparable classification is one with the same or similar maximum salary, involves the performance of similar duties and/or requires substantially the same basic qualifications.

## **5.7 Provisional Appointment**

In the absence of there being names of individuals willing to accept appointment from appropriate employment lists, a provisional appointment may be made by the Appointing Authority of a person meeting the minimum qualifications for the position. A provisional employee may be removed at any time without the right of appeal or hearing. A provisional employee's service shall be terminated at the time of a probationary or at-will appointment. Provisional appointments shall not be made for less than thirty (30) working days or more than six (6) months unless the City Manager specifically approves a different time period. A provisional appointment can be extended an additional six (6) months if warranted by extenuating circumstances. The Human Resources Officer will determine the benefits received by a provisionally appointed employee.

## **CHAPTER 6 - CONDUCT AND DISCIPLINE**

### **6.1 Employee Conduct**

It is expected that all City employees shall render the best possible service and reflect credit on the City; therefore high standards of conduct are essential.

### **6.2 Improper Employee Conduct**

The term "improper conduct" means not only any improper action by an employee in the employee's official capacity, but also conduct by an employee not connected with the employee's official duties which brings discredit to the City, or which affects the ability to perform the employee's duties officially, or any improper use of the position as an employee for personal advantage. Improper conduct may be cause for disciplinary action. The extent of the disciplinary action taken shall be commensurate with the offense; however the prior employment history of the employee may also be considered pertinent. In addition to the above statements, improper conduct includes, but is not limited to, the following:

- a. Violation of the Personnel Ordinance, these Rules, or City policies;
- b. Violation of any Department rules or policies;
- c. Any act of insubordination or act detrimental to the public service of the City, or any City departmental policy or failure to adhere to or follow Policies and Rules;
- d. Refusal or inability to comply with the duties of the position occupied by the employee, or any other type of misfeasance, malfeasance or nonfeasance relating to the employee's duties, office or position.

All full-time City employees accused of improper conduct have a right to see and examine charges and/or allegations made against them and are entitled to prepare an appropriate response.

### **6.3 Range of Disciplinary Action**

The types of disciplinary actions included under this Rule are Verbal or Written Reprimand, Suspension Without Pay, Reduction in Pay, Involuntary Demotion, and Discharge. For each type of disciplinary action, certain steps and due process procedures must be followed. A supervisor or Department Manager who is considering a disciplinary action should discuss the circumstances of the situation with the Human Resources Officer before taking any action unless the particular situation requires immediate action.

#### **a. Verbal or Written Reprimand**

When the Department Manager or immediate supervisor determines more severe action is not immediately necessary, he/she may verbally, or in writing, communicate to the employee the deficiency or problem observed. In the case of a verbal reprimand, the Department Manager or supervisor shall document the meeting and matters discussed by memorandum, which is initialed by the employee. If the reprimand is put in writing, a copy is provided to the Human Resources Officer for the employee's personnel file after being signed by and a copy given to the employee. Refusal to sign shall be noted before filing. Failure to correct deficiencies and improve to meet standards may result in further discipline including suspension, reduction in pay, involuntary demotion, and discharge.

**b. Suspension Without Pay**

An employee may be suspended for cause and without pay for up to thirty (30) calendar days after the appropriate disciplinary proceedings. The Department Manager may authorize immediate suspensions in an emergency situation or when the seriousness of a matter warrants.

**c. Reduction in Pay**

The employee's pay may be reduced for cause to a lower step or range as a disciplinary action.

**d. Involuntary Demotion**

An employee may be demoted to a classification, having an overall lower salary range, for which the employee is qualified, for cause as a disciplinary action.

**e. Discharge**

An employee may be discharged for cause. Regular employees shall be discharged only after appropriate disciplinary proceedings, except in an emergency situation or serious incident. An employee may be suspended with pay immediately, as provided above, pending the proper disciplinary process.

**6.4 Disciplinary Procedures**

**a. Written Notice of Proposed Disciplinary Action**

When a regular permanent employee of the competitive service is to be suspended, demoted, reduced in pay, or discharged for reasonable cause, written notice of the proposed disciplinary action shall be given to the employee. Such notice shall include a statement of the proposed action, the charge(s) on which the proposed action is based, a summary of the facts

supporting the charges, and notification that the employee is entitled to respond to the charges. Attached to the notice will be copies of the relevant written materials, written reports and/or documents relied upon for the recommended disciplinary action.

**b. Pre-Disciplinary (Skelly) Meeting**

Prior to implementation of the proposed disciplinary action, the employee shall have a right to file a written response to the above charges, or request the right to make an oral response within the time frame described in the written notice of proposed disciplinary action. The employee is entitled to representation during this meeting.

**c. Notice of Decision**

Following receipt and consideration of the written response or facts stated at the predisciplinary meeting, or following no response by the required date, the Department Manager shall prepare a notice of the action to be taken and the effective date. The notice shall be delivered to the employee and a copy filed with the Human Resources Officer before the effective date.

**6.5 Right of Appeal**

When formal disciplinary action has been taken in the form of a suspension, demotion, reduction, or discharge, and the employee has received written notification of the proposed action, the employee shall have the right to appeal to the City Manager. The appeal shall be presented to the City Manager within ten (10) working days following the employee's receipt of the Department Manager's written notice of discipline. All disciplinary appeals shall be in writing and shall be signed by the employee. Failure to appeal by the employee or his/her representative will make the action by the Department Manager final and conclusive.

The City Manager may hear the appeal personally, or may refer the appeal to a Hearing Officer for hearing and advisory recommendation, with the exception that all discharge appeals shall be referred to a Hearing Officer for an advisory recommendation.

If the City Manager hears the matter, he/she shall do so within thirty (30) days from the date of the receipt of the appeal. After due consideration, the City Manager shall give his/her written final decision to the employee.

If a Hearing Officer hears the matter, he/she shall provide the City Manager within an advisory recommendation within thirty (30) days of the hearing. The advisory recommendation shall set forth which charges, if any, the Hearing Officer feels are sustained and the reasons therefor.



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After receiving the recommendation of the Hearing Officer, the City Manager may sustain or reject any or all of the charges filed against the employee. He/she may sustain, reject or modify the disciplinary action invoked against the employee.

## **CHAPTER 7 - COMPLAINT AND GRIEVANCE PROCEDURES**

### **7.1 Complaint Procedure**

#### **a. Purpose**

The purpose of this procedure is to enhance communications between employees and supervisors and management by providing employees an informal process for the discussion and review of complaints or concerns not covered by the grievance procedure within a reasonable time period without jeopardizing employees' positions or employment.

#### **b. Procedure**

Any complaint or concern not covered by the grievance procedure shall be resolved as follows:

- 1) The employee shall first discuss the matter with his or her immediate supervisor within five (5) working days from the date the employee had notice of the action which prompted the concern or complaint.
- 2) In the event that the immediate supervisor does not resolve the matter to the employee's satisfaction within ten (10) working days of the employee's presentation of the matter, then the employee may bring the matter to the attention of his/her Department Manager within ten (10) working days of the receipt of the response from the immediate supervisor.
- 3) If the Department Manager does not resolve the matter to the employee's satisfaction within ten (10) working days of the employee's presentation of the matter then the employee may bring the matter in writing to the attention of the Human Resources Officer, within ten (10) working days of receiving a response. The decision of the Human Resources Officer is final.

### **7.2 Grievance Procedure**

#### **a. Purpose**

The purpose of the grievance procedure is to enhance communications between employees and employer by providing a fair and impartial review and consideration of grievances within a reasonable time period and at the

level closest to their point of origin, without jeopardizing employee's position or employment.

**b. Matters Subject to the Grievance Procedure**

A grievance may be filed claiming that the City has violated, misinterpreted or misapplied an obligation to the employee as such obligation is expressed and written in the City Personnel Ordinance, these and other Regulations, or a City policy. Disciplinary actions, lay off, the content of performance evaluations, rejection from probation, and merit increases are not subject to the grievance procedure. Additional matters not subject to the grievance procedure may include, but are not limited to, compensation, work methods, equipment, hours of work, services provided, staffing levels, and allocation to classifications.

**c. Procedure**

**1) Informal Grievance Adjustment**

The employee shall inform the immediate supervisor orally of the grievance and relevant facts with five (5) days after the employee knew, or in the exercise of reasonable diligence should have known, of the events giving rise to the grievance. The immediate supervisor shall make whatever investigation he/she deems necessary and reply with five (5) working days. Any matters for which he/she does not have authority to make a decision should be brought to the attention of a higher level supervisor who does have the proper authority. The appropriate Department Manager and the Human Resources Officer shall be informed about all grievances in the informal process.

If the employee is not satisfied with the decision reached through the informal discussion, and/or some other extenuating circumstances exist, he/she may bring the matter to the attention of the next level of authority. If the employee is still not satisfied with the decision, he/she may file a formal grievance within five (5) working days after having received the reply.

**2) Formal Grievance Procedure**

- i. If the grievance is not resolved informally, the employee shall, within five (5) working days file a formal grievance in writing to their Department Manager, with a copy to the Human Resources Officer. The written grievance shall include a citation of the sections of the Personnel Ordinance, Policy or Rules alleged to have been violated and the remedy sought by the employee. The Department Manager will make whatever investigation he/she deems necessary

to allow fair consideration of the situation, and shall present a written reply to the employee with ten (10) working days after receipt of the grievance. A copy of the reply shall be forwarded to the Human Resources Officer.

- ii. If the employee is not satisfied with the decision of his/her Department Manager, he/she may file a written appeal to the Human Resources Officer within five (5) working days after having received the reply of his/her Department Manager, unless the Human Resources Officer is also the employee's Department Manager, in which event the appeal shall be filed with the City Manager within ten (10) working days. The Human Resources Officer (or the City Manager, should circumstances so dictate) shall make a written decision within ten (10) working days which shall be final and binding on all parties.

### **7.3 General Provisions**

- a. The Human Resources Officer shall receive and retain copies of all written materials pertaining to grievances which will be filed separately from personnel files.
- b. At any step of the informal grievance adjustment or formal grievance procedure, a Department Manager, supervisor, or employee may request a representative of the Human Resources Officer to participate in any discussions which may take place.
- c. Grievances may be initiated only by the concerned employee.
- d. Failure at any step of this procedure to communicate the decision on the grievance within specified time limits shall permit the aggrieved employee to proceed to the next step.
- e. Failure at any step of this procedure to appeal a decision on a grievance within specified time limits shall be deemed acceptance of the decision rendered.
- f. The time limits specified at any step in this procedure may be extended by mutual written agreement of all parties.
- g. Reasonable time off without loss of pay shall be given to an employee who has a complaint or grievance and to his/her representative in order to participate in meetings with management that are part of the complaint or grievance procedures.
- h. No retribution or prejudice shall be suffered by employees making use of the grievance or complaint procedures.

## **CHAPTER 8 - SEPARATION FROM SERVICE**

### **8.1 Discharge**

An employee in the competitive service may be discharged at any time by the appointing authority for cause. Whenever it is the intention of a Department Manager to discharge an employee, the Human Resources Officer shall be notified. Disciplinary discharge action shall be taken in accordance with Chapter 6 of these Rules.

### **8.2 Resignation**

An employee wishing to leave City employment in good standing shall file a written resignation with his/her Department Manager, stating the effective date and reasons for leaving at least two (2) weeks before leaving the service. Such time limit may be waived by the Department Manager if the employee furnishes evidence that such notice would result in unreasonable hardship or loss of opportunity. A statement as to the resigned employee's service performance and other pertinent information shall be forwarded to the Human Resources Officer. Failure to give notice as required by this Rule may be cause for denying future employment by the City. An exit interview shall be conducted by the Human Resources Officer or designee.

### **8.3 Layoff**

An employee may be laid off because of either the abolishment of his/her position or a determination by the City that there is a shortage of work or funds. The City Manager shall determine when and in what position classifications layoffs are to occur. An employee holding a position which is abolished or for which there is a shortage of work or funds, may be laid off without the right of appeal.

The order of layoff of employees shall be established by the Human Resources Officer on the recommendation of the Department Manager involved. The Department Manager shall take into consideration the job performance and length of service of employees in preparing a recommended layoff list, provided that no regular or probationary employee shall be laid off from his/her position in any department while any emergency, temporary, or provisional employee is serving in the same class within the department. The City shall attempt to give employees to be laid off at least fourteen (14) days' prior notice.

## **CHAPTER 9 -MISCELLANEOUS POLICIES**

### **9.1 Non-Discrimination Policy**

No person in the competitive service, or seeking admission thereto, shall be employed, promoted, demoted, or discharged, or in any way favored or discriminated against because of political opinions or affiliations, race, color, ancestry, national origin, religious creed, sex, age, disability, or because of the exercise of his/her rights as prescribed in the Government Code.

### **9.2 Harassment Policy**

Conduct which constitutes harassment of an employee on the basis of age, race, color, national origin, ancestry, religious belief or affiliation, political belief or affiliation, medical condition, physical or mental disability, sex, sexual orientation, or marital status will not be condoned or tolerated. All City officials, managers, supervisors, and employees who violate this policy may be subject to disciplinary action, up to and including dismissal and/or censure.

### **9.3 Political Activities of Public Employees**

Employees may not solicit political funds or contributions from other employees, nor may employees participate in political activities while in any uniform or conducting City business. Also, candidates for City office and City officials may not use or threaten to use political authority or influence over employees. The purpose of these restrictions is to keep the City employee's job free from improper political coercion or influence.