

HUMAN RESOURCE GUIDELINES

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SECTION 1 - INTRODUCTION AND GENERAL PROVISIONS

1.01 Purpose

This manual is designed to outline the benefits, rules, and important personnel policies that govern employment with the City of Calabasas. This manual is designed as a guide to ensure consistent, fair, and uniform treatment of all City employees. This manual is not an employment contract nor a legal document.

The policies and procedures contained in this manual supersede any and all previously issued City policies, procedures, rules or instructions related to matters discussed herein.

Circumstances may require that policies, procedures, and benefits described in this manual change from time to time. Consequently, the City reserves the right to amend, supplement or rescind any provisions of this manual as it deems appropriate.

Employees will be advised of changes in policies, benefits, and procedures.

Nothing in this manual shall be deemed to supersede applicable state or federal law or administrative regulations related to personnel matters.

1.02 Authority

The City Council of the City of Calabasas has approved the provisions of this manual. The City Council must approve all additions, amendments and revisions to the personnel policies and procedures contained in this manual.

1.03 Administration

The City Manager is responsible for implementing, administering, and ensuring compliance with the provisions of this manual. In the event any provision of this manual needs clarification, the City Manager may issue administrative instructions clarifying the intent of said provision as adopted by the City Council. The City Manager may develop and issue procedures, consistent with this manual to facilitate the manual's implementation and may alter the provisions contained herein, if necessary.

1.04 Delegation of Responsibility

The City Manager may, at his or her discretion, delegate the responsibilities assigned in this manual as he or she may deem appropriate and necessary.

1.05 *Distribution of Manual*

Each current employee will receive a copy of this manual. New employees will be given a copy of the manual at the time of employment with the City.

SECTION 2 - DEFINITION OF TERMS

The following definitions shall apply throughout this manual unless the context requires another meaning.

2.01 Appointment Date

The date upon which an employee appears on the payroll as an employee due to original appointment.

2.02 Applicant

A person who has filed an application for employment with the City.

2.03 Appointment

The offer to and acceptance by a person of a position in City service.

2.04 City

The City of Calabasas.

2.05 City Council

The City Council of Calabasas.

2.06 City Manager

The City Manager of Calabasas.

2.07 Code

The Municipal Code of the City of Calabasas, California, being the systematic compilation of effective ordinances of the City.

2.08 Compensatory Time Off

Paid time off which is earned and accrued by an employee in lieu of immediate cash payment for overtime.

2.09 Day

Calendar day unless otherwise noted.

2.10 Demotion

The movement of an employee from one position to another position having a lesser rate of pay.

2.11 Department Head

The individual who is designated the administrative head of a department and acts as the appointing authority.

2.12 Dismissal

The termination of employment for cause by the appointing authority.

2.13 Employee

Any official or person holding a position in City service.

2.14 Employment Standards

The general qualifications prescribed for the selection of an appointee to fill a vacancy.

2.15 Floating Holiday

Two days per fiscal year to be used by an employee at his or her department head's discretion.

2.16 Hourly Employee

A non-exempt employee who regularly works fewer than 20 hours per week, who will not exceed 1000 hours per fiscal year, or who is appointed for a specific, finite period of time.

2.17 Lay Off

Involuntary separation from employment for non-disciplinary reasons including, but not limited to lack of funds, lack of work, abolition of position, reorganization or the reduction or elimination of service levels.

2.18 Lateral Transfer

A change from one position to another in the same or comparable salary range.

2.19 Merit Pay Increase

An increase in pay established in the Compensation Resolution which may be granted to an employee for special meritorious service and/or in conjunction with the employee's annual review.

2.20 Minimum Qualifications

The lowest acceptable degree of skill, education, abilities, experience, and personal and physical characteristics which are prescribed for the selection of an appointee to fill a position vacancy.

2.21 Oral Interview

That part of an examination conducted by a competent board to evaluate the candidate's education, experience, and general qualification pertinent to the position for which examined.

2.22 Overtime Pay

Payment granted to an employee for hours worked in excess of 40 hours per week. For purposes of this section "hours worked" shall include all official City holidays as defined in Section 8.08.

2.23 Overtime Work

Hours worked in excess of 40 hours per week. Hours worked shall not include compensatory time, vacation time and/or sick leave taken.

2.24 Permanent Full-time Employee

An employee who regularly works 40 hours per week and is appointed for an indefinite period of time.

2.25 Position

A specific office or employment provided by the budget, whether occupied or vacant, limited duration or permanent, calling for the performance of certain duties as defined in a job specification.

2.26 Probationary Employees

Permanent full-time employees who are within their initial probationary period. Such employees are on a trial basis for the purpose of assessing their ability to perform assigned tasks. Such employment may be terminated at any time with or without notice or cause during the initial period if deemed appropriate by the City.

2.27 Probationary Period

A one (1) year working test period during which an employee is required to demonstrate capability for the position to which appointed by actual performance of the duties of the position.

2.28 Promotion

The movement of a qualified employee from one position to a vacant position having higher minimum qualifications and a higher maximum rate of pay. General salary adjustments are not considered promotions.

2.29 Promotional Probationary Period

The first six (6) months (or a longer period, as determined by the City Manager) of an employee's service in a promotional position.

2.30 Reclassification

A change in the allocation of an individual position to its appropriate classification based upon a comparative analysis and evaluation of the job content, difficulty, and responsibility. Reclassification may involve raising the position to a higher classification, reducing to a lower classification, or reallocating the position to another classification at the same pay level. Such action shall not be construed as a promotion or demotion.

2.31 Resignation

The voluntary termination of employment of any employee.

2.32 Salary Review Date

The date on which the employee establishes eligibility for salary advancement consideration and performance evaluations. The salary review date is one year and one day from the appointment date.

2.33 Suspension

The temporary removal of an employee from service for a specific period of time, without pay, for disciplinary reasons and for a specified period of time.

2.34 Temporary Position

A position, the duties and duration of which are not permanent in nature.

2.35 Termination

Separation of an employee from employment, whether voluntary or involuntary.

SECTION 3 - POLICIES GOVERNING EMPLOYMENT AND WORKING CONDITIONS

3.01 Equal Employment Opportunity

It is the policy of the City that all persons are entitled to equal employment opportunity and the City does not discriminate against its employees or applicants because of race (including traits historically associated with race such as hair texture and protective hairstyles), color, creed, gender (including gender identity and gender expression), religion (all aspects of religious beliefs, observance or practice, including religious dress or grooming practices), marital status, registered domestic partner status, age, national origin, ancestry, physical or mental disability, medical condition (including HIV and AIDS, cancer or a record or history of cancer, and genetic characteristics), sex, pregnancy, childbirth, or related conditions (including breastfeeding or medical conditions related to breastfeeding), genetic information, sexual identity or sexual orientation, military and veteran status, or any other consideration made unlawful by federal, state, or local laws.

Our equal employment opportunity philosophy applies to all aspects of employment with the City including recruiting, hiring, training, transfer, promotion, job benefits, pay, dismissal, educational assistance, and social and recreational activities.

3.02 Harassment Prevention Policy and Procedure

- (a) The City is committed to preventing all forms of harassment in employment, and to sensitize and educate employees to issues involving harassment in the workplace. The City prohibits all forms of discrimination and harassment in the workplace, at all levels of the organization. The City's harassment prevention policy applies to applicants, employees, volunteers, or persons providing services to the City. An individual's action do not have to rise to the level required to violate applicable local, state, or federal law in order to violate this policy. The City maintains a zero tolerance standard regarding all forms of prohibited discrimination and harassment.

This policy defines prohibited harassment and establishes procedures for reporting, investigating, and resolving complaints of harassment. A person who is determined to have harassed another person while pursuing a City activity, either on or off duty, may be subject to disciplinary action. An employee found to be retaliating against a complaining employee will be subject to disciplinary action.

(b) Harassment Defined:

Harassment is unwelcome conduct that is based on race (including traits historically associated with race such as hair texture and protective hairstyles), color, creed, gender (including gender identity and gender expression), religion (all aspects of religious beliefs, observance or practice, including religious dress or grooming practices), marital status, registered domestic partner status, age, national origin, ancestry, physical or mental disability, medical condition (including HIV and AIDS, cancer or a record or history of cancer, and genetic characteristics), sex, pregnancy, childbirth, or related conditions (including breastfeeding or medical conditions related to breastfeeding), genetic information, sexual identity or sexual orientation, military and veteran status, or any other consideration made unlawful by federal, state, or local laws. All such harassment is prohibited by this policy.

Harassment becomes unlawful when 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

The City's policies also prohibit harassment against individuals in retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding or lawsuit, or opposing employment practices that they reasonably believe discriminate against individuals, in violation of this policy or as prohibited by applicable federal, state, or local laws.

Harassment can consist of any form or combination of verbal, physical, visual, or environmental conduct. It need not be explicit nor even specifically directed at the person complaining of mistreatment. Harassing conduct can occur between people of same or opposite gender.

- (1) Verbal harassment includes, but is not limited to, derogatory comments communicated to the employee on one or more of the bases listed above.
- (2) Physical harassment includes, but is not limited to, assaulting, impeding or blocking movement, or any physical interference with normal work or movement of the employee when directed at the employee on one or more of the bases listed above.
- (3) Visual forms of harassment includes, but is not limited to, derogatory posters, notices, bulletins, cartoons, or drawings on one or more of the bases listed above.

- (4) Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature directed at an employee which is presented as a condition upon an employment benefit, unreasonably interferes with an individual's work performance or creates a work environment that is offensive to the employee, or sex stereotyping (when a person perceives a man to be unduly effeminate or a woman to be unduly masculine and harasses or discriminates against the person because he or she does not fit the stereotype of being male or female).
 - (5) Retaliation includes disciplinary or adverse employment related conduct undertaken against a person who reports harassment pursuant to the policy or otherwise.
- (c) The Complaint Procedure is as follows:
- (1) An employee who believes he or she has been harassed may report the harassment to his or her immediate supervisor, any department head or supervisor within or outside the department with whom the employee feels comfortable, a Human Resources representative, or the City Manager. If the City Manager is the subject of the complaint, the employee may report the harassment to a Human Resources representative or the Mayor, who shall direct the matter to the Administrative Services Manager.
 - (2) An employee who believes he or she has been harassed may report the complaint orally, or file a written complaint with the immediate supervisor, any department head or supervisor within or outside the department with whom the employee feels comfortable, a Human Resources representative, or the City Manager.
 - (3) All employees, supervisors, and department heads are expected to treat any complaint immediately, seriously, and confidentially, and to give the investigation priority.
- (d) Any person receiving a complaint of harassment shall immediately notify the City Manager. The City Manager shall expediently investigate, or cause to be investigated, all complaints of harassment through a qualified individual, in an effective, thorough, and objective manner that provides all parties appropriate due process and reaches reasonable conclusions based on the evidence collected. Department heads and supervisors shall make available any employee for interviews and present any documents required by the investigator. If the City Manager is the subject of the complaint, the City Attorney shall investigate, or cause to be investigated, the matter, under the direct supervision of the Mayor.

- (e) A person deemed responsible for violating this policy will be subject to appropriate disciplinary action, up to and including termination. After reviewing the findings of the investigation, and in such circumstances, the department head and/or Human Resources will commence appropriate discipline in accordance with the Disciplinary Procedures, as contained in this manual.
- (f) Responsibilities of involved parties include:
 - (1) Management, at all levels, is responsible for:
 - (a) Explaining the complaint procedures to a complainant;
 - (b) Making employees aware of the City's policy and obtaining additional information on the subject for them;
 - (c) Immediately reporting complaints as they occur by contacting Human Resources or the City Manager;
 - (d) Making the employee aware that Human Resources will be notified of the complaint.
 - (e) Taking reasonable steps to protect the complainant from any retaliation.
 - (f) Taking all reasonable steps to maintain confidentiality.
 - (2) Human Resources shall maintain a file on all charges of harassment.
 - (3) Human Resources shall keep the employees informed of the status and results of the investigation, to the extent permitted by privacy considerations of the complainant, the alleged harasser, and the witnesses.
- (g) All personnel shall maintain confidentiality about complaints in order to protect the parties involved, and information shall not be disclosed other than to assist in the investigation.

In addition to the City's internal complaint procedure, employees should also be aware that the federal Equal Employment Opportunity Commission (EEOC) and the state's Civil Rights Department (CRD) investigates complaints of unlawful harassment in the workplace. Employees who believe they have been unlawfully harassed may file a complaint with these agencies as well. For more information, contact the Human Resources department of the agency directly.

3.03 Outside Employment

- (a) Employees may engage in employment outside City employment, provided that:
 - (1) Written notice is provided in advance to the employee's department head and the City Manager.
 - (2) The employment does not conflict with the employee's work schedules, duties and responsibilities.
 - (3) The employment does not create a conflict of interest or incompatibility with City employment.
 - (4) The employment does not create a detrimental effect upon the employee's work performance with the City.
 - (5) The employment does not involve conducting business during hours of employment with the City.
 - (6) The employee does not use City premises, facilities, equipment, or supplies in his/her outside employment.
 - (7) The employee acknowledges that the City is in no way responsible for the employee's acts or omissions occurring in the course and scope of the outside employment.

- (b) Self-employment is considered outside employment and must meet the same conditions as other outside employment, with the addition of the restriction that the employment does not involve ownership of a private business that is incompatible with the employee's position with the City.

3.04 Conflicts of Interest

- (a) Employees of the City are prohibited from:
 - (1) Engaging in or having any interest in any business, other employment or transaction, or incurring any obligation which conflicts, interferes with, or impairs, or appears to conflict, interfere with, or impair their independent judgment in the discharge of their official duties.
 - (2) Accepting money, favors or other considerations for work they would be required or expected to perform in the regular course of their duties.
 - (3) Accepting gifts, gratuities or favors of any kind from persons, or vendors doing business with the City. The only exception is the acceptance of consumable gifts offered to an entire work group during the holiday season where rejection would damage the spirit in which the gifts were offered.
 - (4) Disclosing confidential information acquired by or made available to them in the course of their employment with the City, or using such information for speculation or personal gain.

- (b) It is the employee's responsibility to disclose and report all potential conflict of interest situations to his/her department head or the City Manager.

3.05 *Employment of Relatives*

- (a) At the time a person is applying for a position in City service, the person must identify any individual who is a close relative employed by the City.
- (b) It is an express finding by the City that a limitation on the employment of relatives, as defined herein is necessary to avoid conflicts of interest, to reduce favoritism or the appearance of favoritism, preventing family conflicts from affecting the workplace, ensuring safety, and efficiency, maintaining public confidence in the fairness of the City's hiring and employment practices, and maintaining employee morale.
- (c) "Close relative" is defined as mother, father, stepmother, stepfather, father-in-law, mother-in-law, husband, wife, child, stepchild, brother, sister, brother-in-law, sister-in-law, aunt, uncle, and cousin. The "organizational unit" will be determined by the City Manager, or in special circumstances, the City Council.
- (d) As of the effective date of this policy, the city shall not hire, either as a full or part time employee or under contract, a close relative of a city official.
- (e) Exception: Part time, seasonal positions (e.g. intern, summer lifeguard, two-week holiday period with Library or Community Services, extra help for a short term (90 days or less) project), whether as an employee or contractor. Any employment or contract under this exception shall be documented in a written memo to the City Council and City Manager and can occur no more than once per expected person in any calendar year.
- (f) The prohibitions of this section 3.05 shall not apply to employees who are currently employed as full or part-time employees or currently under contract prior to the effective date of this rule. However, no such employee who is a close relative of any member of the City Council or the City Manager shall be eligible for transfer, promotion, a change in status from employee to contract or vice-versa, or to obtain a new employment position with the city, if to do so would violate this Rule. Nor shall any current contract with any person who is a close relative of any member of the City Council or City Manager be extended beyond its termination date, when to do so would violate this Rule.

3.06 Political Activity

Consistent with the provisions of Government Code sections 3201-3209, employees may not engage in political activity during working hours, while on City property on which members of the public would not be entitled to engage in political activities, or while in uniform.

- (a) City employees shall not engage in political activity of any kind during working hours. Prohibited activity shall include, but is not limited to, soliciting money, influence, service, or any other valuable thing to aid, promote, or defeat any political committee or the nomination or election of any person to public office, while on the job during working hours. No person shall attempt to coerce, command, or require a person holding, or applying for, any position, office, or employment with the City to influence or give money, service, or other valuable thing to aid, promote, or defeat any political committee, or to aid, promote, or defeat the nomination or election of any person to public office.
- (b) The rights of City employees to register and vote as they choose shall not be infringed. City employees may express their opinions on all political subjects without recourse against them.
- (c) Subject to the foregoing, any City employee may seek appointment or election to any public position, office, or employment for which qualified.

3.07 Alcohol and Controlled Substance Abuse

- (a) The City is committed to providing a work environment that is safe, healthy and free of any adverse effects caused by alcohol or controlled substances. City employees shall not be permitted to possess, distribute, or use alcohol or controlled substances while on duty for the City, on City property, or using City equipment; and are not permitted to perform services while under the influence of those substances.
- (b) For the purpose of enforcing this policy and maintaining a drug and controlled substance free work place, the City reserves the right to search, with or without prior notice to the employee, all work areas and property in which the City maintains full or joint control with the employees, including but not limited to City vehicles, desks, lockers, file cabinets, and bookshelves.

- (c) If a department head has reasonable suspicion that an employee is under the influence of alcohol or a controlled substance while in the work place or subject to duty, the employee may be required to submit to a drug and alcohol analysis provided at the City's expense. "Reasonable suspicion" shall be defined as suspicion that an employee is using or has used drugs or alcohol in violation of this policy based on a specific, objective, articulable, documented facts and reasonable inferences drawn from those facts in light of experience. Such facts and inferences may be based upon but is not limited to direct observation, a pattern of abnormal, erratic or aberrant behavior, or reckless or risky behavior. "Reasonable suspicion" does not require certainty but suspicion based on mere rumor, speculation, or unsubstantiated information of third parties shall not be sufficient to meet this standard.
- (d) Failure to abide by the provisions of this policy shall be grounds for disciplinary action, up to and including termination.

3.08 Americans with Disabilities

- (a) It is the policy of the City to comply with all the relevant and applicable provisions of the Americans with Disabilities Act (ADA). The City will not discriminate against any qualified employee with respect to any terms, privileges, or conditions of employment because of a person's physical or mental disability. The City also will make reasonable accommodations wherever necessary for all employees or applicants with disabilities, provided that the individual is otherwise qualified to safely perform the duties and assignments connected with the job and provided that any accommodations made do not require significant difficulty or expense.
- (b) This policy applies to all areas of employment including recruitment, hiring, training, promotion, compensation, benefits, transfer, and social/recreational programs.
- (c) Any employee who believes that he or she has been discriminated against on the basis of disability should immediately bring the problem to the attention of their department head or Human Resources.

3.09 Appropriate Use of City Computer & Related Equipment and Acceptable Internet and E-mail Use Policy

- (a) Purpose. To provide directives and procedures for the appropriate, lawful business use of City-supplied computer equipment, software, e-mail, and internet access by employees, independent contractors, and volunteers of the City; to control the potential liability related to computer usage in the City and to conform to our requirement for records retention; to ensure the security and reliability of the City's computer hardware and networks and the networks of others; and to enhance the productivity, efficiency and effectiveness of City operations.

- (b) Guidelines. The use of City-supplied computer equipment and software requires the appropriate, efficient, ethical, and legal utilization of City computer hardware and network resources. The use of computer hardware and resources must support the City's objectives and be consistent with the City's mission. Users must abide by the City's policies, administrative directives, procedures, rules, regulations, and guidelines, as well as those of the various departments which are consistent with this policy and which may provide more specific directives to the employees of that department. If a user violates any of the policy's provisions, his or her access to the computer network and use of computer equipment may be denied, and, in the case of City employees, disciplinary action may be taken, up to and including termination.

Users and their supervisors and department heads are responsible for adhering to the provisions of this directive and supervisors and department heads are responsible for monitoring the use of network resources to be consistent with assigned duties and responsibilities.

- (c) The City's networks and computers may be used for business-related purposes only, except as specified in Section 3.09(g) below. Users must abide by all applicable contract provisions as well as federal, state, and local statutes, ordinances, rules and regulations, including, but not limited to, provisions relating to copyright protection. Only City acquired, legally obtained software programs or lawfully acquired software programs approved in writing by the City Manager, or his or her designee, are to be installed and/or used on City computers and all software will be installed and retained only by the Information Technology Division staff. Use of City computer equipment to run other than City-acquired and authorized software is prohibited. City-owned software shall not be copied for personal use.

- (d) Computers and related equipment, other than assigned laptops and telephones, may not be removed from the workplace, or moved to other locations within City facilities, unless approved in writing by the department head and appropriate Information Technology staff.
- (e) The use of City-provided computer equipment and network resources for an individual's participation in, including but not limited to charitable, political or religious purposes, commercial use or profit, employees association/union business, or for outside employment, is prohibited. This includes notices/solicitations for donations. Brief personal use as detailed in Section 3.09(g) below is permitted.
- (f) All City electronic information systems, hardware, software, temporary or permanent files and any related systems or devices created or stored on the City's computers are the property of the City and may, though not necessarily, be subject to public disclosure under the Public Records Act, cooperation with law enforcement or litigation. If disclosure of e-mail messages (or any other data files) should be required under the Public Records Act, cooperation with law enforcement, or other lawful requests (despite the designation of any message as "private" or "confidential"), the City shall not be liable for this disclosure in any way.

These computer systems are provided for official City business. The information in the computer and the employee's use of the computer is subject to the City's review and control. Therefore, the City reserves the right, without notice, to have access to and/or review and/or monitor any user's workstation and all the information stored therein; users should not consider any of the material transmitted via network resources or stored in the City's computer systems to be private or confidential. The City reserves the right to monitor Internet use for each user, including sites visited, and the duration of each visit to assure compliance with this policy. Users shall have no right or expectation of privacy as to any information, data, document, image, record, or file maintained, transmitted, or stored in or on the City's electronic resources.

- (g) The use of City computer equipment for personal purposes, including sending and receiving e-mails and access to the Internet, shall be limited to brief, infrequent usage to deal with personal matters that can only be addressed during the work day. Such personal use shall be conducted in a way to make it clear that the employee is not representing the City. Such use may be made only during the time an employee is relieved from duty, such as during breaks or lunch period. No personal use of City computer equipment shall interfere with the efficient provision of work by an employee. All files and e-mails, even if sent as authorized incidental personal use of the computer, are the property of the City and users can have no expectation of privacy in or ownership of same. Any and all e-mails, files, work product, etc. may be subject to disclosure as public records and review and monitoring by the City. Employees utilizing any City equipment for such personal use are still required to comply with the other provisions of this policy.

- (h) Network accounts are to be accessed only by the authorized user of the account and the system administrator. No employee, including system administrators, other information system support staff, or an independent contractor is allowed to access e-mail or other data files except for purposes related to City business. The confidentiality of passwords and user accounts shall be protected for security purposes. No passwords may be changed without authorization from Information Technology staff. Passwords should never be shared with others. Individual users will be held accountable for the use of their account by others, unless such use occurred through no fault of the user.

- (i) Users are prohibited from transmitting, including forwarding, any inappropriate material on or through any of the City's networks. Inappropriate material includes, but is not limited to, material that:
 - (1) is unlawful or illegal;
 - (2) is pornographic or obscene;
 - (3) is threatening;
 - (4) is abusive;
 - (5) is libelous or defaming;
 - (6) is offensive;
 - (7) encourages or incites conduct that would constitute a criminal offense;
 - (8) violates the City's harassment prevention policies; and/or
 - (9) Could potentially lead to civil and/or criminal liability or adverse publicity for the City, its officers and/or employees.

The City has the sole discretion to determine whether material is inappropriate. The City also reserves the right to remove any inappropriate material from its software/hardware. If you receive an inappropriate e-mail message under these guidelines, you are to contact your department head, Human Resources, or the City Manager.

- (j) Users may not attempt to circumvent user authentication or security of any host, network, or account. This includes, but is not limited to, accessing data not intended for the user, logging into a server or account the user is not expressly authorized to access, or probing the security of other networks. Users may not attempt to interfere with service to any user, host, or network. This includes, but is not limited to, “flooding” of networks, deliberate attempts to overload a service, and/or attempts to “crash” a host. Users may not use any kind of program/script/command, or send messages of any kind, designed to interfere with another user’s session, via any means, locally or by the Internet. Users who violate network security may incur criminal and/or civil liability as well as disciplinary action.
- (k) Employees should use care when sending e-mail messages from City-owned equipment and from City-supplied e-mail addresses. Messages should be polite and professional; care should be taken to ensure that sent messages don’t appear brusque or curt. All communications with the City’s electronic resources should be held to the same professional standards to which City communication in other mediums are held. Such messages, especially when business related, must be thoughtfully drafted with carefully chosen words. This is especially important given the sometimes permanent nature of the information created. Sent messages should not contain any statements or words that the sender would not want made known to others. Any problems should be worked out face-to-face, not through e-mail. As noted in Section 8.09(f), above, the confidentiality of electronic mail cannot be assured. Any communication that needs to remain confidential should not be sent electronically.
- (l) The City retains all emails for two years, per the City’s adopted Records Retention Schedule. City e-mail software (MS Outlook) will retain deleted messages in the “deleted items folder” in accordance with the City of Calabasas Records Retention Schedule.
- (m) Computers and all related equipment are the property of the City of Calabasas and must be treated with care. If you have a problem with computer equipment assigned to you, report the problem promptly to Information Technology Division staff. Do not attempt to resolve network problems, move computer equipment, or fix broken equipment yourself.

- (n) All employees and volunteers are prohibited from accessing the City's Outlook Web Access via the Internet outside of assigned working hours while at home or any other off-site location without express authorization and assistance from appropriate Information Technology staff.
- (o) Written acknowledgment shall be retained by the Human Resources Division of an employee's acceptance of this policy; nevertheless, the failure to provide such written acknowledgment shall not in any way limit the City's ability to enforce this directive.
- (p) All employees must safeguard the City's confidential information, as well as the confidential information of residents, customers, and others held by the City, from unauthorized or improper disclosure. Employees should be careful about accessing new voicemail or e-mail messages with others present. Messages or other computer files containing confidential information should not be left visible while an employee is away from his or her work area. Employees should lock their screen, log out, or shut down before leaving their computers for the day. E-mail messages containing confidential information should include the following statement or its equivalent, in all capital letters, at the top of the message: "CONFIDENTIAL: UNAUTHORIZED USE OR DISCLOSURE IS STRICTLY PROHIBITED." The Information Technology Division staff is available to show employees how to insert this statement automatically into e-mail messages containing confidential information.
- (q) When driving on City business or driving while conducting business on behalf of the City, employees may not utilize cellular telephones (including both personal cell phones and cell phones provided by the City). City employees who need to utilize cellular telephones while operating a motor vehicle should exit the road and turn off their vehicle before making or answering calls. Further, California law prohibits reading or writing any text while you are driving.
- (r) Any violation of the provisions of this policy may result in disciplinary action, pursuant to Section 10.

- (s) Upon termination of City employment, employees shall return any City-issued property, including any electronic devices, computers, or telephones, and shall further make any privately owned electronic devices, computers, or telephones known to have been used by the employee for City business available to the City to confirm the erasure of any City information or data stored on such private device. If employees are permitted to purchase any surplus City-owned electronic devices, computers, or telephones upon the end of their employment, the employee shall make those devices available to the City to confirm the erasure of any City information or data stored on such devices before the purchase may be completed.

SECTION 4 - EMPLOYMENT AND REEMPLOYMENT

4.01 Application Filing

All applications shall be made upon official forms furnished by the City and filed in the Human Resources Office on or before the final filing date specified in the job announcement. All applications and examination papers are confidential records of the City and under no circumstances will they be returned to the applicants or displayed publicly. A separate and complete application for each recruitment must be filed unless specified otherwise in the job announcement.

4.02 Acceptance of Applications

Applications for employment with the City shall not be accepted until a recruitment for a specific position(s) sought has been announced. Applications for temporary appointments and for employment in a temporary capacity pending examinations may be filed as determined by the City Manager or in accordance with the provisions of these rules.

4.03 Verification of Information

The City may require applicants to provide certified copies of affidavits relating to receipt of any diploma, license, or any other accreditation or certification required to meet the requirements.

4.04 Disqualification of Applicants

The City may refuse to interview an applicant or may, after interviewing, disqualify such applicant if any one of the following conditions exists:

- (a) The applicant is found to lack any of the preliminary requirements announced for the examination for the class of position;
- (b) The applicant has made a false statement of material fact in the application;
- (c) The applicant has directly or indirectly obtained information regarding examinations to which, as an applicant, the individual was not entitled;
- (d) The applicant has not submitted the application correctly or within the prescribed time limits;
- (e) The applicant has been dismissed from City employment for cause.

- (f) The applicant's employment by the City would be in violation of these Guidelines or an applicable settlement agreement.

4.05 Job Announcements

Public notices of the recruitment shall be posted on the Calabasas Website prior to the date of final filing. City employees will also be notified of any vacancies within the City. The need for further publicity and/or distribution of the announcements shall be determined by Human Resources. The job announcement shall contain the following information:

- (a) The title and rate of pay for the position to be filled;
- (b) Some typical duties to be performed;
- (c) Minimum qualifications required;
- (d) Method of securing application forms and final dates on which applications will be accepted;
- (e) Any other information as may be deemed useful in the recruitment of applicants.

4.06 Legal Authority to Work

The City participates in the United States Justice Department Program of "E-Verify" and is committed to full compliance with federal immigration laws. These laws require that all individuals pass an employment verification procedure and that every individual provide satisfactory evidence of his/her identity and legal authority to work in the United States no later than three (3) business days after he/she begins work. All new hires must go through this procedure. The City will comply with applicable requirements under state and federal law to notify an employee if the City receives a tentative non-confirmation notification or any other information specific to the employee's E-Verify case from the Social Security Administration or the United States Department of Homeland Security.

4.07 Pre-employment Medical Examination

Each prospective permanent full-time employee shall be required to take a pre-employment medical examination after receiving a conditional offer of employment and before beginning his or her first day of duty. The medical examination is provided by the City at its sole expense. Every offer of employment is contingent upon successful completion of the medical examination.

4.08 Re-employment - Medical Examination

Employees who are rehired following separation from City service shall be required to complete the medical examination process, as defined above.

4.09 Re-employment - Probationary Period

Employees who are rehired following separation from City service shall be required to complete a new initial probationary period in the same manner as other new employees.

4.10 Re-employment - Benefits

Rehired employees are considered new employees from the effective date of their re-employment for all purposes, including the calculation of benefit levels, except as otherwise required by law.

SECTION 5 - TRANSFER AND ASSIGNMENTS

5.01 *Administrative Transfer*

- (a) Authorization to Transfer. The City Manager may authorize the transfer of an employee, or may re-assign an employee, from one position in a department to another position of the same or comparable classification in another department. Any employee transferred to a different position shall possess the minimum qualifications for the position. Probationary employees who receive transfer authorization shall restart their one-year probationary period from the effective date of the transfer.
- (b) Reassignment within Department. The department head may reassign an employee to another position in the same classification in the same department at any time.

5.02 *Lateral Employee Transfer Requests*

- (a) An employee who wishes to be considered for an open position within his or her present department must discuss the request directly with his or her department head.
- (b) If the open position is in another department, the employee must complete a Transfer Request Form and file it with Human Resources. Employees will be considered for interdepartmental transfers only if the following conditions are met:
 - (1) The employee's performance in his or her current position must be competent or better;
 - (2) The employee must meet the minimum qualifications for the position to which the transfer is requested; and
 - (3) The employee's request must be approved by the employee's current department head, the new department head, and the City Manager.
- (c) The employee's salary review date shall remain the same.

5.03 Out-of-Class Assignment

An out-of-class assignment is a temporary assignment of a permanent employee to an established position at a higher level of pay which requires the employee to perform all of the duties of the higher classification. An out-of-class assignment may be made by the department head when a position is vacant or when an incumbent employee is absent for more than thirty (30) days. Such an assignment shall be temporary and shall terminate when the position is filled permanently, when the incumbent employee returns to work, or when the temporary assignment is discontinued. In no event shall an out-of-class assignment exceed a period of six (6) months, unless an extension is approved by the City Manager.

- (a) Authorization. An out-of-class assignment shall be recommended by the department head and approved in writing by the City Manager prior to being effective.
- (b) Minimum Qualifications. An employee in an out-of-class assignment must meet all the minimum qualifications of the higher classification.
- (c) Compensation. The employee shall be placed on the first step of the higher classification or on a step of the salary range of the higher classification which provides for approximately a five (5) percent increase. A salary increase of more than five (5) percent may be authorized by the City Manager. Benefits of the higher classification are not available and the employee will continue to receive the benefits of the employee's regular position.

SECTION 6 - PROBATIONARY PERIOD

6.01 Objective

The probationary period shall be regarded as a part of the selection process and shall be utilized for the purpose of determining the employee's ability to perform satisfactorily the duties prescribed for the position and determining the employee's ability to work with other employees.

6.02 Length of Probation

All initial and promotional appointments shall be tentative and subject to a probationary period of actual City service. The probationary period shall not include time served under any temporary, hourly, or seasonal appointment. The length of probationary periods shall be twelve (12) months for employees upon initial appointment and six (6) months for promotional appointments.

The City Manager may establish probationary periods of longer term. Such longer termed probationary periods shall be based on the need to adequately assess an employee's on the job performance following the completion of an orientation and/or a training period.

6.03 Extension of Probation

The probationary period of an individual employee may be extended by the City Manager, upon the request of the department head, for a period not to exceed an additional six (6) months. Approval of such extension by the City Manager shall be in writing with notification to the employee involved.

6.04 Rejection During Probation

During the probationary period, an employee may be rejected at any time by the department head without cause and without the right of appeal. The department head shall notify the City Manager in writing of the intention to reject an employee during probation. Upon approval, the department head shall provide prompt notification to the employee involved.

6.05 Rejection Following Promotion

An employee rejected during the probationary period following a promotional appointment shall be reinstated to their former or comparable position from which the employee was promoted. Provided, however, that if the cause for not passing probation was sufficient grounds for termination, the employee shall be subject to termination without reinstatement to the lower position. Such termination shall be subject to the Discipline Procedures as contained in the manual.

6.06 Performance Evaluations During Probationary Period

A probationary employee will receive a performance evaluation at six months of service or more frequently, at the department head's discretion. The employee will be notified of any performance deficiencies at this time. Prior to the completion of the probationary period, a performance evaluation shall be completed by the department head to ascertain whether the probationary employee may become a permanent employee of the City.

SECTION 7 - SALARY ADMINISTRATION

7.01 Salary Review Dates

For the purpose of salary administration and performance evaluations, each employee shall have a salary review date. For a new employee, a promoted employee, or a demoted employee, beginning his or her new appointment with the City, the first salary review date shall occur one (1) year from the employee's appointment date.

7.02 Salary Review Date Upon Lateral Transfer

Salary review dates and appointment dates of employees who are transferred to a position designated by the same salary range or whose position is reclassified from one salary range to another shall remain the same.

7.03 Salary Review Date Postponed

For each employee whose step advancement is postponed by their department head, the salary review date shall be changed to the date to which the advancement is postponed.

7.04 Step Advancements

An employee must perform the duties of the position in a manner satisfactory to the department head to receive a step advancement. Step advancements authorized herein shall be made from each step to the next higher step within the limits of the appropriate salary range. Any increase greater than one step must be approved by the City Manager. Step advancements shall be made on each salary review date. No advancement shall be made without the written recommendation by the department head.

7.05 Salary Upon Initial Appointment

Upon initial appointment with the City, an employee shall be placed in the first step of the salary range. However, if it is not practical or possible to hire qualified personnel at the first step, appointment at a higher step within the range may be authorized by the City Manager, or by his or her designee.

7.06 Salary Upon Reclassification

Any employee in a position which is reclassified with a different salary range shall be compensated at the step in the new salary range that does not result in a loss of pay. An employee in a position which is reclassified to a higher salary range shall be placed in a step of the new salary range for the new class which provides for a minimum increase of approximately five (5) percent.

7.07 Salary Upon Promotion

Upon promotion, an employee shall be placed in the first salary step of the range for the new classification. If placement in the first salary step provides for a salary increase that is less than five (5) percent, the employee shall be placed in a salary step in the range for the new classification that provides for at least a five (5) percent increase. A higher salary may be established with the approval of the City Manager, or by his or her designee.

7.08 Salary Upon Demotion

The salary of an employee who is demoted to a position with a lower salary than the position from which the employee was demoted shall be reduced to the salary step in the range for the new classification recommended by the department head and approved by the City Manager, or by his or her designee.

7.09 Salary Upon Transfer

In the case of a transfer of an employee from one position to another position in the same salary range, the employee shall continue in the same salary step.

7.10 Compensation Resolution

A compensation resolution shall be authorized by the City Council. This plan shall establish the salary range and salary steps for each position in the City.

7.11 Pay Period

Employees are paid bi-weekly or other pay schedule established by the City Manager. In the event the regular payday is a City holiday, employees will be paid on the day before the holiday.

SECTION 8 - GENERAL WORKING CONDITIONS

8.01 Work Schedules

The following provisions are intended to define the normal hours of work and shall not be construed as a guarantee of work per day or per week, or of days of work per week. All references to accrual or use of vacation, holiday or sick leave in this manual shall be interpreted as one (1) day being equivalent to eight (8) hours, unless otherwise noted.

- (a) Workday. The normal workday for most full-time City employees shall be eight (8) hours of work in a twenty-four (24) consecutive hour period, except in cases of emergencies; however, an alternative work schedule may be offered to eligible employees. Employees are expected to be at their work station, ready to begin work, at the beginning of their assigned shift, and to notify their supervisor as early as possible, but no later than fifteen (15) minutes after the beginning of their shift if they expect to be absent or tardy on any given day.
- (b) Workweek. The normal workweek for most full-time City employees shall be five (5) work days and two (2) consecutive days of rest in a seven (7) consecutive day period, except in cases of emergencies, at the specific request of an employee and approval of department head, or with the approval of an alternative work schedule by the City Manager or by his or her designee.
- (c) Irregular/Flexible Work Schedules. The department head may authorize individual or limited term work schedules based on the operating needs of the department outside of the normal work schedule.
- (d) Meal Period. Each permanent full-time employee shall be entitled to, and required to take, an uninterrupted, unpaid meal period of sixty (60) minutes at or about the mid-point of their work day. All other employees shall be entitled to, and required to take, an uninterrupted, unpaid meal period of thirty (30) to sixty (60) minutes at or about the mid-point of their work day. The time of the meal period taken (and length of the meal period, where applicable) shall be determined by mutual agreement; but, if agreement cannot be reached, the determination shall be made by the department head. Employees are entirely relieved of responsibilities and restrictions during their meal period, unless they have agreed, in writing, to work an on-duty meal period which will be treated as paid time.
- (e) Rest Period. Employees shall be provided rest periods at the rate of fifteen (15) minutes for each four (4) hours worked. Rest breaks shall be considered paid work time.

- (f) Emergency Assignments. Nothing herein shall be construed to limit or restrict the authority of the City to make temporary assignments to different or additional locations, shifts, or duties for the purpose of meeting an emergency. For purposes of this manual, emergency shall mean an unanticipated circumstance which requires an immediate response. Such emergency assignments shall not extend beyond the period of said emergency.

8.02 Remote Working

Remote working is an arrangement that allows eligible employees to work in a designated area outside the office during an emergency when the regular worksite is inaccessible, to reduce the risk of spreading disease, or for reasons recommended by the department head and approved by the City Manager.

- (a) Remote working does not change the duties, obligations, responsibilities, or terms and conditions of City employment. Remote working employees must comply with all City rules, policies, practices, and instructions.
- (b) A remote working employee must perform work during scheduled remote working hours. Employees may not engage in activities while remote working that would not be permitted at a regular worksite, such as child, elder, or other dependent care. Remote working employees may take care of personal business during unpaid lunch periods, as they would at the regular worksite.
- (c) The City Manager or department head may deny, end, or modify a remote working arrangement. Similarly, a remote working employee may end or request to change a remote working arrangement at any time.
- (d) This Remote Working Policy is intended to be cost neutral. The City is not required to provide remote working employees with materials or supplies needed to establish an alternate worksite (desk, chair, computer, software, cell phone, fax, copier, etc.), and assumes no responsibility for set-up or operating costs at an alternate worksite (telephone or internet services, etc.).
- (e) The employee's department head may at their sole discretion opt to provide equipment, software, or supplies. Departments providing equipment, software, or other supplies to remote working employees must reasonably allocate those resources based on operational and workload needs.
- (f) All City rules regarding the use of computers and the internet apply while an employee is remote working, regardless of whether the employee is using City-provided or personal equipment.

- (g) All the rules applicable at the regular worksite are applicable while remote working. This is:
1. Remote working employees must perform designated work during scheduled work hours.
 2. Employees must account for and report time spent remote working the same way they would at the regular worksite, or according to the terms of the remote working arrangement.
 3. Employees may work overtime only when directed to do so and approved in advance by the supervisor.
 4. Employees must obtain approval to use vacation, sick, or other leave in the same manner as departmental employees who do not remotely work.
 5. Remote working employees who become ill must report the hours actually worked, and use sick leave for hours not worked.
- (h) Remote working employees must work in an environment that allows them to perform their duties safely and efficiently. Employees are covered by workers' compensation laws when performing work duties at their designated alternate locations during regular work hours. Employees who suffer a work-related injury or illness while remote working must notify their supervisor and complete any required forms immediately. The City is not liable for damages to an employee's personal or real property while the employee is working at an alternate worksite.
- (i) A remote working employee must identify the equipment, software, supplies, and support required to successfully work at an alternate location. If the department does not provide the needed equipment, software, supplies, or support, and the employee does not have them, the employee may not be eligible to remotely work. Any equipment, software, files and databases provided by the City shall remain the property of the City. A remote working employee must adhere to all software copyright laws and may not make unauthorized copies of any City-owned software. Employees may not add hardware or software to City equipment without prior written approval. Employees use their personal equipment for remote working are responsible for the installation, repair, and maintenance of the equipment. Employees must contact their supervisors if equipment, connectivity, or other supply problems prevent them from working while remote working.

- (j) All files, records, papers, or other materials created while remote working are considered City property. Remote working employees and their supervisors shall identify confidential, private, or personal information and records to be accessed and ensure appropriate safeguards are used to protect them, including preventing access by other members of the household. A department may require employees to work in private locations when handling confidential or sensitive material. Departments may prohibit employees from printing confidential information in remote working locations to avoid breaches of confidentiality.
- (k) Employees may not disclose confidential or private files, records, materials, or information, and may not allow access to City networks or databases to anyone who is not authorized to have access.
- (l) The California Public Records Act regarding public information and public records apply to remote working employees. Public records include any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by the City regardless of physical form or characteristic. Public information means the contents of a public record. Upon receipt of an appropriate request, and subject to authorized exemptions, a remote working employee must permit inspection and examination of any public record or public information in the employee's custody, or any segregable portion of a public record, within required time limits. This requirement exists regardless of where the public record is located (e.g. personal computer or cell phone used for business).

8.03 Overtime

- (a) All employees classified as non-exempt pursuant to the Fair Labor Standards Act (FLSA) shall receive overtime pay computed at one-and-one-half their regular rate for all hours authorized by the department head and worked by the employee in excess of forty (40) hours worked in a work week.
- (b) Overtime shall be authorized by the employee's department head. An employee not specifically exempt from the provisions of the Fair Labor Standards Act shall not begin work more than fifteen (15) minutes before their established schedule begins nor work longer than fifteen (15) minutes after it ends, unless specifically authorized by the appropriate supervisor.

- (c) Employees eligible for overtime pay may instead receive compensatory time off at time and one-half (1½) in lieu of overtime pay, at the discretion of the department head. Employees may accumulate no more than 40 hours of compensatory time and should use accrued compensatory time within 60 days, whenever possible. Accrued compensatory time must be used prior to using available vacation leave.
- (d) Employees classified as exempt pursuant to FLSA are not covered by the overtime provisions and are not eligible for overtime compensation.

8.04 Call Back

- (a) Call back work is defined as work required by the City of a non-exempt employee who, following completion of the employee's work day or work week and departure from the employee's work site, is unexpectedly ordered to report back to duty to perform necessary work. Employees who are called back shall receive a minimum of two (2) hours compensation at time and one half between 6 a.m. and midnight, and a minimum of four (4) hours compensation at time and one half between 12 midnight and 6 a.m.
- (b) Whenever an employee is called back, the employee shall receive the minimum provided above or pay for hours actually worked, whichever is greater. Hours worked shall be calculated beginning at the time the call back is received by the employee and ending when the employee is relieved of duty.
- (c) If an employee, who was called back to work and has completed his/her assignment and left work, is again called back to work, he/she will not receive another minimum if the time of return is within the previous call back minimum.
- (d) If an employee who is called back to work is required to work after midnight so that the employee's rest has been significantly affected, the employee shall have sufficient sleep time to avoid safety problems at work on the following day. The length of the sleep time shall be determined mutually between the employee and the employee's supervisor. Such sleep time shall be without loss of pay.

8.05 Standby Duty

- (a) Standby duty is defined as that circumstance which requires an employee assigned by the City to:
 - (1) Be ready to respond immediately to a call for service;
 - (2) Be readily available at all hours by telephone or other agreed-upon communication equipment; and
 - (3) Refrain from activities which might impair his/her assigned duties upon call.
- (b) With the approval of the City Manager, a department head may assign an employee or employees to standby duty. Such assignments shall be in writing.
- (c) Where an employee is on standby duty, and the employee is required to perform duties by phone or computer that may have otherwise been performed on a job site or at City facilities, the employee shall receive compensation at time and one-half in increments for all time worked.

8.06 Tuition Reimbursement

- (a) The tuition reimbursement program is intended to:
 - (1) Encourage employees to continue their education in order to meet present and future needs of City service.
 - (2) Increase effective work performance and employee efficiency.
 - (3) Facilitate promotion from within.
 - (4) Attract to City employment persons of superior ability and potential for advancement.

- (b) Eligible Courses. Courses must relate to the employee's job assignment or be job-oriented, and must be offered by a qualified training institution. In general, qualified training institutions are those colleges or universities which offer accredited course work transferable to other academic institutions. However, professional skills-building workshops, institutes or seminars which are not usually transferable will be covered if they provide continuing education units or are offered by an institution recognized by a specialized accrediting body in a professional field. Any other professional training not offered by an accepted accredited or licensed agency must be offered by or under the direction of a recognized professional organization in the applicant's occupational field. Training programs, such as workshops, institutes, seminars and symposia which do not meet the above criteria and which are not intended for academic advancement are not covered under the program. These particular courses may be attended on City time at the discretion of the department head, and at City expense, which is budgeted for and administered by the employee's department.
- (c) Courses must be taken on the employee's own time unless otherwise authorized by the department head and Human Resources.
- (d) Each employee shall be eligible for reimbursement for each class up to the amounts provided in the City's Employee Benefits Resolution.
- (e) Reimbursement will be made in compliance to the procedure described herein. Prior to enrolling in a course, an employee must secure department head approval that the course work is job-related and submit to the department head and Human Resources a proposed estimated expenditure request. Human Resources, in conjunction with the department head, will provide written approval or rejection of the request. Tuition reimbursement for the City Manager shall be approved by the Mayor. Within thirty (30) days of receipt of a passing grade, the employee must submit proof of a "C," "pass," or other appropriate notice of successful course completion to Human Resources division, along with an expenditure claim and receipts for tuition.

8.07 Mileage Reimbursement

- (a) Employees may submit monthly mileage reports for authorized business use to the Finance Department and be reimbursed at the current IRS rate.
- (b) An employee who uses his/her automobile for City business must maintain the minimum automobile insurance coverage required by the State of California. Written verification confirming such insurance may be required by the City on an annual basis.

8.08 Holidays

- (a) The City shall recognize the following days as official City holidays, and all permanent full-time employees normally scheduled to work on these days will be given the day off with pay at their regular rate for their regularly scheduled hours.

Holiday Days Observed

January 1st	New Year's Day
3rd Monday in January	Martin Luther King Day
3rd Monday in February	Presidents' Day
Last Monday in May	Memorial Day
July 4th	Independence Day
1st Monday in September	Labor Day
November 11	Veterans' Day
4th Thursday in November	Thanksgiving Day
Friday after Thanksgiving	Day after Thanksgiving
December 24	Christmas Eve
December 25	Christmas Day
December 31	½ day New Year's Eve

- (b) If one of the holidays listed above falls on a Sunday, then it shall be observed on the following Monday. If one of the holidays listed above falls on a Saturday, then it shall be observed on the previous Friday.
- (c) All permanent full-time employees entitled to overtime who work on the day a holiday is observed at the direction of, or with the approval of, the department head, shall receive, in addition to the regular holiday pay, the equivalent to one-and-a-half times either compensatory hours off or paid overtime. Specifically, and for example, an employee who works eight (8) hours on a holiday (Fourth of July, Christmas, etc.), will be entitled to the eight (8) hours of pay, plus an additional twelve (12) hours of comp time, overtime, or some combination of both, at the discretion of the department head, for a total of twenty (20) hours of total compensation. Permanent employees not entitled to overtime shall make arrangements with their department head.
- (e) To be eligible for holiday pay, the employee must work on the last regularly scheduled work day preceding the holiday and the first regularly scheduled work day following the holiday, unless the absence is approved by the department head in advance, or the employee is in a paid time leave status. An employee on vacation shall not be charged vacation time for a holiday that falls during the vacation period.

- (e) All permanent full-time employees shall be entitled to two (2) floating holidays per fiscal year, to be scheduled according to the needs of the department and arranged in advance with the department head. The City Manager may grant employees additional floating holiday hours based on merit or for employee recognition. Unused floating holiday hours will not be carried over into the next fiscal year and shall not be paid upon termination. Employees will be compensated at their regular rate for this day.

8.09 Resignation and Final Paycheck

- (a) For an employee to resign City service in good standing he/she shall file with the department head, at least two (2) weeks before leaving, a written resignation stating the effective date and reason for leaving. Failure of the employee to comply with this provision may be cause for denying future employment with the City.
- (b) Employees will receive their final paycheck on the regular payday for the pay period following their final day of employment.

8.10 Personnel Records

- (a) An employment history for each permanent full-time and hourly employee in City service will be maintained by the City in Human Resources. The personnel file shall include dates of service, positions held, salary history, and other information as may be deemed appropriate and/or required by law.
- (b) The personnel file of an employee will be open for inspection by the employee or his/her authorized representative at his/her request during business hours by appointment. The employee will have access to all contents of the file except those materials which are a part of the employment/selection process and certain other material designed confidential by law. A copy of the material in the personnel file will be provided to the employee upon request.
- (c) Each employee is responsible for keeping his/her file up to date by notifying the Human Resources Department of any changes to relevant personal information, emergency contact information, and number and names of dependents for health benefit maintenance.
- (d) All medical information about an employee is kept separately and is treated as confidential, in accordance with applicable state or federal law.

8.11 Performance Evaluations

- (a) All employees in City service shall have their performance evaluated by the department head or by the supervisor designated for this purpose. The employee's supervisor shall prepare the evaluation and sign the evaluation report before forwarding the evaluation to the department head; the department head will review and sign the evaluation prior to forwarding to Human Resources for review. Human Resources will review the evaluation, and if no corrections are necessary, the performance evaluation will be forwarded to the City Manager for review and signature. The performance evaluation will then be returned to the employee's supervisor for review with the employee; the employee's signature is also desirable, but not necessary. A copy of the completed evaluation shall be provided to the employee and the original shall be returned to Human Resources to be placed in the employee's personnel file.

- (b) At a minimum, performance evaluations will be conducted according to the following guidelines:

Full-Time Permanent Employees

- (1) New employees shall receive a performance evaluation with no salary review after the completion of six (6) months of service. At the end of one (1) year of service, the employee shall receive a performance evaluation with a salary review and also stating whether or not the employee has successfully completed his or her probationary period. Performance evaluations with salary review will then annually occur on the employee's salary review date.

- (2) Employees promoted shall receive a performance evaluation with no salary review after the completion of six (6) months in the new position, stating whether or not the employee has successfully completed his or her probationary period. At the end of one (1) year in the new position, the employee shall receive a performance evaluation with a salary review. Performance evaluations with salary review will then annually occur on the employee's salary review date.

Hourly Employees

- (3) Hourly Employees shall receive a performance evaluation with salary review after the completion of one-thousand (1000) hours worked. Successive performance evaluations with salary review will occur upon the completion of subsequent one-thousand hours worked.

8.12 Personal Telephone Use

Employees are encouraged to keep all personal phone calls to a minimum. Friends and relatives should be discouraged from calling during working hours unless there is an emergency. Personal calls should be made on an employee's personal cell phone, and during break periods or lunch, whenever possible.

8.13 Dress and Grooming Standards

Employees are expected to utilize good judgment in determining their dress and appearance. Clothing and appearance should be neat, clean, in good business taste, professional business casual attire and not constitute a safety hazard. It is important to remember, as a guiding principle, that employees are constantly and consistently in the public eye and appearance should always be tasteful and professional, even on casual days.

All employee must maintain a clean, presentable appearance. When used, perfumes, colognes, after shaves, and scented lotions may be applied if done so in moderation. Beards, sideburns, and moustaches, must be neatly groomed. Hair must be properly restrained for its length and the nature of the assignment. Hair coloring must be within the range of natural hair colors.

If an employee is representing the City at a meeting (including City Council and City Commission meetings), professional business attire should be worn.

If your dress is determined to be inappropriate by your supervisor (whether specifically included in this policy or not), you will be directed to leave, without pay, and change your attire.

The City will reasonably accommodate the religious beliefs of its employees, and nothing in this policy is intended to prohibit or limit lawful religious dress or grooming practices. Religious dressing and grooming practices include the wearing or carrying of religious clothing, head or face coverings, jewelry, artifacts, and any other item that is part of an employee's observance of his or her religious creed, and all forms of head, facial and body hair that are part of an employee's observance of his or her religious creed.

SECTION 9 - LEAVE OF ABSENCE PROVISIONS

9.01 *Vacation Leave*

The City believes that its employees and the City benefit when employees have scheduled time away from work for relaxation and recreation. In order to provide for such absence without concern for continuation of pay, the City has adopted the following paid vacation leave plan for permanent full-time employees.

- (a) Paid vacation leave shall be accrued on an hourly basis as explained herein. Upon appointment, the employee shall accrue at a rate of 80 hours of vacation time per year. At the completion of two (2) years of service, the employee shall accrue at a rate of 96 hours of vacation time per year. At the completion of five (5) years of service, the employee shall accrue at a rate of 136 hours of vacation time per year. At the completion of eleven (11) years or more of service, the employee shall accrue at a rate of 176 hours of vacation time per year.
- (b) In recognition of the long hours required to accomplish the requirements of the job, including attendance at numerous meetings outside normal working hours, additional vacation may be granted to exempt employees, other than the City Manager, during the year at the discretion of the City Manager, not to exceed 72 hours for management classification employees, 64 hours for mid-management classifications employees, and 56 hours for exempt supervisory/professional classification employees. The City Manager may also grant exempt employees additional vacation accrual up to the amounts provided in the City's Employee Benefits Resolution.
- (c) All employees shall accrue vacation beginning with the date of hire and may take vacation at times approved by their department head. It is the policy of the City that employees take their normal vacation each year. With the approval of the City Manager, an employee may take less than a normal vacation in one year and carry the balance of the earned time over to the next year. No employee shall be allowed to accrue more than a total of 360 hours of earned vacation except by written authorization of the City Manager; and when an employee has accrued the 360 hours maximum, he or she will not accumulate any more days until the accrued amount is under the maximum.
- (d) Vacation leave shall be taken at the time approved by the department head and only if the requesting employee has exhausted his or her compensatory time bank.

- (e) Vacation shall not include any official City holidays that occur during the scheduled vacation period.
- (f) Vacation usage may not exceed the accrued vacation balance as of the prior pay period.
- (g) Upon termination of employment with the City, an employee shall receive payment for his/her current vacation leave balance at his/her current base hourly rate.
- (h) The City Manager may, at his or her discretion, authorize an employee who has accrued at a vacation leave balance of least three hundred (300) hours to cash out up to eighty (80) hours of vacation time at the employee's then current salary, when the City Manager determines that the needs of the City, as evidenced by such factors as workloads, staffing, and pending projects, are such that cashing out vacation time is preferable to encouraging the employee to take vacation. This policy exists for the benefit of the City, is fully discretionary in the City Manager, and no employee shall gain any entitlement by virtue of this policy. The City Council may further act to suspend this vacation leave cash out option at any time.

9.02 Sick Leave

The City provides a sick leave program for full-time permanent and hourly employees for the purpose of minimizing the economic hardships that may result from an unexpected personal or dependent illness or injury.

Full-Time Permanent Employees

- (a) Accrual. Sick leave shall be accrued at the rate of eight hours for each calendar month of service (3.69 hours per pay period). The maximum sick leave accrual shall be 1,280 hours.

- (b) Use. Sick leave may be used for personal illness or injury, emergency or routine medical or dental appointments, including pregnancy as provided in the Pregnancy Disability Leave subsection, and for reasonable travel time to and from health care facilities. Sick leave may also be used whenever an illness occurs to a member of the employee's immediate family. For the purposes of this section, immediate family shall include children (biological, adopted, foster, step, legal wards, and child to whom the employee stand in local parentis), parents (biological, adoptive, foster, step, legal guardians and persons who stood in local parentis to the employee when the employee was a child), spouses, registered domestic partners, grandparents, grandchildren, siblings, or a member of the employee's immediate household. Victims of domestic violence, sexual assault or stalking may also take sick leave for any purpose permitted by law. Sick leave usage may not exceed the accrued sick balance as of the prior pay period.
- (c) Return to Work. Employees returning to work after three (3) days of sick leave may be required by their department head to provide a physician's certificate or release to work form.
- (d) Sick Leave Transfer. The purpose of this provision is to provide a means of alleviating personal financial hardship for employees who are suffering from a long-term catastrophic illness or injury, or desire to care for immediate family members suffering from such an illness or injury. An employee may transfer sick leave to another employee provided the donating employee has a remaining sick leave balance of at least forty (40) hours.
- (e) Sick Leave Conversion. The Sick Leave Conversion program is established for permanent full-time employees and provides rewards to those individuals who actively strive to stay physically and mentally healthy, and who use sick leave in an appropriate and prudent manner.

In order to be eligible to participate in this program, an employee must have a sick leave balance of at least three hundred (300) hours at the time of the request. Employees may convert sick leave hours in excess of three hundred 300 with one sick leave hour converting to one paid hour.

- (1) As determined by the City Manager, employees will be permitted to request a conversion of their accumulated sick time. Employees may request conversion/cash payment of up to eighty (80) hours annually.
- (2) Upon termination, employees may elect to cash out their excess sick leave, up to a maximum of one-hundred fifty (150) hours.

- (f) Should you leave employment with the City of Calabasas and return within 12 months of your separation date, any paid sick leave you accrued prior to your separation date will be restored up to 48 hours. All other eligibility and usage requirement remain in effect upon your return to employment.

Hourly Employees

- (a) Allocation. Hourly employees are entitled to forty (40) hours of sick leave per calendar year. Unused sick leave will not carry over to the next year. Employees will be compensated at their regular rate for any sick leave used.
- (b) Use. After completing 90 days of employment, employees may use sick leave for (a) the diagnosis, care or treatment of an existing health condition, (b) preventative care, or (c) to aid or care for a member of the employee's immediate family. For the purposes of this section, immediate family shall include children (biological, adopted, foster, step, legal wards, and child to whom the employee stand in local parentis), parents (biological, adoptive, foster, step, legal guardians and persons who stood in local parentis to the employee when the employee was a child), spouses, registered domestic partners, grandparents, grandchildren, siblings, or a member of the employee's immediate household. Victims of domestic violence, sexual assault or stalking may also take sick leave for any purpose permitted by law.
- (c) Employees desiring to use sick leave must provide the City with reasonable advanced notice of their need for sick leave when the need is foreseeable, and must notify their supervisor as soon as practicable if the need for sick leave is unforeseeable.
- (d) Employees may use sick leave in minimum increments of 2 hours. The City may require the employees to provide documentation of their illness from a healthcare provider before granting sick leave benefits.
- (e) The City does not pay employees for unused sick leave at the conclusion of their employment.

9.03 Bereavement Leave

- (a) Qualified employees may have five (5) work days of paid leave of absence for each death in their immediate family for the purpose of bereavement, and for the arranging of and attendance at, the funeral. Immediate family means: dependent or wife, husband or domestic partner, mother, father, sister, brother, child grandmother, grandfather, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandchildren, aunt, uncle, cousin, any person over which the employee acts as legal guardian.
- (b) If an employee must attend a funeral more than five hundred (500) miles from the City, then the employee has the option to use up to three (3) days of sick leave from his/her current sick leave balance in addition to any leave provided above.
- (c) The employee may be required to submit proof of relative's death before final approval of leave with pay is granted.
- (d) With the approval of the department head, the City Manager may grant leave to allow an employee to attend funeral or memorial services because of the death of a person not included within the definition of immediate family. Such leave will be covered by accrued vacation, administrative, or compensatory time.

9.04 Jury Duty

Leave of absence with full pay shall be granted for up to ten (10) working days to full-time permanent employees for jury service. Additional jury duty leave in excess of the 10 working days may be granted by the City Manager. Any compensation other than mileage shall be remitted to the City.

9.05 Witness Duty

- (a) An employee who serves as a witness within the line of duty, or on a case related to the employee's duties, will receive paid time for such service.
- (b) An employee required to be absent from work by a properly issued court subpoena which compels the employee's presence as a witness, unless the employee is a party or an expert witness, shall receive release time to comply with such subpoena.
- (c) To receive paid time as provided above, the employee shall deposit with the City any witness fees actually received, except mileage.

- (d) An employee who serves as a witness within the line of City duty, or on a case related to the employee's job, on a day that is a regularly scheduled day off, shall be paid at the employee's base hourly rate or at time and one-half, if the employee otherwise qualifies for overtime compensation, for all hours the employee actually is required to be in Court.

9.06 *Pregnancy Disability Leave*

- (a) An employee disabled or affected by pregnancy, child birth, or related medical condition shall be granted leave of seventeen and 1/3 (17 1/3) workweeks (693 hours based on a 40 hour work week) as needed for all disabilities related to each pregnancy. An employee may utilize time from her accrued compensatory leave balance, vacation balance or accrued sick leave balance to cover the period of her absence.
- (b) An employee who plans to take maternity leave shall give the City reasonable advance notice, and an estimate of the duration of her absence. If reasonable notice is provided, then upon return to work, the employee shall be placed in her same or comparable position upon her timely return to work.
- (c) The employee shall notify the City at least twenty (20) working days prior to her return from maternity leave of her intention to return to work, and provide the City with satisfactory written verification from a physician or other licensed health care practitioner that his disability has ceased.

9.07 *Lactation Policy*

- (a) All departments must provide a reasonable amount of break time and make reasonable efforts to provide the use of appropriate space for employees who desire to express milk for their infant child during work hours.
- (b) The City of Calabasas recognizes that breastmilk is the optimal food for growth and development of infants and encourages employees and management to have a positive accepting attitude toward employed mothers and breastfeeding. The City of Calabasas promotes and supports breastfeeding and the expression of breastmilk by employees who are breastfeeding when they return to work. Breastfeeding reduces serious acute and chronic diseases, including obesity. Healthier employees and babies mean fewer employee absences and lower health care costs.

(c) Breaks:

1. A reasonable amount of break time must be provided to accommodate an employee desiring to express breastmilk in private for the employee's infant child.
2. The lactation breaks can run concurrently with the employee's existing break periods.
3. If it is not possible for the lactation break to run concurrently with the employee's existing break, a separate and unpaid break time must be made available for the employee.
4. Covered employees may use earned accrued time to cover the unpaid break time. Managers, supervisors and employee may also agree, based on the needs of service, to adjust the employee's work schedule to cover the unpaid break time.
5. Managers and supervisors must consult directly with Human Resources office for assistance in complying with this policy.

(d) Space:

1. Managers and supervisors must make reasonable effort to designate a private room or location that is close to the employee's work area. The room may not be a bathroom stall. Consideration for designation of workplace spaces used for lactation accommodation includes, but is not limited to, the following:
 - A room equipped with an electrical outlet.
 - A room that contains comfortable seating.
 - A room that can be locked, if possible.
 - The employee's work area if it can be sufficiently made private.
 - A room which can be arranged to be used by the arranged to be used by the lactating employee during specific times of the day.

- (e) Managers and supervisors who are unsure whether the designated space is appropriate must consult with Human Resources.

(f) Non-traditional worksites:

1. For employees who work in a non-traditional worksite, managers and supervisors and employee shall enter into a good faith, interactive process to identify reasonable accommodations for the employee.

(g) Notifications:

1. This policy will be communicated to employees by:
 - All departments at new hire and transfer orientations
 - When an employee takes a pregnancy or adoption related leave
 - When an employee returns from a pregnancy- or adoption-related leave

(h) Lactation Break Request Procedure:

1. An employee who needs a lactation accommodation should inform her manager or direct supervisor and Human Resources and discuss any relevant workload or scheduling issues.
2. Managers, and supervisors who receive a lactation accommodation request shall contact Human Resources.

9.08 Family & Medical Leave

- (a) The purpose of this policy is to implement the provisions of the California Family Rights Act of 1991, as amended, and the Family and Medical Leave Act of 1993. Where there are differences between the state and federal acts, the more generous requirements of the two have been extended to City employees. If any provisions of this policy are inconsistent with the state and federal acts and their enabling regulations the acts and regulations shall supersede this policy.
- (b) For the purpose of this policy, parent shall mean biological parent, stepparent, adoptive parent, mother or father-in-law, foster parent, or a person acting as parent (loco parentis). Child shall mean biological child, stepchild, foster child, child of domestic partner, legal ward of the employee, or a child or adult dependent child of an employee standing in loco parentis, under the age of 18, or 18 year or older who is incapable of self-care because of a mental or physical disability. Spouse shall mean husband, wife, domestic partner and common law marriage partner recognized by the State of California.

- (c) Employees with more than one (1) year of continuous service with the City, who have worked at least 1,250 hours during the previous year, may take up to twelve (12) workweeks of leave in a 12-month period because of: 1) the birth of a child or the placement of a child for adoption or foster care; 2) the employee is needed to care for a family member with a serious health condition; 3) the employee's own serious health condition makes the employee unable to do his/her job. Entitlement to leave for the birth or placement of a child for adoption or foster care expires twelve (12) months after the birth or placement.
- (d) An employee granted leave under this provision must exhaust accrued sick leave, compensatory time, vacation leave, or other accrued time off prior to leave without pay. An employee receiving disability payment of 60% must also use accrued compensatory time, vacation leave, and sick leave, in that order, to complement their monetary compensation for the remaining 40%. At the request of an employee and with prior approval of the City Manager, an employee may retain and not use accrued sick leave in connection with a leave for the care of a newborn, adopted or foster care child or to care for a family member with a serious health condition.
- (e) Family care leave may be used in one or more increments, but shall not exceed a total of twelve (12) workweeks of leave in a 12-month period measured backward from the date leave is used. A leave for the care of a new-born, adopted or foster care child shall be taken on a continuous basis in increments of not less than two (2) weeks. An employee may request intermittent leave in one- day increments for the care of a seriously ill family member; or for the treatment of a serious health condition of the employee. A reduced leave schedule (i.e. a work schedule that reduces the number of hours per workweek or workday) may be established where medically necessary for an employee to care for a seriously ill family member; or for the treatment of a serious health condition of the employee.
- (f) Unless the need for family care leave arises out of an unforeseen emergency, employees requesting leave will be expected to provide reasonable advance notice of the need for leave and, at a minimum, written notice of five (5) working days. Failure to provide advance notice may be cause for delaying the effective date of the leave. The City may require employees requesting family care leave for the care of a seriously ill family member, or for the treatment of a serious health condition of the employee to provide medical verification of the illness. Such verification should include a statement that the condition warrants the attention of the employee and an estimate of the period of time needed for the care.

- (g) Where both a husband and wife are employed by the city and both are eligible for family leave the aggregate leave to which both are entitled is limited to twelve (12) workweeks of leave in a 12-month period if leave is for the birth or placement for adoption or foster care of the employees' child, or to care for a seriously ill parent.
- (h) Employees on family care leave will be eligible to continue medical and dental insurance coverage and other group coverages as if the employee were in a regular pay status. The City will pay the premiums necessary to maintain coverage as if the employee remained in a paid status. If an employee elects to maintain insurance coverage while on family care leave and there is normally a payroll deduction, the employee shall pay the premiums in advance in accordance with the requirements necessary to maintain coverage. For the period of family care leave in a paid status, if any, the employee will continue to accrue vacation, sick leave and holidays.
- (i) Family care leave shall not constitute a break in service for seniority or any employee benefits. An employee on family care leave without pay for thirty (30) consecutive calendar days, or major fraction thereof, or more, shall have their salary review date adjusted to reflect the time absent without pay. Employees on probation will have their probationary period extended by the length of time on family care leave.
- (j) An employee may take up to 12 workweeks of unpaid leave for a qualifying exigency (as defined by the Department of Labor short-notice deployments, military events, counseling) related to a spouse, son, daughter, or parents of active duty or notification of an impending call or order to active duty in the Armed Forces in support of a contingency operation.
- (k) An employee who is the spouse, son, daughter, parent or next of kin of a covered service member is entitled to a total of 26 workweeks of leave during a single 12-month period to care for the service member with illness incurred in the line of duty.
- (l) Medical leaves will be authorized on the basis of a physician's written statement that the employee is no longer able to work due to a medical disability.
- (m) The total period of all absences related to the same medical condition shall be considered part of the same leave and may not exceed four 12 weeks. Paid and unpaid portions of a leave shall be added together for purposes of the 12 weeks limitation.

- (n) An employee who plans to take a medical leave must provide the City with reasonable notice of the date the leave will commence, the estimated duration of the leave, and the expected date of return to work. When an unplanned medical condition or emergency occurs that does not allow the employee to provide advance notification of the need for a medical leave, the employee must notify the City of the situation at the earliest possible time. The City may require periodic confirmation of the need for continued leave.
- (o) Employees returning to work after any medical leave must have a written release from a physician verifying that they are able to return to work, including any limitation that will impact the employee's ability to perform the essential functions of the position, with or without reasonable accommodation, and safely perform their duties.
- (p) The employee shall cooperate with the City in scheduling his/her date to return to work, and, whenever possible, shall give the City at least thirty (30) days advanced notice of availability. Upon return from leave, the City shall restore the employee in his/her previous position or a comparable position provided the employee gives the City thirty (30) days advanced notice. Where the leave was for the treatment of a serious health condition of the employee the City may require the employee to provide medical verification of fitness for duty.

9.09 Unpaid Leave

- (a) For permanent full-time employees, and upon written request, the City Manager may approve in writing a discretionary leave of absence without pay for a period not to exceed four months; the City Council may approve such a leave for a period not to exceed one (1) year.
- (b) Employees who are absent without authorization for three (3) consecutive working days and have not contacted their department head will be assumed to have voluntarily resigned from City employment as of the end of the third day of absence. The City shall notify the employee in writing at the employee's last known address of its intent to apply this rule. The employee may request a review by the City Manager prior to finalizing the resignation.

9.10 Military Leave

- (a) Military leaves of absence are authorized, except as provided below, without pay. In order to be eligible, employees must submit written verification from the appropriate military authority. The City will reinstate employees returning from military leave to their same position or one of comparable seniority, status and pay if they:

- (1) Have a certificate of satisfactory completion of service;
 - (2) Apply within 90 days after release from active duty or within such extended period, if any, as their rights are protected by law; and
 - (3) Are qualified to fill their former position.
- (b) Exceptions to this policy will occur whenever necessary to comply with applicable laws.
- (c) An employee who has more than twelve months service with the City and who is on temporary military duty ordered for the purposes of active military training, encampment, naval cruises, special exercises, or like activity shall be on leave with pay for the first thirty (30) days of such leave provided the temporary military duty does not exceed 180 calendar days. Inactive duty, such as scheduled reserve drill periods, is not considered as active military duty and does not qualify. Leave with pay shall not exceed thirty (30) calendar days in any one fiscal year.

9.11 Time Off to Vote

Employees who are voters may request time off to vote at an election if the employee does not have sufficient time outside of his/her regular working hours to vote. The employee may, without loss of pay, take up to two (2) hours of time off to vote. The time off for voting shall be only at the beginning or the end of the regular work shift, whichever allows the most free time to vote and the least time off from work. The employee shall give his/her supervisor at least two (2) working days notice of the need for time off to vote.

9.12 Reproductive Loss Leave

The City will provide up to five (5) days of protected leave to an employee who has been employed for at least thirty (30) days and has suffered a “reproductive loss event,” defined as a failed adoption, failed surrogacy, miscarriage, stillbirth, or unsuccessful assisted reproduction. The leave does not need to be taken in consecutive days but generally must be completed within three months of the event. The leave is unpaid, however an eligible employee is entitled to use other compensatory time off balances, including vacation and sick leave. If an employee experiences more than one reproductive loss within a twelve (12) month period, the City will provide up to a maximum of twenty (20) days’ leave.

SECTION 10 - DISCIPLINARY PROCEDURE

Disciplinary actions are intended to be corrective and progressive in nature with the objective of obtaining compliance with rules, orders, procedures, standards of conduct and expected job performance. Disciplinary action should be designed in severity to that commensurate with the alleged violation(s). The department head who occupies the position with authority to appoint an individual to the position of employment is the "Appointing Authority" for that position. The City Manager is the Appointing Authority for the management staff which includes department heads.

Any employee holding permanent status as a City employee may be disciplined for cause by the appointing authority provided the rules and provisions prescribed herein are followed. All disciplinary actions shall become a part of the employee's personnel record.

10.01 Disciplinary Actions

Disciplinary action shall mean reprimand (written or oral), suspension, demotion, reduction in salary, disciplinary probation, or discharge from employment.

10.02 Causes for Disciplinary Action

The following reasons shall be deemed sufficient for disciplinary action, but such action need not be limited to these reasons:

- (a) Fraud in securing appointment;
- (b) Performing the duties of the position in an incompetent manner;
- (c) Performing the duties of the position in an inefficient manner;
- (d) Performing the duties of the position in an untimely manner;
- (e) Performing the duties of the position in a careless manner;
- (f) Failure to possess and/or utilize the minimum qualifications required for the position;
- (g) Dishonesty in the performance of the duties of the position;
- (h) Failure to be present at assigned places and times, unless the absence is approved;
- (i) Insubordination;

- (j) Failure to treat superiors with respect and courtesy;
- (k) Failure to fully obey the lawful orders of superiors;
- (l) Failure to treat other employees with respect and courtesy;
- (m) Insobriety, while on duty;
- (n) Illegal use or possession of alcohol, controlled substances, or habit forming drugs while on duty;
- (o) While on or off duty, behaving in a manner that tends to cause discredit to the City;
- (p) While on or off duty, behaving in an illegal manner;
- (q) Conviction of a crime which relates to the qualifications, functions, duties or image required of the employee in the assigned position;
- (r) Discourteous treatment of the public;
- (s) Misuse or theft of City or other publicly owned property;
- (t) Failure to fully comply with the general rules, regulations and policies of the City;
- (u) Failure to fully comply with the general rules, regulations and policies of the employee's department;
- (v) Failure to comply with safety rules, standards or regulations;
- (w) Misusing or abusing sick leave benefits;
- (x) Neglect of duty;
- (y) Unexcused or excessive absences (including tardiness);
- (z) Improper political activity, as defined by State law;
- (aa) Refusal to take or subscribe to any oath or affirmation which is required by law in connection with employment;
- (bb) Falsification of any City report or record (including application report);

- (cc) Outside employment or any outside commercial activity which is incompatible with the employee's position or which has not been specifically authorized by the City Manager;
- (dd) Other acts which are incompatible with service to the public, including any conduct or behavior, either on or off duty, which causes discredit, or would reasonably cause discredit, to fall upon the City, its officers, agents, or departments.

10.03 Notification of Proposed Disciplinary Action

A regular employee against whom disciplinary action other than reprimand is instituted by the department head shall be given written notice at least five (5) calendar days prior to the effective date of the action informing the employee of:

- (a) the intended action;
- (b) the ground or grounds therefore;
- (c) the employee's acts or omissions that form the basis for the cause(s);
- (d) the inclusion of any documents or materials relied upon in determining to discipline the employee (in the event that the materials are voluminous the employee will be informed that such documents or materials will be made available for the employee's inspection);
- (e) the right of the employee to respond to the department head orally or in writing prior to the intended effective date of the action.

The employee shall have five (5) calendar days from the date the notice is served on him/her to respond to the notice. After the notice and the employee's timely response, if any, the department head shall implement, modify or not implement such action as the department head deems appropriate, and shall so notify the employee.

Except under extraordinary circumstances requiring immediate removal (e.g. imminent threat to health or safety of the employee, other employees, or the public), and in the case of reprimands and suspensions without pay of five (5) days or less, such discipline may not be implemented prior to fully affording the employee the foregoing notice and opportunity to respond procedure.

10.04 Disciplinary Appeals

Any regular employee shall have the right of appeal to the City Manager from any disciplinary action taken by their department head under Section 10.03. Such appeal must be filed with the City Manager within ten (10) calendar days after receipt of written notice of such disciplinary action; failure to file any appeal within such period constitutes a waiver of right to appeal. The appeal must be in writing and must state specifically the reasons upon which it is based. The City Manager or his/her designee shall conduct a hearing as provided in Section 10.05.

10.05 Hearing

The City Manager or his/her designee shall conduct a hearing on an appeal filed in accordance with Section 10.04. The date for the hearing shall be scheduled within twenty (20) calendar days of receipt of the employee's request, as provided above, to commence as soon as can be expeditiously arranged.

The affected employee (appellant) may be represented by an attorney or other representative of his/her choosing. Each party shall be given a reasonable opportunity to be heard on relevant issues, including the right to cross-examine witnesses.

Compliance with the technical rules of evidence applied in the courts shall not be required. Oral evidence shall be taken only on oath or affirmation. Hearsay evidence is admissible but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. Immaterial, irrelevant or unduly repetitious evidence may be excluded. The rules of privilege shall apply. If appellant does not testify in his/her own behalf, he/she may be called and examined as if under cross-examination.

10.06 Subpoenas

Subpoenas and subpoenas duces tecum shall be issued at the request of either party, provided such request is submitted no less than five (5) working days prior to the commencement of the hearing.

10.07 Failure of Employees to Appear at Hearing

Failure of the appellant to appear at the hearing shall be deemed a withdrawal of the appeal and the action of the City Manager or department head shall be final.

10.08 Decisions

The City Manager or his/her designee shall render a written decision within fifteen (15) calendar days after concluding the hearing. The decision shall be final and conclusive. A copy of such decision shall be forwarded to the appellant. If the disciplinary action taken against the employee is reversed or modified by the City Manager, the employee may be compensated, in whole or in part, for the time lost as determined by the City Manager or his/her designee.

10.09 Exemptions

The following employees are at-will employees, without a property right in continued City employee and thus exempt from the notice and appeal procedures of this Chapter:

- (1) Persons engaged under contract to supply expert, professional or technical services for a definite period of time;
- (2) Volunteer personnel, who receive no regular compensation from the City;
- (3) City Manager;
- (4) 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;
- (5) Temporary Position employees;
- (6) Hourly employees;
- (7) Probationary employees.