



City of American Canyon

HUMAN RESOURCES POLICIES & PRACTICES MANUAL



Preface

This is the second version of City of American Canyon's **Human Resources Policies and Practices Manual**. Revisions were made out of the City's most recent negotiations as well as because some updates were required. The **Manual** was established for use in maintaining equitable and efficient operations in the City of American Canyon and to reflect best practices in the area of human resources management. The goal of this **Manual** was and continues to be to have one document to reference that addresses a large number of the City's policies and practices and to ensure fair and equitable treatment of all employees.

This Manual is meant to provide for personnel administration that is consistent with existing statutes, policies, labor agreements, and directives concerning City employment as adopted by all parties. As needed, the City will amend this document to conform to statutes and other documents and to improve the quality of this **Manual**. If any of the amendments are within the scope of bargaining, the City will meet and confer with the union to discuss.

Dana Shigley
City Manager
October 2012

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SECTION 1: INTRODUCTION AND GENERAL PROVISIONS

1.1 Purpose

- a. This Manual outlines the personnel policies and practices that govern employment with the City of American Canyon. It is designed to ensure consistent, fair, and uniform treatment of all City employees, and to put into practice the personnel provisions contained in section 2.50 of the American Canyon City Code.
- b. Employees covered by the Management Compensation Program are employed at-will, and may not be covered by all of the practices in this manual to the extent that there is a conflict between these practices and their at-will status. In event of conflict between the Management Compensation Program and these practices, the terms of the Management Compensation Program or the specific individual's employment contract shall take precedence.
- c. The procedures contained in the manual are based on Chapter 2.50 of the City Code, and supersede Resolution 95-07 and any and all previously issued City policies, procedures, rules, or instructions related to human resources matters.
- d. Every effort has been made to align this manual with the most current memorandum of understanding (MOU) between the City and the recognized employee organization. That document should be reviewed when there is an overlap between these practices and procedures, and agreements contained in the MOU. If there is any conflict between these practices and procedures and any MOU or resolution authorizing pay and benefits between the City and a recognized employee organization, the provisions contained in the memorandum of understanding or resolution authorizing pay and benefits shall take precedence.
- e. Nothing in these practices shall be deemed to supersede applicable state or federal law or administrative regulations related to personnel matters.

1.2 Authority

As authorized by the City Council and chapter 2.50 of the City Code, the City Manager has adopted the practices and procedures in this manual. The City Manager, or designee, will periodically review and must approve all additions, amendments, and revisions to the practices and procedures contained herein.

1.3 Administration

- a. Code chapters 2.08 and 2.50 provide that the City Manager, or designee, is responsible for the development, implementation and control, and modification of the human resources practices and procedures. In most cases that authority is delegated to the Human Resources Director. In the event any provision of code sections require clarification, the City Manager, or designee, may issue administrative instructions clarifying the intent of said provision as adopted by the Council.

- b. If there is any conflict between practices and procedures and any departmental policies and procedures, the practices contained in this manual take precedence.

1.4 Distribution

Copies of the Personnel Ordinance and this manual shall be made available to every current and new employee, and complete, current copies of this manual shall be maintained and available in every City office and the City's official website. A summary and explanation of the information in this manual and the Personnel Ordinance shall be included in the employee handbook and provided to every current and new City employee, contractor, and consultant.

SECTION 2: DEFINITION OF TERMS

The following definitions shall apply throughout this manual:

- 2.1 **Alternate Work Schedule** – Also called a flexible work schedule, an alternate work schedule is a fixed schedule that is requested by an employee that allows a workday and/or workweek schedule to start and/or end at an earlier or later time than standard work schedules.
- 2.2 **Anniversary/Benefit Date** – The date which determines eligibility for performance evaluation, salary and/or benefit increases. In the case of new hires, this will be the date that a new employee successfully completes the probationary period and receives an evaluation and a salary step increase. All subsequent evaluations and salary/benefit increases (if warranted) will be at twelve-month intervals from the date that probation is completed. For all promotions, the new anniversary/benefit date will be the effective date of the promotion. In cases of promotions, employees receive an initial salary increase of at least 5% and are eligible for future salary step increases at twelve-month intervals from the date of promotion. The anniversary/ benefit date may change over time, and shall be determined based upon the effective date of specific personnel actions such as promotions, demotions, completion of initial probationary periods, or extended leaves of absence.
- 2.3 **Applicant** – A person who has filed an application for employment with the City.
- 2.4 **Appointment** – The offer to and acceptance by a person of a position in city service through selection from an eligibility list.
- 2.5 **At-Will** – An employee who serves “at will” of the agency; is never permanent; can be terminated at any time with or without cause.
- 2.6 **Bulletin Board** – The official physical posting places for notices and job announcements as prescribed by the law or policy.
- 2.7 **Candidate** – An applicant who fulfills the minimum requirements for a given position.
- 2.8 **Certification** – the furnishings of names by the City Manager or designee of eligible, available candidates for employment from an eligibility list in the manner prescribed in this manual.
- 2.9 **City** – The government organization of the City of American Canyon.
- 2.10 **City Council** – The elected legislative body of the government of the City of American Canyon
- 2.11 **City Manager** – The administrative head of the government of the City of American Canyon.

- 2.12 **Class, Classification**— A group of positions similar as to duties performed, degree of supervision and responsibility exercised or required, minimum requirements of education, experience, skill and such other qualifications, so that the same title, the same tests of fitness and the same schedule of compensation may be applied to each position in the group.
- 2.13 **Class Series** – Two or more related classes that typically constitute a career ladder. A class series, if warranted, may consist of two or more of the following levels: an entry/trainee level, a journey level, an advanced journey and/or lead level, and a supervisory level. For promotional purposes, the minimum qualifications for each next higher level in the series allow a certain amount of experience at the lower level class as qualifying.
- 2.14 **Classified Position** – A position in the city service, the duties of which do not terminate at any stated time.
- 2.15 **Code** – The Municipal Code of the City of American Canyon, California, being the systematic compilation of effective ordinances of the City.
- 2.16 **Compensatory Time** – Time off with pay granted an employee in lieu of monetary payments for overtime.
- 2.17 **Competitive Service** – All positions of the City of American Canyon, except at-will management positions and employees in temporary positions.
- 2.18 **Conciliation** –The efforts of an impartial third person, or persons, functioning as intermediaries, to assist the parties in reaching a voluntary resolution of impasse, through interpretation, suggestion, and advice. Mediation and conciliation are interchangeable terms.
- 2.19 **Confidential Position** –An employee who, in the course of his or her duties, has probable access to confidential information relating to the City's administration of employer-employee relations, legal matters, and other personnel matters. The employee's access to such confidential matters shall be strictly limited to the areas of work in which the individual position is normally engaged.
- 2.22 **Consult or Consultation in Good Faith** – To communicate orally or in writing for the purpose of presenting and obtaining views or advising of intended actions; and as distinguished from meeting and conferring in good faith regarding matters within the required scope of such meet and confer process; does not involve an exchange of proposals and counterproposals with the Union in an endeavor to reach agreement in the form of an MOU.
- 2.21 **Controlled Leave** – In the case where an employee has an attendance/sick leave usage problem, being placed on controlled leave means that the employee must provide medical verification each time s/he uses sick leave unless the absence is protected by law.
- 2.22 **Demotion** – The voluntary or involuntary movement of an employee from one class to another class having a lower maximum rate of pay.

2.23 **Department Head** – The individual (whether as an employee or contractor) who is designated the administrative head of a department.

2.24 **Discharge (Termination)** – The termination of employment for cause.

2.25 **Eligibility List (Given in order of priority)**

- a. Recall List: A list of persons who have been laid off from city service within the preceding twelve (12) months and who, in accordance with these rules and regulations, are entitled to appointment to vacancies in the class without further examination.
- b. Promotional Eligibility List: A list of names of persons who have taken a promotional examination for a position in city service and have met all requirements for the position.
- c. Open Eligibility List: A list of names of persons who have taken an open examination for a class in city service and have qualified.
- d. Reconsideration List: A list of persons who have resigned from city service in good standing within the preceding twenty four (24) months and who, in accordance with these rules, are entitled to consideration for appointment to vacancies in the class without further examination. Appointment from reconsideration lists are optional for the hiring authority.

2.26 **Emergency** – An unanticipated circumstance which requires an immediate response.

2.27 **Employee** – A person holding a regular position in city service. All generic references to “employee” in this Manual shall mean “regular employee”.

2.28 **Employer-Employee Relations** – The relationship between the City and its employees and their employee organization, or, when used in a general sense, the relationship between city management and employees or employee organizations.

2.29 **Examination**

- a. Open Examination: An examination for a particular class which is open to all persons meeting the qualifications for the class.
- b. Promotional Examination: An examination for a particular class, admission to which is limited to regular, probationary, or temporary employees who meet the qualifications for the class.
- c. Open Continuous Examination: An open examination with no specific filing deadline that is administered periodically, and as a result of which, new candidate names are merged into the existing list. Candidates remain on a merged continuous list for a period of six (6) months, or for a shorter period of time, if the list is no longer viable.

2.30 **Exempt Employees** – Any employee assigned to an FLSA exempt position.

2.31 **Exempt Position** – Any position classified by the City Council as exempt from the overtime provisions of the Federal Fair Labor Standards Act or any applicable state laws; at-will

positions appointed by the City Council and employees covered by the Management Compensation Resolution.

- 2.32 **Flexibly-Staffed Classifications** – A classification series that has two or more levels and an employee can be initially appointed to any level in the series, depending upon experience and/or education, and can be promoted from one level to the next without further testing. The most common and useful flexibly-staffed concept includes two levels: entry and journey.
- 2.33 **Hire Date**- The date on which a person is placed on the city payroll, and for regular employees, this is the date that establishes eligibility for leave accruals and city service seniority. The hire date shall not change unless the employee breaks from City service, is removed from the city payroll, and subsequently rehired.
- 2.34 **Hiring Interview** – The final interview conducted by the department with qualified candidates from the top three ranks of a City eligibility list. Hiring interviews are conducted for the purpose of determining the softer skills such as organizational fit, dependability and reliability, and teamwork orientation.
- 2.35 **Human Resources Director** – The City Manager, or designee as appointed by the City Manager, responsible for recruitment, examination, and other personnel and human resources related matters.
- 2.36 **Lateral Transfer (the same as “Transfer”)**– The movement of an employee from one classification to another classification that has either the same or a lower salary range or a higher salary which is less than five percent (5%) of the top of the salary range of the employee’s current class. The employee must meet the minimum qualifications of the new class but may not be required to take a competitive examination to transfer laterally.
- 2.37 **Layoff** – Involuntary separation from employment for non-disciplinary reasons.
- 2.38 **Leave of Absence** – An absence from work, with or without pay, for a specified period and purpose.
- 2.39 **Management Employee** – An employee having responsibility for formulating, administering or managing the implementation of City policies and programs.
- 2.40 **Manual** – The City’s Human Resources Policies and Practices Manual.
- 2.41 **Meet and Confer in Good Faith** (sometimes referred to herein as “meet and confer” or “meeting and conferring”) means that duly authorized City representatives and duly authorized representatives of the union shall have a mutual obligation to meet to confer in good faith regarding specified matters within the scope of representation, in an endeavor to reach tentative agreement. Once tentative agreement has been reached on any matter requiring ratification or City Council adoption, the parties shall recommended ratification by the membership and adoption by the City Council. Nothing herein shall require either party to agree to any proposal or make concessions.

- 2.42 **Memorandum of Understanding (MOU)** –A written document enumerating any agreement reached as a result of meeting and conferring in good faith on matters within the scope of representation and signed by the Union and the City.
- 2.43 **Merit Pay Increase** – An increase in pay established in the salary plan which may be granted to an employee for meritorious service and completion of prescribed periods of employment in the class. All increases are merit increases and must be approved by both the employee’s department head and the City Manager or designee.
- 2.44 **Nonexempt Employees** – Employees who are covered by the provisions of the Federal Fair Labor Standards Act or any applicable state laws. Employees in this category are entitled to overtime pay for work in excess of forty (40) hours in a standard work week.
- 2.45 **Oral Interview Test** – That part of an examination conducted by a competent board to evaluate the candidate’s education, experience, and general qualifications pertinent to the position for which examined.
- 2.46 **Overtime Pay** – Payment granted to an employee for authorized work in excess of the regularly scheduled work hours. Overtime pay shall be computed in accordance with applicable laws and memorandum of understanding.
- 2.47 **Part-Time Employee** – An employee who is employed at least twenty (20) hours but less than forty (40) hours per week. See MOU for additional information.
- 2.48 **Personnel Action Form (PAF)** – The official form used to document any personnel action.
- 2.49 **Position** – A specific office of employment provided by the budget, whether occupied or vacant, full or part-time, limited term or permanent, calling for the performance of certain duties as defined in a class specification.
- 2.50 **Position Classification Plan** – A compilation of the title, definition, and scope of duties for each class adopted by the City Council and currently active within city service.
- 2.51 **Probationary Employees** – Full-time employees who have worked less than nine (9) months for the City (270 calendar days), or in some cases less than twelve (12) months; part-time employees who have worked less than the equivalent of the prorated hours of the nine (9) month probationary period (or twelve months). Probationary employees may be terminated at will, with or without notice, and said terminations shall not be subject to the grievance procedure.
- 2.52 **Promotion** – The movement of a qualified employee from his/her current classification to another classification having a higher maximum rate of pay of five percent (5%) or more from top of the range to top of the range. Promotions under this definition are only allowed through competitive examination except for flexibly-staffed classifications. General salary or merit adjustments are not considered promotions.

- 2.53 **Provisional Appointment** – A temporary appointment of a person who possesses the minimum qualifications established for a particular class and who has been appointed to a position in that particular class, in the absence of an available eligibility list. In no instance shall an original provisional appointment be longer than six (6) months without an official extension. A provisional appointment may be extended once only up to a maximum of three (3) additional months by the City Manager.
- 2.54 **Rank** – All successful candidates will be placed on an eligible list in rank order. The candidates' standing on the list, as dictated by their final test score, shall be their rank. Each candidate's final weighted score is rounded up to the nearest whole number and all candidates with the same rounded score shall occupy the same rank. As hires are made from the eligibility list and as ranks are cleared, the ranks of the remaining eligibles on the list will change.
- 2.55 **Reassignment** – A movement of an employee from one position to another position within the same classification which may be requested by an employee or department if a vacancy in the same class exists; or, a reassignment can be effected by the City Manager with consultation with the department head(s). A reassignment differs from a transfer in that a transfer is a lateral movement (within a 5% difference between top step to top step) from one classification to another classification.
- 2.56 **Recall** – Employees who have been laid off shall be placed on the recall list for one year for the classification and will be hired in order of their placement on the list as vacancies occur. The recall list shall take precedence over all other hiring lists. If an employee is on a recall list and does not respond to a written notice to show up for work to fill a vacancy in the class they previously held, they will be removed from the list and will not be considered for any future vacancies. Employees who are returning from military service are also entitled to recall. In these cases, the employee is not placed on a recall list; instead, they are recalled to a position in the classification that they held regular status under the provisions of state and federal law if they report back to the City within the mandated timeframes.
- 2.57 **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 it 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.
- 2.58 **Reconsideration** – An employee who left City service in good standing is eligible for rehire under the City's re-employment policy without further testing. Individuals who leave City service can be considered for re-employment for two (2) years from their separation date. Hiring from the re-employment list is optional with the hiring authority.
- 2.59 **Regular Employee** – Any person employed by the City for an indefinite period and eligible for all benefits and privileges and have successfully completed their probationary period.
- 2.60 **Resignation** – The voluntary separation of employment of any employee.

- 2.61 **Resignation in Good Standing** – The voluntary separation of employment of any employee, in which the employee shall provide a written statement, indicating the last day of employment and reasons for leaving, at least two weeks prior to leaving. A resignation in good standing does not include a resignation with pending disciplinary action or as a settlement of a disciplinary action.
- 2.62 **Seasonal Position/Employee** – A position allocated by the current budget on a full or part-time basis for a limited, but specified period of time. Assignments are to specified programs that may continue from year to year. Seasonal employees are not eligible for City benefits.
- 2.63 **Seniority** – The amount of service time with the City or within a job classification.
- 2.64 **Suspension** – A disciplinary action taken by the department head, and approved by the City Manager, to prevent an employee from working normal hours and thereby exempted from compensation for those hours. Persons under suspension shall not accrue sick leave and vacation during such suspensions.
- 2.65 **Supervisory Employee** – Any employee having authority, in the interest of the City, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, discipline other employees, or responsibility to direct them or to adjust their grievances, or to recommend such action to a higher management level in the chain of command, if the exercise of such authority is not of a routine or clerical nature, but requires the exercise of independent judgement.
- 2.66 **Temporary Employees** – Temporary employees hired on a full-time or part-time basis for less than 1,000 hours per year. Temporary employees are not eligible for City benefits or any leave accruals.
- 2.67 **Termination (Discharge)** - Involuntary separation of an employee from employment.
- 2.68 **Transfer (also called “Lateral Transfer”)** – The movement from one classification to another classification in which the difference between the top salary of the employee’s current class and the top salary of the transfer class is 5% or less. The employee must also meet the minimum qualifications for the transfer class. A transfer differs from a “reassignment” in that a reassignment is a movement to another “position” within the same classification that the employee is in.
- 2.69 **Workday** – The number of regularly scheduled hours worked in a twenty-four (24) hour period, beginning at twelve o’clock midnight of any working day normally shown, unless otherwise provided in these rules.
- 2.70 **Work Week** – The number of regularly scheduled days and hours worked in a week beginning at 12:01 a.m. on Saturday. An individual workweek may be modified for purposes of offering an alternate work schedule.

2.71 **“Y-rate”** – The salary step of an employee who is paid outside of the salary range for the classification in which the employee is working. The salary of an employee in a “Y-rate” may be frozen until the salary range on the classification reaches the dollar amount of the employee’s salary or for two years, whichever occurs first. Benefits may also be “Y-rated” in those cases where an employee is recommended to be moved to a different bargaining unit and in such cases, the “Y-rated” benefits will expire after two years and the employee will begin to receive the benefits associated with their current bargaining unit.

SECTION 3: BUSINESS PRACTICES

3.1 Code of Ethics

- a. Proper operation of the City requires that:
 1. Actions of public employees be impartial.
 2. Government decisions and policies be made in the proper channels of government structure.
 3. Public office not be used for personal gain.
 4. The public have confidence in the integrity of its government. The purpose of this Code of Ethics is to apply to and give guidance to all officials and employees so that they may conduct themselves in a manner which will be compatible with the best interest of themselves and of the City of American Canyon.

- b. It is also the policy and purpose of this Code to protect government integrity and to facilitate the recruitment and retention of personnel needed by the City without creating unnecessary barriers to public service. Employees, contractors, consultants, and volunteers are expected to follow this Code in their daily activities in order to:
 1. Protect and enhance the reputation of the City of American Canyon and its employees.
 2. Treat all people equally with courtesy and impartiality, and refrain from granting any special advantage to any person beyond what is available to all citizens.
 3. Give efficient, productive, and economic service to the public.
 4. Avoid real or potential conflicts between private and public duties, remembering that the public interest must be the principal concern.
 5. Keep confidential all information acquired by reason of one's position which may be used for personal or financial gain for the employee or other persons.
 6. Refrain from securing special privileges or exemptions for one's self or one's relatives or other persons that are not available to all citizens.
 7. Avoid receiving, soliciting, or otherwise obtaining anything of value from any other public official, employee or citizen which is intended to influence the performance of official duties.
 8. Use City vehicles, equipment, supplies, and/or property only for city work, and not for personal benefit or profit, except when it is available to the public generally or provided by administrative regulations.
 9. Disclose to the appropriate authority the nature and extent of any financial or personal interest in a City contract, legislation, or in any type of transaction involving the City, when participating in the development of or giving an official opinion on the matter.
 10. Cooperate fully with other employees unless prohibited by law or confidentiality.
 11. Handle all matters of personnel with impartiality and fairness.
 12. Strive to meet the minimum standards required by all laws.

3.2 Equal Opportunity Employer/Discrimination-Free Workplace

- a. It is the policy of the City that all persons are entitled to equal employment opportunity. The City does not discriminate against its employees, contractors, consultants, citizens, or applicants regardless of race, color, national origin, age, sex, sexual preference, gender identity, marital status, physical handicap, medical condition, veteran status, or religious affiliation in accordance with all applicable federal and state equal opportunity laws. It is the City's policy to treat all employees, contractors, consultants, and applicants on the basis of merit, qualifications, and competence, and to remove discriminatory employment barriers when and where they are found to exist so all individuals may compete for employment opportunities on an equal basis.
- b. Non-Discrimination/Equal Opportunity shall apply in all program areas, including but not limited to recruitment, hiring, promotions, compensation, benefits, transfers, work assignments, performance evaluations, disciplinary actions, demotions, terminations, layoffs, employee development, educational, social, and recreational programs, and the use of City facilities.
- c. All City human resource practices and procedures shall be administered in accordance with this Equal Opportunity/ Discrimination-free Workplace provision.

3.3 Compliance with American with Disabilities Act

- a. It is the policy and practice of the City to comply fully with the Americans with Disabilities Act and ensure equal opportunity in employment for all qualified persons with disabilities. The City is committed to ensuring non-discrimination in all terms, conditions and privileges of employment. All employment practices and activities, whether provided or conducted by the Agency or another entity on our behalf, will be conducted on a non-discriminatory basis.
- b. Recruiting, advertising and job application procedures have been reviewed and provide persons with disabilities meaningful employment opportunities. Upon request, applications are available in alternative, accessible formats, as is assistance in completing the application. Pre-employment inquiries are made only regarding an applicant's ability to perform the essential functions of the position with or without accommodation, not any disabling condition.
- c. Pre-employment physical examinations are required only for those positions in which there is a bona fide job-related physical requirement, and are given to all persons entering the position only after conditional job offers. Medical records are kept separate and confidential.
- d. Reasonable accommodation is available to all employees and applicants. Work sites will be accessible. All employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability of the individual.

- e. Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) as well as job assignments, classifications, organizational structures, position descriptions, lines of progression and seniority lists. Leave of all types will be available to all employees on an equal basis. In accordance with the ADA, the Agency prohibits retaliation against anyone bringing to its attention an unlawful practice, or participating in an ADA proceeding or exercising his or her rights under ADA.
- f. All fringe benefits, whether provided or administered directly by the City or another entity on our behalf, must be accessible to persons with disabilities. Training, apprenticeship programs, conferences, professional meetings, as well as financial support and leave for them will be available to all employees. Recreational and social activities sponsored by the City will be accessible to all employees.
- g. This policy is neither exhaustive nor exclusive. The City is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and all other applicable federal, state and local laws.
- h. Any other person that may find barriers involving City facilities or equipment, necessary for reasonable accommodations of a disability, may address their concerns or complaint to the Agency's ADA Coordinator, the Human Resources Director. The complaint shall be in writing, if possible, and contain specifics regarding the problems and suggested accommodations to rectify the condition.

3.4 Service to the Customer

a. Policy

The City of American Canyon is a service organization. Providing excellent customer service is the primary mission of every City employee, contractor, and consultant. In many cases, City customers have little choice but to use City services. Nonetheless the City desires to be the service “provider of choice” to every customer and City resident regardless of whether they have an option. The City has two types of customers: internal and external. Internal customers are City employees, contractors, and consultants who interact with other City departments and employees. For example, many of the city's finance and administrative services have internal customers. External customers include residents, visitors, outside agency employees, and the general public that interact with City employees, consultants, and contractors. Every employee has customers.

b. Service Excellence/Standards

Each City department is responsible to establish customer service standards for their various services. The Human Resources Director will work with each department head to establish standards, and where appropriate, the Human Resources Director will lead a project team to establish citywide standards. Standards may include, but are not limited to: response time to calls, letters, and e-mail; wait time in lines; work quality and completeness; and rework. Department heads and the Human Resources shall involve line employees in the establishment of such standards. The Human Resources Director shall provide training in service excellence and City standards to all employees.

c. Balancing Regulatory Authority with Service

Often City employees are in the position of enforcing laws and regulations which could be in conflict with service excellence from the customers' perspective. Every City employee shall strive to balance their duties in enforcement and regulatory review with a service approach. At all times customers shall be treated politely and with respect. Customers are to be offered complete information, including suggestions of alternatives and options which may help the customer come into compliance with the particular rule, regulation, or law in question or accomplish their desired goal. City employees are not responsible for doing the customer's work, rather to help them identify options and alternatives they may pursue in accomplishing their desired outcome.

d. Correcting Errors

In the normal course of conducting City business errors, or perceived errors, may be made. Every City employee, contractor, and consultant shall strive to accommodate inconveniences that may be suffered by a customer as a result of an error whenever possible. In the event of an error, employees should work with their supervisor or department head to identify potential accommodations for the customer. In cases involving significant accommodation, the department head should consult with the City Manager. Maintaining consistency in the City's application of rules, regulations, and laws remains paramount. The department heads and City Manager will develop a process and maintain records of any accommodations that are authorized.

3.5 Healthy and Safe Workplace

a. Public and Employee Safety

The City shall develop, implement, and maintain an **Illness and Injury Prevention Program** to protect its employees, property, and the general public from hazardous conditions, dangerous materials, and unsafe conditions.

1. Employee Responsibility. It shall be the responsibility of every employee to know and observe all safety rules, to use safety equipment and devices provided, and to work in a manner that will safeguard the employee, co-workers, and the general public. Additionally, the Employee Safety Committee shall be made up of employee volunteers, one or two management representatives, including the Human Resources Director, and any other representatives that the Committee deems necessary. The role of the committee is to review and/or investigate accidents (under the direction of the HR Director), share information with other employees, and to educate themselves and all City employees on Safety issues.
2. Illness and Injury Prevention Program Safety Manual. The Human Resources Director shall be responsible to develop and annually update the Safety Manual, consistent with all applicable state or federal laws, and all safety and prevention practices in the City. The City Manager shall approve the manual and the annual updates.
3. Violation of Illness and Injury Program. This program has been created for the safety of employees, coworkers, consultants, contractors, City property, and the general public. Employees who willfully violate any element of the program shall be subject to disciplinary actions as described in Section 8.1.

4. Employee Training. All department heads shall provide at a minimum of a once a month, one hour training session with their employees; and, at least one annual half-day training session on employee safety, consistent with the provisions of the Safety Manual.
5. Reporting Work-Related Injury or Illness. Employees shall immediately report any work-related injury, illness, or accident to their supervisor as soon as possible. This includes job-related personal injury or illness, damage caused to or by City vehicles, and damage to City buildings or property. Even if medical attention is not immediately required, the incident shall be reported. Employees must complete an injury report that is forwarded to the Human Resources Department.
6. Investigation of Accidents. The Human Resources Director or designee shall be responsible for investigations of all reported accidents and injuries. The Human Resources Director will determine if the accident or injury was preventable and what measures should be implemented to prevent a reoccurrence. If employee negligence or disregard of workplace rules or regulations is determined to be a contributing factor in the investigation, the Human Resources Director (or recommend to the appropriate department head) may take disciplinary action, or in extreme cases, involve law enforcement.
7. Use of Seat Belts. Seat belts must be worn at all times while in a city vehicle or on city business. An employee may be subject to disciplinary action if they are observed not wearing seat belts. The first offense will generally be a written reprimand. The second offense will generally be a one day suspension without pay. Subsequent violations will result in more progressive disciplinary action, up to and including termination. In the event an employee is cited for not wearing a seat belt by law enforcement, the ticket will be the employee's own financial responsibility to pay

b. Substance Use and Abuse

1. 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 impaired by those substances.
2. For the purpose of enforcing this policy and maintaining a drug and controlled substance free workplace, 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 employee, including but not limited to city vehicles, desks, lockers, file cabinets, and bookshelves.
3. In certain circumstances, the employee may be required to submit to a court admissible drug and alcohol analysis provided at the City's expense. Examples of such situations include:
 - i. Random tests required by law for Class A license or other certifications.
 - ii. Following any serious work-related accident or injury.

- iii. If a department head has reasonable suspicion that an employee is impaired by alcohol or a controlled substance while in the workplace or subject to duty.
4. In any case where a test is required, the following standards shall be followed:
 - i. The Human Resources Director shall be responsible for administering the tests.
 - ii. The drug or alcohol analysis shall be conducted by a properly state-certified testing facility.
 - iii. The employee involved may request a second test, at his or her own expense.
 - iv. Results of any medical examinations are subject to the medical information and record access, privacy and noticing requirements of the Health Insurance and Portability Act (HIPPA) *45 CFR 164.520*.
 5. For purposes of this section, “impaired” means ingesting a sufficient amount of alcohol or controlled substance so that the employee’s work performance is affected. However, for public safety employees, employees working with heavy equipment or employees required to routinely drive vehicles, “impaired” shall mean any measurable amount of alcohol or controlled substance.
 6. Exceptions to this policy:
 - i. Performance of normal job duties and responsibilities as directed by assignment or detail shall not result in an employee being in violation of this policy.
 - ii. An employee who resides on city-owned property is excepted from provisions of this policy for off duty circumstances that would be considered appropriate or legal if the residence was on private property.
 7. Failure to abide by the provisions of this policy may result in disciplinary action taken, up to and including termination.

c. Smoke-Free Workplace

The City of American Canyon is a smoke-free workplace. Smoking is prohibited in any city building or city vehicle. In accordance with state law, smoking is prohibited within 20 feet of the entrance of any public building and where otherwise posted.

d. Violence in the Workplace

While on duty, City of American Canyon employees, contractors, and consultants are prohibited from possessing weapons or related objects or making the verbal threat of the use of weapons, intimidation or violence in the workplace. This prohibition applies even though an individual may be licensed in his/her private capacity to carry a concealed weapon. It does not apply to law enforcement personnel or any security personnel engaged in official duties as may be authorized by the City Manager. This policy does not apply to non-licensed or regulated personal protection devices carried by employees for their personal safety, such as pepper spray.

City employees are prohibited from engaging in any violent behavior towards others, with the exception of law enforcement officers who are acting in an official capacity. Any direct physical or excessive verbal, written, or visual act (with or without a weapon) that threatens or has the purpose of unreasonably interfering with an individual's work performance, or creates an intimidating or hostile work environment is prohibited. See City Policy 08-3, Workplace Violence for guidance and more information.

Procedures

1. Employees will report any threat or behavior as outlined above, whether a coworker or a member of the public. Any employee who is subject to, or observes violent behavior or threat of violent behavior, a firearm or other weapon, or any situation that appears to be potentially dangerous, must immediately report such action to his/her supervisor, department head, or the Human Resources Director.
2. The supervisor, department head, or Human Resources Director will immediately take corrective action to resolve any violent behavior situation. This includes, but is not limited to, summoning police officers or calling 911.
3. The Human Resources Director will assist supervisors, managers and department heads in investigating and preparing documentation for action surrounding an incident of violent behavior. In some cases, a referral to the employee assistance program may also be appropriate.
4. Incidents that constitute criminal acts will be referred to the American Canyon Police Department.
5. Disciplinary action may be taken, up to and including termination, for violations of this policy or for filing a false or fraudulent claim.
6. In no case shall any employee or private person who reports threats or acts of violence be retaliated against through disciplinary action, workload reassignments, denial of promotion, harassment, or any other manner of retribution. Any acts of retaliation will be reported immediately to the appropriate department head, the Human Resources Director, or City Manager.

3.6 Information Security and Confidentiality

- a. All employees, contractors, and consultants are expected to maintain the confidentiality of City affairs, particularly as they relate to personnel, legal, business development, and other sensitive areas. If an employee is not clear on what is or is not a confidential matter, they should contact their department head, the Human Resources Director, or the City Manager, as appropriate, for clarification.
- b. Maintaining confidentiality of sensitive material and information is the responsibility of every City employee, contractor, and consultant, whether or not they are designated as a "confidential" employee in the City's classification system.
- c. Compliance with the medical information and record access, privacy and noticing requirements of the Health Insurance and Portability Act (HIPPA) *45 CFR 164.520*.

- d. Regardless of how an employee, contractor, or consultant may have learned or become aware of confidential information, even if he or she would otherwise not be privy to it, the employee is responsible for not conveying the information any further.
- e. If an employee is contacted by the news media, or other outside entity, to comment on a personnel or other confidential matter, the employee shall decline comment, noting it is against City policy as defined here and in Section 10.4 of this manual. The matter may then be referred to either the Human Resources Office or the City Manager's Office.
- f. Appropriate disciplinary action as defined in Section 8.1 shall be taken in the event that an employee has violated this policy. The exact nature of the disciplinary action will depend upon the nature and circumstances of the event.
- g. Employees are expected to cooperate in an honest and forthright manner, during any investigation conducted by the City Manager, or his/her designee, regarding a breach of confidentiality.

3.7 Personnel Records

- a. An employment history for each regular employee in city service will be maintained by the City. Their 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. On an annual basis, the Human Resources Department will conduct an annual review of every regular employee's personnel file. The purpose of the review is to insure the City has accurate and current information on address, phone number, beneficiaries, and other pertinent information. All employees are expected to cooperate in maintaining the accuracy of their personnel file.
- c. During business hours and by appointment, an employee may request the employee's personnel file to be opened for inspection by the employee or authorized representative. The employee will have access to all contents of the file. Those materials which are a part of the employment/selection process and material designated confidential by law shall be kept separate from the employee's personnel file and are not subject to employee review. A copy of the material in the personnel file will be provided to the employee upon request. Any and all medical related and workers' compensation documents will be kept in a separate medical file.
- d. Upon separation from city service, employees shall review the contents of their personnel file and sign a form indicating such review.

3.8 Outside Employment

a. Policy

The employee must consider City employment as his or her primary position. The City may allow employees the ability to hold secondary positions outside their City employment. However, it is reasonable that the City not approve outside employment if such employment may have a detrimental effect on City operations or that the work is incompatible or poses a conflict with the employee's position with the City.

b. Annual Form Completed by Employee

Employees must complete an annual “Authorization for Outside Employment” form available from the Human Resources Department. The form is designed to ensure employees are aware of and agree with the conditions listed below. The form must be completed and submitted to the employees’ supervisor for approval on an annual basis. It is the employee’s responsibility to complete the form annually and submit it to their supervisor. Department heads are expected to thoroughly consider any employee’s request and to act upon such requests in a timely manner. Outside employment must be reviewed with the employee and approved annually.

c. Conditions for Outside Employment

Employees may engage in employment outside City employment, provided that:

1. The employment does not conflict with the employee’s work schedules, duties, and responsibilities;
2. The employment does not create a conflict of interest or incompatibility with City employment;
3. The employment does not create a detrimental effect upon the employee’s work performance with the City;
4. The employment does not involve conducting business during hours of employment with the City;
5. The employee does not use City premises, facilities, or supplies for their outside employment;
6. The City is in no way responsible for the employee’s outside employment; and,
7. Written approval based on above conditions 1-6, is obtained in advance from the employee’s department head.

d. Self-Employment

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.

SECTION 4: EMPLOYMENT

4.1 Recruitment and Selection

a. Purpose/Policy

1. To select the best candidates, while assuring compliance with appropriate governmental laws and regulations, including these rules and regulations, Human Resources Director and the affected department head will work cooperatively and closely together on any recruitment. It is the city's intent to hire the most qualified and superior individuals to work in city service.
2. All recruitment information, tests, and selection decisions must be based on specific requirements of the job. Communication with all applicants should be open and fair. All selection methods must be valid tests of the knowledge, skills, and abilities that candidate's need to perform the job being filled. The selection process is open to anyone who feels qualified to apply.
3. All vacancies in permanent full-time or part-time positions shall be filled by transfer, demotion, recall, reconsideration, or appointment from an eligibility list following an open or promotional examination. In the absence of persons eligible for appointment through these means, provisional appointments may be made subject to Subsection 4.1n of these procedures.

b. Recruitment Process*

When a vacancy occurs, the appropriate department head will notify the Human Resources Director who will then set up a meeting with the department head, or designee, to review the position and develop a basic recruitment plan. Some of the issues the department head should be prepared to discuss include:

1. Job description update, including job analysis if appropriate.
2. Priority of this recruitment and why.
3. Organizational issues or changes (can work be redistributed to eliminate the position; does the position's current duties require the same job classification, or should it be higher or lower; are there other parts of the department that are in more critical need of staffing; is reallocation of personnel in order?)
4. Whether the recruitment should be open or promotional.
5. Timing and the recruitment schedule (how long the recruitment should be open; tentative interview dates).
6. Potential outside interview panelists or raters.
7. Recommended testing procedures or requirements (structured oral interview test, performance test, written exam, supplemental application questions, etc.)
8. Recommended advertising strategies (newspapers; web sites; special journals or magazines; mailing lists; other ways to get the word out).

*The outlined process provides a summary of the basic steps for recruiting and testing. Refer to the Selection Handbook for more detailed information.

9. Recruitment budget, including requesting department's budget contribution towards recruitment costs.
10. Any other issues relevant to a successful recruitment.

The human resources staff will develop the job announcement, initiate advertising, and other promotional efforts as appropriate, and begin scheduling the interview panel. A copy of the draft announcement will be sent to the department head for review and comment prior to release.

c. Applications

1. Applications for employment with the City shall be made on authorized City of American Canyon employment forms. Applications must be signed by the applicant and received by the City Human Resources Department within the filing period prescribed on the examination announcement. Electronic applications require an electronic signature. Applications must be received by 5:00 pm on the final filing day as stated on the job announcement. Postmarks will not be accepted except in those cases where the City is experiencing recruitment difficulties.
2. 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 examination must be filed unless otherwise specified in the examination announcement.
3. Statements of training and experience are to be interpreted as standards, and reasonable equivalent combinations may be accepted by the Human Resources Director. Applicants may be required to provide certified copies of affidavits relating to receipt of any degree, diploma, license, or any other accreditation or certification required to meet the requirements of the position.
4. All forms and other application materials must be delivered by the candidate or mailed to the Human Resources Department. No other departments shall collect applications or be involved in the application process. The Human Resources Department will acknowledge via letter or other form, receipt of every application.

d. Review of Applications

1. After the recruitment closes, the applications will be initially reviewed by Human Resources for determination of meeting the minimum qualifications. The City reserves the right to screen the applications to the "most qualified" group of applicants to be invited to the next phase of the examination process if large numbers of applications are received or if the numbers exceed the practicality of testing all the applicants.
2. Human Resources will contact the applicants to be tested and schedule an appointment. All applicants will receive one of three letters: a) they did not meet the minimum qualifications and will not be considered any further; b) although they are qualified, only the most qualified applicants could be tested at this time, and they were not among that group; or c) confirming the date and time of the test.

e. Rejection of Applications

Applications may be rejected by the Human Resources Director at any time for any of the following reasons:

1. Late Applications: The required application materials were not submitted by 5:00 pm of the posted application deadline.
2. Incomplete Applications: Required information is missing or so incomplete as to prevent a proper evaluation of an applicant's qualifications.
3. Falsification of Information: Any false statement or willful omission of information on the application form may be grounds for rejection of the application or subsequent discharge of the employee.
4. Failure to Meet Minimum Qualifications: The Human Resources Director may reject any application which, on its face, does not demonstrate that the applicant meets the minimum qualifications of the position or class for which the application was submitted.
5. Criminal Conduct: The conviction (including pleas of guilty and *nolo contendere*) of a job-related felony or misdemeanor may be grounds for rejecting an application for employment.

The Human Resources Director, in consultation with the department head, may disregard such conviction if mitigating factors are present. In making this determination, the following factors shall be considered:

- i. The nature and seriousness of the offense;
- ii. The circumstances surrounding the conviction, including age of the person, length of time elapsed since the conviction, and any contributing social or environmental conditions; and
- iii. The presence or absence of rehabilitation or efforts at rehabilitation.

f. Job Announcements

Announcements for examinations shall specify at least the major job responsibilities, minimum qualifications, and the selection process to be used. Job announcements shall be posted on appropriate physical bulletin board at the City's Human Resources Department. Special recruitment methods shall be utilized as necessary to insure that the objectives of these regulations are accomplished.

g. Examinations

1. Examinations for employment shall include any technique which, in the opinion of the Human Resources Director, fairly measures the job-related qualifications of applicants. These may include but are not limited to written tests, structured oral interview tests, performance tests, training and experience ratings, psychiatric, pre-employment medical examinations, and background investigations.
2. A promotional examination may be given whenever there are a sufficient number of qualified employees who will most likely qualify within the City for one vacancy.

3. The Human Resources Director shall be responsible for the construction, development and administration of all examinations for City employment, except that the City may contract with any qualified agency, organization, or individual to develop or administer examinations.

h. Eligibility Lists

1. An eligibility list shall be posted following an examination listing, in rank order, the names of those applicants who have achieved a total weighted score meeting or exceeding the passing point. Such applicants shall be deemed as qualified for consideration for appointment if successful in the examination process, pending further interviewing or other qualifying procedures such as reference checks, pre-employment medical examinations, or background investigations.
2. Eligibility lists shall be valid and effective for an original period of six (6) months. An eligibility list may be extended beyond its original life in six (6) month increments up to a maximum duration of twenty-four (24) months upon recommendation of a department head and approval of the Human Resources Director. If a list is extended, it is in effect for the approved amount of time or until a new list is established, whichever occurs first.
3. If less than the names of three (3) applicants willing and able to accept appointment are available on a list, that list may be declared invalid by the Human Resources Director and a new recruitment and examination announced.

i. Notification of Applicants

All applicants shall be notified in writing of their having passed or failed any examination. An applicant may ask for general feedback on his/her test performance but the actual examination materials may not be reviewed for test security reasons.

j. Certification of Eligibles

1. When an appointment is to be made from an eligibility list, the Human Resources Director shall certify the list to the department.
2. An applicant who has been passed over and/or waived the job/interview three (3) times will be removed from the eligibility list. The department head shall submit in writing to the Human Resources Director the reason each time an applicant on the eligibility list is passed over.
3. The Human Resources Director may certify names from a list for a higher classification, when job duties are of a similar nature. In no case shall names be certified from a list for a lower classification to fill a vacancy in a higher classification.

k. Selection

1. The department is responsible for conducting the final hiring. Interview questions may be reviewed by the Human Resources Director to insure the appropriateness

and objectivity of the questions. Following the interviews, the department head is responsible for contacting references prior to making their final selection but may request assistance from Human Resources.

2. The Human Resources Director shall be notified by the department head prior to any offer of employment. The Human Resources Director will be responsible for negotiating the actual terms and conditions for employment, based on discussions with the department head (and City Manager, as appropriate). Human Resources will arrange for any necessary pre-employment medical exam and background check. A written offer of employment letter will be prepared for the City Manager's signature, and sent to the selected eligible, stating the effective date of the appointment, the starting pay, the fact that the offer is contingent upon passing the pre-employment medical exam and drug testing, and any other terms or conditions mutually agreed upon. Both the Human Resources Director and the department head shall be immediately notified of an acceptance of employment by the selected eligible.

l. Background Checks and Physical Requirements

1. All applicants and employees shall be in such physical and mental condition so as to perform the essential job functions, with or without reasonable accommodations, consistent with state and federal law. A job offer may be conditional on the results of a post-offer medical exam, if all entering employees in the same job classification are required to take the examination.
2. Each new employee may be required to pass a background investigation prior to beginning employment with the City.
3. Any offer of employment is contingent on successfully passing required medical or physiological examinations and/or background investigations. The City is under no obligation to an applicant who fails any required medical examination, drug test, or investigation.
4. Results of any medical examinations are subject to the medical information and record access, privacy and noticing requirements of the Health Insurance and Portability Act (HIPPA) *45 CFR 164.520*.

m. Applicant Waiver

An applicant whose name appears on an eligibility list may refuse or be unavailable for employment up to three times. The third refusal of employment will result in the applicant's name being dropped from the current eligibility list for the class.

n. Provisional Appointments

1. In the absence of an appropriate eligibility list, the City Manager or designee may provisionally appoint an individual who meets the minimum training and experience requirements for the class. An employee in a provisional appointment shall qualify for permanent appointment only by appointment from an eligibility list.

2. The original provisional appointment shall not be for a period more than six (6) months but an extension for an additional three (3) months may be approved by the City Manager.
3. Such appointments may be made due to an actual vacancy or during the period of suspension of an employee or pending final action on proceedings to review suspension, demotion, or discharge of an employee. Provisional appointments may also be made under other circumstances deemed for the good of the service by the City Manager or designee.
4. A provisional employee is considered at-will, and may be removed at any time without cause and without the right of appeal. Provisional employees shall accrue the same benefits as probationary employees.

o. Out-of-Class Assignment (*information on this topic can also be found in the City's MOU*)

An out-of-class assignment is a temporary assignment of a regular employee to an actual budgeted and classified position that is established at a higher level of pay (more than 5% difference from Step E to Step E) which requires the employee to perform a significant part of the duties of the higher classification. 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. An out-of -class assignment shall not exceed a period of six (6) months, unless an extension is approved by the City Manager. The following guidelines apply:

1. An out-of-class assignment shall be recommended by the department head and approved by the City Manager prior to being effective.
2. An employee in an out of class assignment shall receive Step A of the salary of the higher classification or five (5) percent, whichever is greater, on the first day of the pay period after the time worked in the higher classification exceeds fifteen (15) consecutive work days. Benefits of the higher classification are not available and the employee will continue to receive the benefits of the employee's regular position. Any vacation pay off during the employee's out-of-class assignment will be made at the employee's regular hourly rate.

p. New Employee Orientation

The Human Resources Director is responsible for providing every new temporary and regular employee and contractors with a welcoming and beneficial new employee orientation. The purpose is to provide at a minimum, an in-depth overview of the City, the human resource policies and procedures contained in this Manual, an introduction to the service excellence standards, and a summary of the Injury and Illness Prevention Program. Employees will receive their employee handbook at the orientation. Orientations will be scheduled by the Human Resources department as a part of the acceptance of employment. All employees must complete their orientation within 60 days of employment with the City.

q. Dispute Resolution

1. If there is any difference of opinion between the department head and the Human Resources Director, and such differences cannot be resolved, both individuals will meet with the City Manager to present their points of view. The City Manager will make a determination. These areas of dispute may include, but not be limited to, the job description, selection of applicants to be considered for interview, the oral interview panelists, job pay, or start date.
2. If an applicant is dissatisfied with the process, how they were treated, or the decision relative to where they placed in the process, they should first contact the Human Resources Director. If they are not satisfied with the response, they may be referred to the City Manager.

r. Standards

1. Time is of the essence whenever a position vacancy exists. As a result, the goal is to expedite the recruitment process to the extent possible without compromising the quality, integrity, and legality of the process. This means that some tasks may be done concurrently, rather than sequentially; that tentative dates for the interview may be included in the announcement to accelerate the process; that recruitment periods may be shortened if there is a reasonable expectation that adequate qualified candidates will apply. This does not justify jeopardizing the integrity of the recruitment process or elimination of any step in this section.
2. As these procedures suggest, a great deal of communication is expected between the department and Human Resources. This is intended to avoid misunderstandings and to facilitate the process, while best ensuring the needs of both the department and Human Resources are met.
3. All communications between the City and the applicant shall be through the Human Resources Department, even in the event of a promotional or internal recruitment.
4. A promotional recruitment may be considered when there are a sufficient number of employees who are likely to be qualified for the position. For purposes of determining qualified employees, permanent part-time employees or temporary employees may be considered.
5. New job openings will be advertised for a minimum of two weeks. Promotional exams may be reduced to one week. Where it is expected that candidates may be difficult to attract, extending the deadline can be considered, to better publicize the opening.
6. At a minimum, the City will advertise any open recruitment on its official physical bulletin board, website, and at least one local newspaper. If interest cards are used, any on file will be sent out, as well as the City's standard job announcement distribution list. Additional advertising is encouraged, depending upon the nature of the vacancy.

7. As a general rule, it is better to err on the side of including an applicant in the process than to exclude that individual. However, this does not require the City to unduly burden the testing process or delay the testing schedule.
8. At a minimum, there will be an oral interview panel or qualifications screening panel utilizing at least one outside expert to screen application materials or interview the candidates and to maintain objectivity in the process. In the event that three (3) or less qualified applications are received, this panel may be waived. Under these circumstances, however, the department will interview *all* qualified applicants during the final hiring interview process.
9. In discussing starting salaries, the department head can appoint above the minimum salary level with concurrence from the Human Resources Director. Acceptable reasons include exceptional qualifications of the candidate, difficulty in recruiting so that there are little or no other candidates to consider, and/or the current salary of the candidate. A request to appoint above the minimum rate must be submitted to the Human Resources Director for approval. The request will outline the reason (s) for the higher than minimum start rate.
10. Exceptions to these rules and procedures may only be approved by the Human Resources Director, and compelling reasons should be present. The criteria should be for the good of the organization or to avoid a gross injustice to an applicant. In some instances, exceptions may be referred to the City Manager for resolution.

4.2 **Probationary Period**

The probationary period shall be regarded as a part of the selection process for regular employees and shall be utilized for the purpose of determining the employee's ability to satisfactorily perform the essential job duties, with or without reasonable accommodations, prescribed for the position and determining the employee's ability to work with other employees. The probationary period does not apply to temporary employees or at-will employees covered by the Management Compensation Resolution.

a. Length of Probation

1. All initial and promotional appointments shall be tentative and subject to a probationary period of actual City service in the new class. The probationary period shall not include time served under any temporary or provisional appointment except as otherwise provided in this section. The length of the initial probationary period shall be nine (9) months for all full-time employees, or in some cases such as professional job classes, twelve (12) months. The length of the promotional probationary period shall be six (6) months for all full-time employees. Part-time employees shall be required to serve an hourly equivalent of the probationary period for full-time employees.
2. The City Manager may reduce the length of probation for new employees up to three (3) months, based upon the recommendation of the employee's supervisor, and a comparable amount of prior satisfactory service with the City. A satisfactory performance evaluation and completion of the new employee orientation shall also be

required. In the event the employee's probationary period is shortened, he/she shall also be eligible for a step increase, pursuant to Section 4.4, step advancements.

3. The City Manager may establish probationary periods of longer term by class, department, or citywide. Such longer termed probationary periods shall be based on the need to adequately assess job performance for a particular classification, department, or citywide. Typically, classes that have management and/or professional level responsibilities and that are responsible for long term projects will be recommended for longer probationary periods.

b. Extension of Probation

1. The probationary period of an individual employee may be extended by the City Manager prior to the expiration of probation, upon the request of the department head, for a period not to exceed an additional three (3) months.
2. Probation may be extended if there has been insufficient opportunity to fully evaluate the employee's ability to perform the duties prescribed for the regular position. Such an extension must be approved by the City Manager, and the employee shall be notified in writing.
3. If the number of leaves of absences (paid or unpaid) totals thirty (30) or more days, it will automatically extend the probationary period the equivalent amount of time absent from work.

c. Failure to Pass Probation

A department head may determine that a probationary employee should not pass probation at any time during the employee's probationary period or extension thereof. When the department head makes a determination, he or she shall notify the City Manager in writing. Upon approval of the City Manager, the department head shall terminate employment of the probationary employee by written notice prior to the expiration of probation. Since the probationary employee serves at-will, any release shall not be for cause but rather, because the employee failed to meet the standards of the class/position. The employee shall have no right of appeal of failure to pass probation.

d. Failure to Pass Probation Following Promotion

An employee who fails to pass probation following a promotional appointment shall be reinstated to their former position or to a vacant position in the same classification, if said employee held regular status in the classification. The employee shall lose any right to recall to their previously held classification or placement on a reconsideration list if terminated pursuant to the city's disciplinary procedures.

e. Promotion During Probation

While serving the initial probationary period, an employee may be promoted to a position in a higher class provided the employee is certified from the appropriate eligibility list in accordance with these rules. If an employee is promoted during a probationary period, the employee shall serve the probationary period of the new position. If the employee does not pass the probationary period of the promotion, there are no specific employee rights to return to their previous job since regular status was not obtained. However, if a vacancy

exists in the former class and the department head would like to rehire the employee, then the employee must complete the remaining time of their original probationary period.

f. Leave During Probation

In the event a probationary employee takes approved paid and/or unpaid leaves of absences totaling thirty (30) or more calendar days during the probationary period, the probationary period shall be extended for an equivalent period of time.

g. Completion of Probationary Period

Prior to the completion of the probationary period, the employee's supervisor shall complete, and the department head shall review and approve, a performance evaluation to ascertain whether the probationary employee may become a regular employee of the City.

h. Regular Part-time Employees

For part-time employees, the probation period shall be pro-rated to the regular employee probation in such a manner that the part-time employee serves the same number of hours as a full-time employee on probation.

4.3 Classification

The classification plan provides a fair, complete, and continuous inventory of all classifications in the city service and provides accurate descriptions and specifications for each class. Positions having similar duties and responsibilities shall be classified and compensated on a uniform basis. Any variations in pay must be based on significant differences in responsibilities and required knowledge, skills, and abilities. For more information on the City's job classification system, see the City's Recruitment and Retention Strategy and Classification Plan.

a. Composition

The classification plan shall consist of groupings of positions by classifications which are approximately equal in difficulty and responsibility, consisting of the same general qualifications and which can be compensated with the same range of pay for similar working conditions. Classes shall be arranged in series whenever practical.

b. Content of Class Specifications

Each class specification shall include at a minimum, the title, a description of the typical duties and responsibilities of the work, bargaining unit (if applicable), and a statement of the minimum qualifications required of the person who is to perform the work.

c. Use of Class Titles

The class title shall be the official title of every position allocated to the class for the purpose of personnel actions and shall be used on all payrolls, budget estimates, official records, and reports relating to the position. The department head may authorize the use of another working title for the purposes of internal administration or contacts with the public.

d. Flexibly-Staffed Classifications

1. Flexible staffing exists when a classification series has two or more levels and an employee can be initially appointed to any level in the series, depending upon

experience and/or education, and can be promoted from one level in the series to another without further testing.

2. The two levels (and sometimes three levels) in the flexibly-staffed class series are essentially the same job (though the scope of duties is more limited at the entry level), and it is the employee's performance that warrants promotion to the journey level rather than a change in the position. Specifically, after putting in at least the required time-in-grade, if an employee is performing the full scope of the position's duties and is doing so independently and with little direction, then promotion to the journey-level class is warranted.
3. Promotion from the first level to the second level is not a vested right after serving time in grade. Recommendations to be promoted within a flexibly-staffed class series should be based on the following criteria:
 - The incumbent must first meet the minimum time-in-grade requirement.
 - They must be performing a large portion of the full range of duties of the class, especially the more difficult duties assigned to the class.
 - They must be performing their duties independently, referring only the most unusual questions/situations to the supervisor.

Major characteristics of flexible-staffing are:

- Ability to hire employees at any level in the classification series.
- Ability to recognize performance and to promote staff based on demonstrated knowledge, skills, and abilities, independence of work performance, and a specific amount of time-in-grade experience.
- Ability to promote from one level to the next without further examination.

e. Interpretation and Significance

The class specifications are not to be considered restrictive or construed as limiting the duties and responsibilities of any position. They neither limit nor modify the authority of any City official to assign duties to direct and control the work of employees in the city service. However, no employee shall be required to perform duties of the position outside of the classification to which they have been appointed, except on a temporary/acting basis. The class specifications are descriptive and explanatory of typical duties and responsibilities of positions in a class, and as such, they are to be interpreted in their entirety and in relation to other classes in the classification plan.

f. Maintenance of the Plan

The Human Resources Director shall be responsible for the maintenance of the classification plan. The Human Resources Director may allocate positions to the appropriate class and may recommend to the City Manager, revisions in the classification plan which consists of additions, deletions, consolidations, or amendments to existing class specifications. The Human Resources Director shall be responsible for conducting classification studies or having studies conducted by qualified personnel, or companies outside city service, of proposed new or existing positions in the city service when:

1. Notified by the department head that new positions are being recommended;
2. Notified by a department head that the duties and responsibilities of a position or group of positions may be improperly classified or have undergone significant change; or
3. Periodically as a need arises to review a certain position, group of positions, or when the City Manager determines a citywide classification study should be conducted.

g. Reclassifications

Reclassification requests, resulting from changing job responsibilities or other circumstances, must be approved or requested by the department head prior to referral to the Human Resources Director for review.

h. Approval of Classifications

Minor revisions to an existing class or job description may be approved by the City Manager. All new permanent positions, major reclassifications, and new job descriptions shall be approved by the City Council.

4.4 Compensation

A Compensation Plan shall be established by resolution of the City Council. This plan shall establish the salary range and salary steps or rates of pay for each position in the City. The City Council administers the compensation plan for the City Attorney and City Manager. The Human Resources Director, under direction of the City Manager, administers the compensation plan for all other City employees.

a. Definition of Steps

Each salary range shall consist of five (5) steps, with A being the first and E being the last step. There shall be an increase of five percent (5%) between each step.

b. Salary Upon Initial Appointment (*information on this topic can also be found in the City's MOU*)

Upon initial appointment with the City, an employee shall be placed in the first step of the salary range. However, when it is difficult to obtain qualified personnel at the first step or when exceptional qualifications justify a higher step, appointment at a higher step may be requested by the department head and authorized by the Human Resources Director or the City Manager.

c. Step Advancements (*information on this topic can also be found in the City's MOU*)

Step advancements are merit increases. 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. The initial step movement after hiring shall be upon successful completion of probation, and at twelve month intervals thereafter.

Step advances will be based on completed annual performance evaluations from the department head or supervisor. Performance evaluations must be completed within 60 days

after the employee's step-advancement anniversary date. Any increases become effective on the employee's anniversary date.

d. 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. Upon recommendation by the department head and approval by the City Manager, an increase above five (5) percent may be granted.

e. Salary Upon Demotion

The salary of an employee who is demoted, as a result of either a voluntary or disciplinary demotion, shall be reduced to the salary step in the range for the new classification as recommended by the department head and approved by the City Manager. However, in no case shall the employee receive more than the employee was receiving in his/her previous classification nor shall the employee's demoted salary exceed the maximum of the salary range for the new class.

f. Salary Upon Reclassification

1. To a Higher Range: Any employee in a job which is reclassified to a class with a higher salary range shall be compensated at a step in the new salary range that is closest to the employee's current salary and which does not result in a loss of pay. The specific step in the new salary range shall be recommended by the department head subject to approval of the City Manager.
2. To a Lower Range: The salary of an employee whose position is reclassified to a classification with a lower salary range and whose salary is above the maximum of the new salary range, shall be frozen (Y-rated) at the salary of the old classification for a period not to exceed twenty-four (24) months, or until the salary range of the new classification is equal to or exceeds the employee's salary, whichever occurs first. At the conclusion of the twenty-four (24) month period, the salary of an employee that remains in a "Y-rate" status will be set at the top step of the salary range for the classification in which the employee is working. An employee may be eligible for "Y-rate" when being transferred, or reclassified, without a break in service. "Y-rates" are recommended by the department head and subject to the approval of the City Manager.

g. Compensation Upon Recall

Any person hired from a recall list, as a result of being laid off, upon rehire shall be placed at the same salary step the employee was at when laid off. Leave accrual rates shall be based upon the employee's rates at the time of layoff. Any uncompensated leave balances shall be restored, although no accrual of leave shall be allowed for the time the employee was laid off.

h. Compensation Upon Reconsideration

Any person hired from a re-employment list may be paid at the same step held at the time the employee resigned from city service in good standing. Leave accrual rates will be the

same as any other new hire. No credit shall be given to any prior leave balances. A new probationary period shall be served and the anniversary date shall be the re-employment date.

i. Adjustments to the Plan

If a salary review indicates that there should be adjustments in the compensation plan, the Human Resources Director, in consultation and recommendation of the department head, will make the appropriate recommendations to the City Manager. Upon approval of the City Manager, the Human Resources Director shall make recommendations to amend the compensation plan to the City Council.

j. Special Salary Adjustments

Upon recommendation of the department head and the Human Resources Director, and with the approval of the City Manager, an employee may be placed on a higher step within the authorized salary range or to a step above the established salary range in recognition of meritorious service, exceptional qualifications beyond the requirements of the position that are needed on the job, and other extraordinary attributes related to the position. Such increased compensation is subject to the availability of budgeted monies, may remain in effect for one (1) fiscal year and may be continued beyond one (1) fiscal year with approval of the City Manager.

k. In-Training Designation

An in-training designation may be assigned to any applicant being appointed to a vacant position which is part of the City's classification plan, under the following conditions:

1. The designation is limited to those situations in which, after following established recruitment and selection procedures, otherwise trained and qualified applicants acceptable to the department head are not available;
2. The designation is limited to those classifications that require recognized licenses and/or certifications;
3. The department head determines and sets the time period needed to acquire the license or certification, at which time the employee shall either be promoted to the regularly classified position or terminate employment; and
4. The salary for the in-training employee shall be no more than ten percent (10%) less than the first step of the salary range for the regular classification.

l. Compensation for Regular Part-Time Employees

Regular part-time employees shall be paid the hourly equivalent of the monthly salary paid to a full-time employee in the classification to which they are assigned. They shall advance to the next step in the salary range when one year of service has been completed and a minimum of 1,000 hours per step has been worked, subject to the same conditions for advancement of a full-time employee. In addition, regular part-time employees, who are regularly scheduled to work twenty (20) hours or more per week and 1,000 hours or more per year, are entitled to a pro-rated amount of accrued vacation, sick and holiday leave based on the number of hours regularly worked. Regular part-time employees are also

entitled to a pro-rated employee benefits program as described in section 4.5 of this manual.

m. Salary For Provisional Appointments

Provisional employees shall be paid within the same salary range in the classification to which they are assigned as regular employees, and are subject to the same criteria for hire above the first salary step.

n. Changes to Benefit Date

1. Transfers: Benefit dates of employees who transfer to a job classification that is in within 5% of said employee's salary range (top of range to top of range), the benefit date shall not be changed. Reassignment from one position in a class to another position in the same class shall not affect the benefit date.
2. Step Postponement: For an employee whose step advancement is postponed by their department head, the benefit date shall be changed to the date to which the advancement is postponed.
3. Promotion/Demotion: Benefit dates of employees who are promoted/demoted shall be changed to the date of the promotion or demotion. A promotion shall not result in the loss of compensation; nor shall a demotion result in a reward for the employee.
4. Reclassification: Benefit dates of employees who are reclassified, shall be changed to the date of the personnel action, providing that the salary range is increased by a minimum of five (5) percent. Reclassifications that result in a less than five (5) percent increase, shall have no effect on the benefit date.

o. Other Elements of Compensation Plan

Other elements of the compensation plan may be included as part of the Memorandum of Understanding with the represented employees, contained within individual contracts with at-will employees, and/or are covered in the Management Compensation Resolution. Such plan augmentations require approval of the City Council upon recommendation of the City Manager. These may include, but are not limited to elements such as longevity pay and base salary schedule adjustments. Please refer to current MOU's, contracts, and resolutions for specific additions to the compensation plan.

4.5 Benefits *(information on this topic can also be found in the City's MOU)*

- a. The City's employee benefits program is established by resolution of the City Council. The Human Resources Director administers the programs and shall make recommendations to amend the employee benefits program to the City Council. All regular full-time employees are eligible to participate in the program. Regular part-time employees who are regularly scheduled to work twenty (20) hours or more per week and more than 1,000 hours per year, are eligible to a pro-rated participation in the program based on the percent of full-time equivalent the employee is scheduled to work in the next year. The pro-rated share will be a calculation of the benefits offered and the City's contribution to those benefits.

- b. The City employee benefits program is comprised of different kinds of insurance coverages and other benefits. Components may include, but are not limited to:
 - 1. Family medical insurance
 - 2. Dental insurance
 - 3. Vision insurance
 - 4. Long-term disability insurance
 - 5. Life insurance
 - 6. Employee assistance program
 - 7. Deferred compensation plan(s)
 - 8. Pre-retirement survivor benefits
 - 9. Retirement program

- c. The components and dollar amounts (if any) contributed by the City for these benefits shall be determined by resolution of the City Council or MOU. Employees who receive insurance benefits from other sources may be eligible for a partial in-lieu payment from the City if they can demonstrate that insurance coverage from other sources.

4.6 Background Checks

The City, in the interest of public safety, may at its discretion require background checks of some or all applicants for City positions. If a background check is required, it will be administered by the Human Resources Director and conducted prior to any offer of employment. All costs will be borne by the City.

4.7 Employment of Relatives/Nepotism

- a. At the time a person is applying for a position in city service, the person must identify any individual who is an immediate family (employee's child, spouse/domestic partner, sibling, or parent) employed by the City. Any immediate family of a City elected official or the City Manager, shall not be appointed to any permanent position, whether full- or part-time, on the city payroll though they may be appointment to temporary or seasonal classifications.

- b. Immediate family will not be appointed to, or be assigned within, the same department, in a permanent position, nor will they be supervised by a member of the immediate family. Immediate family members in temporary or seasonal classifications may be appointed to the same department though at no time will an employee supervise (as an immediate supervisor or as a higher-level supervisor) any immediate family member.

- c. If at any time a situation exists where immediate family are employed within the same department in permanent positions, the City Manager may transfer one of the individuals to a similar position in a different department in the City. If no similar position exists in the City, one of the employees shall resign or be terminated. The decision as to which employee shall transfer, resign, or be terminated shall be left solely to the City's discretion, which the employee is entitled to appeal, and shall not be deemed as a disciplinary action.

- d. The City Manager may waive the requirements set forth in this section when different divisions within a larger department are involved or where the immediate family individuals would have minimal job-related contact with one another, and where required by law.

4.8 Transfers and Reassignments

The City Manager, after consultation with the affected department head(s), may authorize the reassignment of an employee from one position in a department to another position in the same classification in a different department.

- a. **Reassignment Within Department:** The department head may reassign an employee to another position in the same classification in the same department at any time. If the employee requests such a change, it is considered a voluntary lateral transfer (see below).
- b. **Transfers:** An employee may request a transfer to a different class only if the employee meets the minimum qualifications for the class and there is less than a 5% differential between the employee's current class and the desired class. Departments may consider qualified applicants for transfers but hiring a transfer to fill a vacancy is optional for the department. The three types of voluntary transfers are:
 1. **Lateral Transfer:** Movement from one department to another within the same classification. The employee's salary and anniversary/benefit date shall remain the same.
 2. **Transfer to a Higher Class:** Irrespective of department lines, this is a movement from one class to another class that is higher in salary (Step E to Step E) but which is within a 5% salary differential between the two classes. Any movement to a class that has a 5% or more differential between Step E to Step E is considered a promotion and the employee would not be eligible for transfer. In no case shall an employee be compensated more than their current salary when transferring to a higher class. If an employee's current salary is between steps of the new range, their pay rate will be Y-rated until their next anniversary date at which time, they will be moved to the next higher step. The employee's anniversary/benefit date shall remain the same.
 3. **Transfer to a Lower Class:** Also called a voluntary demotion, this is a movement from one class to another class where the new class has a lower salary range as indicated by comparing Step E to Step E. There is no other salary limitation when transferring to a lower class. If the employee's current salary is less than Step E of the new class, the employee will retain their current salary until their next anniversary date at which time they will be moved to next salary step in the new range. If the current salary step exceeds Step E of the new class, the employee will be placed at Step E. In no case with a transfer to a lower class will an employee's salary exceed the salary range of the new class. The employee's anniversary/benefit date shall remain the same.

4.9 **Resignation/Non-Disciplinary Terminations**

a. **Regular Resignation**

1. For an employee to resign from City service in good standing, a written resignation stating the effective day and reason for leaving must be submitted to the department head, at least two (2) weeks before leaving. Failure of the employee to comply with this provision may be cause for denying eligibility on the reconsideration list. Once a resignation has been submitted, it may only be withdrawn by the approval of the department head.
2. Employees will receive their final paycheck, including all authorized leave payoffs, in accordance with State law. City property, such as keys, identification badge, tools, and equipment, must be returned by the employee prior to the final paycheck being released.
3. Employees who separate from City service after a Memorandum of Understanding (MOU) with an employee representative expires, but before a new MOU has been formally adopted, are not eligible for any retroactive pay they might have received for the period after the old MOU expires and the employee's termination date. This policy applies in all situations, whether the separation was due to an employee resignation, retirement, termination, or layoff.

b. **Non-Disciplinary Termination (Failure to meet qualifications)**

1. An employee may be subject to a non-disciplinary termination if either or both of the following conditions occur:
 - Loss of any or all required certifications or licenses; and/or
 - Physical or mental condition rendering the employee unable to perform essential job functions, with or without reasonable accommodations.
2. The employee will receive two weeks written notification explaining the reasons for termination. During the two week period, the employee may be placed on leave with pay.
3. The employee may appeal the termination decision to the City Manager. Such appeal must be made prior to the end of the two week notification period. The City Manager's decision is final.
4. In the event the employee is subsequently capable of meeting the minimum qualifications for the job and able to perform essential job functions, with or without reasonable accommodations, that employee, upon request, shall be placed on the re-employment list, and subject to the same terms and conditions as any other former employee placed on the re-employment list.

SECTION 5: **LAYOFFS AND FURLOUGHS**

5.1 **Layoffs**

Whenever, in the judgment of the City Council, it becomes necessary to abolish any position of employment, a layoff or transfer may be necessary. The departments and classifications subject to layoff shall be determined by the City Manager on the basis of the administrative needs of the City. Such action is not disciplinary and employees shall not have the right of appeal. However, if the employee believes a legitimate error has been made in calculating seniority, the employee shall bring the issue to the attention of the Human Resources Director.

With the approval of the City Council, the City Manager may layoff, without prejudice, any regular employee because of lack of appropriated funds, or curtailment or lack of work. The decision of the City to layoff employees is not subject to appeal or the grievance procedure. The Human Resources Director will be responsible for establishing the layoff lists and resolving any discrepancies and disputes.

a. Types of Seniority

1. Classification seniority: The amount of time an employee has been in their classification less any leaves of absences without pay that exceeded thirty (30) days.
2. City Service Seniority: The amount of time the employee has been employed by the City of American Canyon without a break in service less any leaves of absences without pay that exceeded thirty (30) days.

b. Order of Layoff

The order of layoff shall be by seniority within the below indicated groupings:

1. Temporary employees
2. Provisional employees
3. Probationary employees
4. Regular employees who are working under a Performance Improvement Plan (see Section 7.1(e) at the time of layoff.
5. Regular employees in inverse order of classification seniority within the class being reduced. For purposes of this provision, the term “classification” shall apply to all the levels within a flexibly-staffed series. Ties on classification seniority shall be broken using the employees’ City service seniority. In the event that two or more employees have the same classification and City service seniority, the tie will be broken based on the employees’ original eligibility list ranking; if this still results in a tie, then the employment application date will be used to break the tie; and, if these employees have the same list ranking, the tie will be broken by a random method determined by the Human Resources Director.

c. Notification of Pending Layoff

Any regular full-time or part-time employee shall be given at least thirty (30) calendar days written notice of intended layoff.

d. Return to Former Class Within Series

In the event of a layoff, employees who have been promoted or reclassified during their service with the City, may in certain circumstances bump back to the next lower authorized class in the class series provided they formerly held a position with the City in that class. Prior to a layoff, the Human Resources Director shall be responsible for identifying those situations where an eligible employee may bump to a lower class within the series. Bumping shall only occur if there is an employee in the lower class with less City service seniority than the employee who wants to bump, and if the bumping rights are exercised within the first seven calendar days after notification of pending layoff.

If an employee does bump to another class within the series, that employee will receive the pay and benefits of the new class. The employee's new salary step shall be the lesser of the employee's current pay or the top step of the new class.

e. Order of Reinstatement

Regular or Probationary employees who are on a layoff reinstatement list for one year for a classification in which they previously held status, for classifications at the same or lower salary range for which they qualify, shall have preference over new hires. Employees on layoff shall be offered reinstatement in the inverse order of layoff, provided no intervening factors have occurred which essentially change the ability of the employee to perform the offered employment.

f. Notice of Recall

The City shall give the employee reasonable advance notice of the opportunity for recall. Employees recalled to work shall return to work at the time specified by the City. Any laid-off employee who refuses an offer of recall to the classification from which they were laid off or who fails to report to work shall be considered as having resigned and will be removed from the recall list.

g. Severance Pay

A regular employee who has passed probation and has been laid off in accordance with these procedures is entitled to one week of severance pay. A regular employee who is similarly laid off and who has worked for the City a minimum of five (5) years will be eligible for three (3) weeks of salary upon layoff. A regular employee who is similarly laid off and who worked for the City ten (10) years or longer will be eligible for four (4) weeks of salary upon layoff.

5.2 Voluntary Furloughs

As an alternative to mandatory work furloughs, the City will first consider voluntary requests.

a. Review and Approval Process

1. Council declares a period of economic hardship and directs the City Manager to solicit voluntary furloughs. The Human Resources Director shall notify all department heads and recognized employee bargaining units.

2. The employee requests a voluntary furlough through the appropriate department. The department head will review the request and determine its feasibility, considering a variety of criteria, including but not limited to workload, fiscal impact and operational concerns.
3. The department head shall recommend approval or denial to the City Manager, whose decision shall be final. The recommendation shall include the effective date of the furlough and the employee's revised work schedule.

b. Compensation

1. The voluntary furlough shall not constitute a break in service for purposes of seniority or step increases. Probationary periods shall not be affected unless the amount of voluntary furlough exceeds eight (8) hours in a pay period, whereupon the end of probation shall be extended on an hour-for-hour basis.
2. The employee requesting a voluntary furlough will continue to receive the full amount of regular leave accruals and health benefits.
3. If mandatory work furloughs are ultimately required, employees having participated in the voluntary program shall receive hour-for-hour credit for time already furloughed during any continuously declared period of economic hardship.

c. Restrictions

1. An employee must work at least thirty (30) hours per week. Insofar as PERS retirement service credit is determined by the number of hours worked per year, it is the employee's responsibility to monitor the effects of the voluntary furlough on future retirement benefits.
2. Leave may be taken in increments of one hour or more.
3. Employees in other leaves without pay (e.g. extended medical leave) during a pay period shall not be eligible for this voluntary furlough program. The program is only available to employees who are in a paid status the scheduled workday before as well as after the voluntary furlough.
4. Overtime will not be paid unless an employee actually works a full forty (40) hours in a designated work week.
5. Hours worked beyond the employee's revised (i.e. furlough) work schedule but less than forty (40) hours in a designated work week shall be paid at straight time and such hours will be included for retirement purposes. If such hours are banked as compensatory time earned (at straight time), they will not be counted towards retirement, until they are taken off as paid time.

d. Review of Voluntary Furlough Program

The suitability of the furlough program will be reviewed with the employee on a regular basis at which time either party may discontinue it. In the event that unforeseen economic hardships occur, the employee may request immediate termination of the voluntary furlough.

5.3 Temporary Furloughs Due to Lack of Funds or Work

- a.** As an alternative to the layoff of regular employees, the City Manager, with the approval of the City Council, may require employees to take time off without pay, subject to the provisions below. The decision to furlough employees is not subject to appeal or the grievance procedure. However, if the employee believes a legitimate error has been made in calculating seniority, the employee shall bring the issue to the attention of the Human Resources Director.
- b.** It is recognized and acknowledged that certain delays and/or reductions in service may result. Furloughs shall be limited to no more than eight (8) hours per pay period. This time can be allocated in units of either full or partial shifts.
- c.** Furloughs shall be made in the same manner as outlined in Subsection 5.1b of this manual.
- d.** While on a forced furlough, employees will not lose any of their regular health and welfare insurance benefits, nor shall their salary step be affected, nor shall any change occur in either their leave accrual rates or balances, although leave accruals may be prorated for the hours worked. Time lost as a result of a furlough will not affect an employee's seniority, or employment status.
- e.** Employees shall be notified in writing at least fourteen (14) calendar days prior to a forced furlough.

SECTION 6: TIME AT AND AWAY FROM WORK

6.1 Workday and Work Week Schedules *(More information on this topic can be found in the City's MOU)*

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. Nothing in these provisions shall be deemed to supersede applicable state or federal law. These provisions may be superseded by provisions in an employee MOU, the Management Compensation Resolution, and/or a specific individual's employment contract.

a. Workday

The standard workday shall be eight (8) hours of work in a twenty-four (24) consecutive hour period, except in cases of emergencies. The normal workday may be modified consistent with an alternate work schedule as provided for in Section 6.6. 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 at a minimum of 15 minutes prior to the start of the scheduled shift, if they expect to be absent or tardy on any given day, subject to departmental operating procedures.

b. Work shift

The City shall have the sole discretion to determine the assignment of employees to work shifts, the number and type of shifts and the starting times thereof. Employees shall be scheduled to work on regular work shifts having regular starting and quitting times. Except for emergencies, such as maintaining minimum staff levels, employees' work shifts shall not be changed without forty eight (48) hours prior notice to the employee. Every effort will be made to provide the employee with at least a 5-working day notice in making a workshift change. Neither call-out nor overtime constitutes a change in the work shift.

c. Workweek

The standard workweek shall be forty (40) hours consisting of five (5) workdays and two consecutive (2) days of rest in a calendar week, except in cases of emergencies, or at the specific request of an employee and approval of the department head as provided in Section 6.6. The workweek begins at 12:01 a.m. on Saturday.

d. Meal Period

For employees covered by FLSA, each regular full-time employee shall be required to take an uninterrupted, unpaid meal period of a minimum of thirty (30) minutes and a maximum of sixty (60) minutes at or about the midpoint of the work day. The length of the meal period and the time the meal period is taken shall be determined by mutual agreement of the employee and their supervisor. If agreement cannot be reached, the determination shall be made by the City. Employees are entirely relieved of responsibilities and restrictions during their meal period, unless they have been notified, in writing, to work an on-duty meal period which will be treated as paid time. The written notification requirement does not apply in the case of emergencies.

e. Rest Periods

Employees shall be provided rest periods at the rate of fifteen (15) minutes for each four (4) hours worked, and should occur as near as possible to the middle of the work period. Rest breaks shall be considered paid work time, but shall not be accrued or combined with other rest periods, nor taken at the beginning or end of the shift. If an employee works less than 3.5 hours, no rest period is required.

f. Travel Time

For FSLA non-exempt employees, travel time will be counted as time worked when:

1. Travel is performed as part of the employee's regular work assignments such as travel between worksites or traveling to and from meetings
2. Travel is to and from a one-day assignment for workshops and training activities when the employee is not required to report to the office prior to departure. Normal home to work travel will be deducted from time worked.
3. Travel involves a special assignment in another city and includes an overnight stay, even if it includes the employee's regular day off where travel is made during the employee's regular working hours.

Overnight travel that occurs outside of regular working hours as a passenger on an airplane, train, boat or car is not counted as time worked. Employees required to drive a car shall be compensated for travel time. If an employee has the option of public transportation, but chooses to drive, the travel time will be counted as if public transportation had been taken.

g. Declared Emergency Assignments

Under state law, all City employees may be called into mandated service during a declared city, county, regional, or state emergency. Nothing herein shall be constructed 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. Such emergency assignments shall not extend beyond the period of said emergency.

h. Accruals

All references to accrual or use of vacation, holiday or sick leave in this manual shall be interpreted as one (1) regular workday.

i. Recording Time

Every employee is personally responsible for accurately recording their time at work each day. For the purposes of documenting time, the City may require the use of manual, mechanical, and/or electronic recording methods.

6.2 Overtime *(More information on this topic can be found in the City's MOU and City Policy 06-3, Overtime)*

- a. It is the City's policy to minimize the amount of overtime worked by employees. This policy is based upon the City's desire to reduce employee fatigue, which affects their health and safety, and to keep City costs down. Department heads and supervisors are expected to keep this policy in mind when scheduling employees and in other staffing decisions.

- b. All employees who are eligible for overtime shall receive overtime pay computed at one and one-half times their regular rate for all hours authorized by the City and worked by the employee in excess of the employee's normal work schedule. Overtime hours shall be paid to the nearest quarter hour of time worked. Official city holidays and paid leave, in increments of an employee's normal work day shall be considered as actual hours worked for purposes of computing overtime eligibility.
- c. Overtime shall be authorized in advance in writing by the employee's manager/supervisor. 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 or provided for in a Memorandum of Understanding.
- d. Employees eligible for overtime pay may elect to receive compensatory time off (CTO) at time and one-half (1-1/2) in lieu of overtime pay. An employee may accrue and have a maximum current credit of eighty (120) hours of CTO unless specifically provided for in a Memorandum of Understanding.

6.3 Emergency, Standby Duty, Standby Work, and Call Back *(More information on this topic can be found in the City's MOU)*

a. Standby Duty

- 1. Standby duty is defined as that circumstance which requires an employee assigned by the City to:
 - i Be ready to respond immediately to calls for service;
 - ii Be readily available at all hours by the telephone and/or City provided communication equipment and to leave a telephone number and/or pager number with the city answering service where he/she can be reached at all times;
 - iii Refrain from activities which might impair the performance of assigned duties upon call;
 - iv To be able to arrive in the City boundaries within forty (40) minutes of being contacted; and
 - v To be trained and capable of handling the typical problems that may arise during off-hours of the City.
- 2. Standby duty shall be assigned by a department head or his/her designee in writing and/or scheduled posting. A City vehicle may be provided for the standby duty assignment at the discretion of the City. To minimize the costs of standby duty to the City and employees, the goal is to keep the number of standby assignments as limited as possible. New assignments shall be approved by the City Manager, based on a recommendation from the appropriate department head.

3. Standby duty assignments shall be apportioned equitably among the technical employees of the City. Employees assigned standby will be permitted to exchange standby schedules with other employees qualified for the standby duty with the approval of the department head or his/her designee.
4. An employee assigned by the City to standby duty shall be compensated in accordance with the provisions of an MOU between the City and a Recognized Employee Organization if such memorandum so provides.

b. Call Back

1. Call back is defined as that circumstance where an employee is called back to work for unscheduled hours after completion of the employee's regular workday or workweek, and departure from the worksite. Assignments such as staff meetings, attendance at City meetings, and training sessions or schooling shall not be compensated as call back duty except in the cases outlined in 6.2e.
2. Call back duty shall be compensated at the employee's overtime rate for a minimum of two (2) hours per occurrence ("minimum pay") unless two (2) or more service calls overlap each other. The employee shall receive the greater of the minimum pay or overtime pay for hours actually worked. Hours worked shall be calculated beginning at the time the employee reports to the work site and ending when the employee is relieved of duty.
3. Call back duty will not be authorized to an employee on standby pay, when that standby employee is able to resolve a service call over the phone, and is not required to report to work. If there is a question regarding whether a matter can be resolved over the phone, the standby employee's supervisor will be contacted to make the determination.
4. Employees called back to work after midnight or for work performed after midnight who have worked in excess of two (2) hours after midnight may arrive at work past their normal starting time that same day one-half (1/2) the amount of the time that they worked past midnight and shall be paid from their normal starting time. The employee shall be responsible for any additional time off, i.e., compensatory, vacation, sick leave. The employee will also receive the full amount of the callback pay.

6.4 Attendance and Tardiness

Excellence in public service depends on all City employees being at their work site and ready to begin work at the beginning of their work shift. On-time attendance is expected of all City employees and contractors.

a. Sick Leave Abuse

City employees are responsible for the appropriate use of sick leave. Sick leave shall only be used in cases of actual illness or disability or other medical and health reasons necessitating the employee's absence from work, family care as outlined in the MOU, or

in situations where the employee's personal attendance is required or desired because of serious illness, disability, or death and funeral in the family.

1. Sick leave abuse occurs when an employee uses sick leave for unauthorized purposes or misrepresents the actual reason for charging absences to sick leave.
2. Abuse may also occur when an employee establishes a pattern of sick leave over a period of time such as the day before or after a holiday, on Mondays and Fridays, after paydays, any one specific day, half-days, or continued patterns of maintaining a zero or near zero sick leave account balance.
3. Employees who engage in sick leave abuse (chronic, persistent, or patterned use of sick leave) and/or show a pattern of failing to notify their supervisor of absences may be subject to progressive disciplinary action up to and including termination.
4. For general procedures regarding sick leave, see section 6.9b.

b. Tardiness

In the event of tardiness, the following process will be followed.

1. Any tardiness infraction will remain in effect one year from the time of the infraction. Tardiness infractions shall not be cumulative from year-to-year.
2. Tardiness up to fifteen (15) minutes, inclusive, will result in an infraction. Tardiness in excess of fifteen (15) minutes will result in loss of pay for time absent, in addition to constituting an infraction. Time will be computed to the nearest one-quarter (1/4) hour.
 - a) First Infraction - Verbal Reprimand
 - b) Second Infraction- Written Reprimand
 - c) Third Infraction – Written Reprimand
 - d) Fourth Infraction - One (1) Day Suspension
 - e) Fifth Infraction- Five (5) Days Suspension
 - f) Sixth Infraction - Discharge
3. Employees shall be able to present the City with an explanation for tardiness, but it shall be up to the employee's supervisor to determine whether said explanation is reasonable so as not to constitute an infraction.

6.5 Telecommuting

The City may offer telecommuting as an alternative work arrangement (either full time or part telecommuting/part traditional office) for employees whose job functions are compatible with this approach.

The telecommuting option is designed as a work alternative that the City may offer to some employees when it would benefit both the employee and the organization. Telecommuting does not change the basic terms and conditions of employment with the City, and employees are subject to the same policies that apply when working at a City facility. Telecommuting is not a benefit or entitlement, but a voluntary alternative work arrangement intended to enhance productivity, creativity, employee satisfaction, and/or

reduce operations costs. Telecommuting arrangements must be approved by the City Manager, and include a signed Telecommuting Agreement (see City policy #05-3).

a. Employee eligibility considerations

To be eligible for consideration of a telecommuting arrangement, an employee must have no record of performance problems or disciplinary actions within the preceding two (2) years. In the case of a new hire, the City will only approve telecommuting arrangements for those new employees who have successfully completed their probationary period (at-will employees are not subject to probationary periods).

Criteria for consideration of Telecommuting Arrangement:

Is the employee a good candidate for telecommuting?

- Proven ability to perform;
- No disciplinary action;
- High job knowledge;
- Ability to establish clear objectives;
- Flexibility;
- Ability to work independently; and,
- Proven dependability.

Does the nature of the work lend itself to telecommunicating?

- Jobs that entail periods of working alone or with equipment that can be kept at the alternate work site;
- Clearly defined tasks, objectives, and priorities;
- Periods of little face-to-face communication; and,
- Measurable work activities.

b. Implementation Standards

1. Offering the opportunity to work at home is a decision made at the sole discretion of the City. An employee's participation in the telecommuting program is generally voluntary. The employee, supervisor, or department head may terminate the telecommuting arrangement at any time and for any reason.
2. The telecommuter's conditions of employment with the City remain the same as for non-telecommuting employees and employees are subject to the same policies that apply when working at a City facility.
3. Employee job responsibilities will not change due to telecommuting. Professionalism in terms of job responsibilities, work output, and customer orientation will continue to follow the standards set by the City. The amount of time an employee is expected to work will not change due to telecommuting. Employee work hours will be mutually agreed upon by the supervisor and the employee. In the event that business conditions require the telecommuting employee's presence at a central work location function, meeting, or other event, the employee is expected to report to the central work location, even if such occurs during normally scheduled home-work area hours.

4. Once a telecommuting arrangement has been approved, the telecommuting employee is responsible for maintaining regular contact with his or her supervisor. The Supervisor shall be the telecommuting employee's primary contact within the central work location. It is expected that the supervisor and the telecommuting employee will act together to keep each other apprised of events or information obtained during the working day.
5. Employee salary, benefits, and employer-sponsored insurance coverage will not change as a result of telecommuting.
6. Telecommuting is not a substitute for dependent care. When necessary, telecommuters must make arrangements for dependent care during the agreed upon work hours. Employee is expected to maintain high productivity.
7. Since the employee's home workspace is an extension of the municipal government workspace, City liability for job-related accidents will continue to exist during the approved work schedule and in the employee's designated work location. To ensure that safe working conditions exist, the employee assumes responsibility for maintaining a safe workplace and safe work behavior during work hours. The employee must certify that his/her home workspace will meet or exceed City standards for telecommuting offices. A photo of the workspace will be required but the City reserves the right to physically inspect the workplace.
8. Any changes to the schedule or workspace must be reviewed and approved by the supervisor in advance.
9. While telecommuting, the employee should be reachable via telephone, within reason, during agreed upon hours. Telecommuters must notify their supervisor if they leave their telecommuting location, much like they would inform a receptionist when leaving the traditional office during the workday.
10. Telecommuting employees must use their own personal computer equipment unless they have been previously assigned a laptop. Employees may consult with the City's IT support division for general and minor work-related assistance for their computer. However, the City will not be able to provide technical support for computers or telecommunications equipment that is not compatible with equipment and software that is currently supported by the City. Employees will be responsible for the maintenance and repair of their own equipment.
11. The City will not provide or reimburse employees for software that is commercially available for installation on an employee's personal computer.
12. Unless otherwise agreed to in writing prior to any loss, damage, or wear, the City does not assume liability for loss, damage, or wear of employee-owned equipment.
13. To insure hardware and software security, all software used for telecommuting must be approved through the departmental manager and IT before installation. Networking can only be established using compatible hardware and software.
14. Employee will be unable to access the internet through the City system. However, the employee may establish internet connectivity by subscribing at their own expense to an ISP (Internet Service Provider). Payment for monthly charges associated with this service will be assumed by the employee.
15. Restricted-access materials shall not be taken out of the office or accessed through the computer unless approved in advance by the telecommuter's supervisor.
16. The City will not reimburse any telephone or fax charges associated with telecommuting.

17. Office supplies will be provided by the City through normal channels and should be obtained during the telecommuter's in-office work period. The City will not provide office furniture for work at home, but will establish minimum furniture standards.
18. The employee will maintain the confidentiality of City information and documents, prevent unauthorized access to any City system or information, and dispose of work related documents in a manner that will not jeopardize the interests of the City.
19. Telecommuting employee has the responsibility for accounting for, accurately documenting, and reporting time worked to the supervisor.

Specific conditions relating to the employee's working at home are detailed in the Telecommuting Agreement, which must be filled out by the employee and his/her supervisor, subject to the City Manager's approval.

6.6 Alternate Work Schedules

a. Purpose

It is the intent of the City of American Canyon to establish work schedules for its employees that support city objectives, promotes efficient use of time and resources, and is consistently applied across all departments as much as individual departmental operating requirements allow.

Government exists to provide services to the public. Accordingly, work schedules will not be arranged merely for the convenience of an employee. The overriding intent of an Alternate Work Schedule for the City is to increase employee productivity and efficiency in providing services to the public while enhancing employee job satisfaction.

This policy applies only to long term changes in schedules, and does not affect the ability of exempt (FLSA) employees to use compensatory time to adjust work schedules to accommodate short-term/one-time needs. This policy pertains to employee-initiated requests for a long term alternate work schedule. If and when a conflict exists between an employee's preference for an alternate work schedule and departmental needs, departmental needs will take precedence.

The City supports alternate work schedules (AWS) subject to the operating needs of the City and relevant Federal/State laws and regulations. An AWS must be approved in writing by the appropriate department head or designee prior to forwarding the request to the City Manager or designee for implementation of a new schedule. The parameters of an employee participating in an AWS shall be governed by City Policy 09-1, Alternate Work Schedule – Revised.

6.7 Absence Without Approved Leave

Employees are responsible for requesting appropriate leaves in a timely manner, and for immediately informing their supervisor in the event they are unable to be at their work station as scheduled due to illness (Section 6.9b) or other emergency situation. Absence without approved leave is a serious situation and cause for disciplinary action.

Department heads should immediately inform the Director of Human Resources in the event of an employee who is absent without approved leave. The department head or Director of Human Resources shall attempt to contact the employee and determine the cause of their absence. Discipline for absence without approved leave is as follows:

1. First Infraction - One (1) Day Suspension
2. Second Infraction - Five (5) Day Suspension
3. Third Infraction - Discharge

Employees who are absent without approved leave for three consecutive work days will be presumed to have voluntarily resigned their position effective immediately. All benefits will cease immediately at that date.

6.8 Holidays *(More information on this topic can be found in the City’s MOU)*

- a. The City shall recognize the following days as official City holidays, and all regular employees normally scheduled to work on these days will be given the day off with pay. For employees on flex schedule, holiday pay shall be equal to the number of hours they normally would have worked on that particular holiday. For regular part-time employees, holiday pay shall be prorated, consistent with vacation pay as outlined in 6.9a.

Holiday	Day Observed
New Year’s Day	January 1
Martin Luther King, Jr.’s Birthday	Third Monday in January
Lincoln’s Birthday	Second Monday in February
Washington’s Birthday	Third Monday in February
Caesar Chavez’s Birthday	March 31
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veteran’s Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Friday after Thanksgiving
Christmas Eve	Last day worked before Christmas
Christmas Day	December 25
Floating Holiday	As requested by the employee and approved by the appropriate department head or supervisor

Any day appointed by the President of the United States or the Governor of the State of California as holiday

- b. If one of the holidays listed above falls on a Saturday, then it shall be observed on the previous Friday. If one of the holidays listed above falls on a Sunday, then it shall be

observed on the following Monday. For employees on an alternate work schedule or in a 7-day a week operation, shall observe the holiday on the actual day.

- c. An employee who works on the day a holiday is observed, as provided above, shall be paid at straight time for the holiday, just as all employees are paid for the holiday, and, in addition, the employee shall be compensated for the hours actually worked on the holiday. By mutual agreement, a holiday may be traded for a regular workday within the fiscal year.
- d. To be eligible for holiday pay, the employee must work on the last regularly scheduled workday preceding the holiday and the first regularly scheduled workday following the holiday, unless the employee is in an approved paid leave status. An employee on vacation shall not be charged vacation time for a holiday that falls during the vacation period.
- e. On July 1 of each year, current employees shall be given their full floating holiday hours based upon the number of hours the employee works in a regular workday at the time they were hired. For new employees hired between July 1 and December 31, they shall also be given the full number of floating holiday hours. For new employees hired from January 1 through June 30, they shall be given ½ of the floating holiday hours, also based upon the number of hours the employee works in a regular workday. Floating holiday hours must be used within the fiscal year it is given and cannot be carried over into the next fiscal year.

6.9 **Leave**

a. **Vacation Leave** *(More information on this topic can be found in the City's MOU)*

It is the City's intent to have employees take annual vacations, subject to the operating needs of individual departments. Accrual limits are established to facilitate this intent, and to avoid the financial liability associated with large leave balances. Department heads are responsible for reviewing their departmental leave balances on a regular basis, with these goals in mind.

1. Accrual. Paid vacation leave accrues from the date of hire on a biweekly basis and increases after completion of the required years of service as outlined in each applicable MOU. Regular part-time employees who work at least 20 hours per week but less than 40 hours per week shall receive vacation accrual at the same proportionate number of hours as a regularly scheduled work day for that employee. Temporary and seasonal employees are not eligible for vacation leave.
2. Accrual Limits. Earned vacation is accumulated up to maximum caps as outlined in each MOU and Unrepresented Compensation Resolution, after which time the accruals cease until the hours in the vacation balance falls under the applicable cap. Employees are encouraged to take time off, according to City policy.
3. Use of Vacation. The dates for the use of vacation time may be requested by the employee, but shall be approved or disapproved by the department head. The Department head may require employees to request vacation time far enough in advance to properly schedule time off and to ensure that vacation balances will not

exceed the individual employee accrual limits. The department head shall consider the wishes of the employee and the needs of the City. If a holiday falls within a scheduled vacation period, then the holiday shall not be counted as vacation pay. Vacation usage may not exceed the accrued vacation balance as of the prior pay period.

4. Vacation Payoff on Separation. A person separating from city service, about to retire, or who is to be laid off, and who has earned vacation time to his/her credit, shall be paid for such vacation accrued up to the effective date of such resignation, retirement or layoff. A person retiring from city service may remain on the payroll after the date of such retirement and utilize accrued vacation leave until such leave is exhausted, in lieu of a lump sum payment.
5. Vacation Cash Out. In lieu of vacation time off, and upon recommendation of the department head and with the approval of the City Manager or Human Resources Director, an employee may cash out at the straight time hourly equivalency of the employee's current salary. Such payment shall be for no more than fifteen (15) days in any calendar year. No employee may cash out accrued vacation time if, by so doing, his/her ending balance would be less than twenty (20) hours. For example, if the employee's vacation balance is forty (40) hours, then only twenty (20) hours could be cashed out. As more time is earned, the remaining hours over twenty (20) could be cashed out, if so requested by the employee, subject to the annual cap.

b. Sick Leave *(More information on this topic can be found in the City's MOU)*

The City provides a sick leave program for the purpose of minimizing the economic hardships that may result from an unexpected personal or dependent illness or injury. Sick leave should not be viewed as a right, but rather it is a privilege of paid time away from work duties where such absence is necessary.

1. Accrual: Sick leave shall be accrued at the rate of eight (8) hours for each calendar month of service (3.69 hours per biweekly pay period) for regular full-time employees. For regular part-time employees accrual shall be pro-rated, consistent with vacation pay. No payment for accumulated and unused sick leave shall be made at the time of termination or upon retirement, although it may be applied towards additional retirement service credit.
2. Use: Sick leave may be used for an employee's personal illness or injury, family care, emergency or routine medical or dental appointments, including pregnancy as provided in the Maternity Leave subsection; for reasonable travel time to and from health care facilities; and for enforced quarantine of the employee in accordance with community health requirements. Employees shall, to the extent possible, schedule routine medical or dental appointments during non-working hours.

Sick leave will not be authorized for illness or injury to replace any other prior approved paid leave of absence except if such illness or injury causes the employee to be hospitalized, and then only for the time hospitalized. A department head may use discretion in allowing sick leave use during other paid leave to accommodate recovery periods or other related care.

3. Family Care. Except as otherwise required by State or Federal law, sick leave may be used to care for members of the employee's immediate family (employee's child, spouse/domestic partner, or parent) who are ill or injured. For adult family members, usage is allowed for serious or emergency care only. Sick leave utilized for family care shall not exceed 48 hours per occurrence.

4. Administration.
 - A request for absence form for all doctor and dental appointments shall be submitted to the employee's supervisor. Employees shall provide as much advance notice as possible for scheduled appointments or changes to appointments. Such leave shall be at the convenience of the City, unless there is an emergency. Sick leave shall be utilized in a minimum of one-quarter hour increments.
 - Such leave may be utilized only for the actual time needed to drive to the doctor or dentist's office, time of treatment and time to drive back to work. Any leave taken in excess of this time shall be charged to vacation leave or leave without pay.
 - If a day shift employee is sick, he/she shall call in to the department head or designee at least fifteen (15) minutes before the time he/she would normally report to work. If an employee does not call in before fifteen (15) minutes, the employee may be docked pay for time off (see Section 6.7). If a graveyard or swing shift or weekend employee is sick, he/she shall call the employee he/she is relieving and the supervisor at least two (2) hours in advance of the time he/she would normally report to work. If an employee does not call two (2) hours before the time he/she is to report to work, the employee may be docked pay for the time off.
 - If an employee is absent for three (3) or more consecutive days, a valid physician's certificate may be required stating the cause of the absence and attesting to the employee's ability or inability to resume work.
 - In order to monitor the use of sick leave and absences, absentee charts may be posted in appropriate work areas for each calendar year.

5. Sick Leave Abuse: When, in the judgement of the department head, an employee's reason(s) for being absent because of alleged sickness are inadequate, the department head may shall require a valid physician's certificate for any lost time or may put the employee on controlled leave (all sick absences are subject to a physician's certificate for a set period of time). Employees who engage in sick leave abuse (chronic, persistent, or patterned use of sick leave) may be put on controlled leave for up to six months. This period may be extended if there is no improvement during the controlled leave period. Employees who continue to engage in sick leave abuse and/or show a pattern of failing to notify their supervisor of absences may be subject to progressive disciplinary action up to and including termination using the process and procedures set forth in Section 8.1 of this manual and the provisions of the applicable MOU. See Section 6.4 of this manual for a more detailed definition of Sick Leave Abuse.

6. Temporary Disability Integration: An employee who is entitled to disability indemnity under the Labor Code shall use as much accumulated sick leave or accumulated

vacation time as shall result in a payment to the employee of full regular salary. When accumulated sick leave and/or vacation time are exhausted, the employee may continue to receive disability benefits.

7. **Medical/Dental Premiums:** Except as otherwise required by state or federal law, the City will continue to pay its share of group insurance premiums, e.g. medical and dental premiums, provided the employee is in a paid status of at least one working day at any time during any given month. If an employee is on unpaid leave for the entire month or longer, it is the employee's responsibility to pay the premiums for the balance of the leave. At the request of the employee, the City will provide the employee with the amount of insurance premium and arrange a payment schedule. Failure to do so will result in termination of benefits as applicable under the Public Employees Retirement System medical benefit guidelines. Dental insurance, premiums, and contributions are handled as outlined in each applicable MOU and Personnel Resolution.

c. Bereavement Leave (*information on this topic can also be found in the City's MOU*)

1. It is the City's intent to provide up to 4 days of paid leave relating to the death of any member of an employee's immediate family (spouse or domestic partner, parent or stepparent, grandparent, child or stepchild, brother or sister, parent-in-law, brother/sister-in-law, son/daughter-in-law, or any relative living in the immediate household of the employee). The department head shall keep flexibility in mind when determining how the hours are used.
2. An additional 3 days of vacation or CTO may be used.
3. The employee may be required to submit proof of a relative's death before final approval of leave with pay is granted.

d. Jury Duty Leave

An employee ordered by the Court to serve on jury duty, shall notify their supervisor and shall receive paid time while serving such duty, if the employee deposits any fees for services, other than mileage, with the City, and if jury duty occurs during the employee's regularly scheduled work shift.

e. Witness Duty Leave

1. An employee who serves as a witness within the line of City duty, or on a case related to the employee's duties, will receive paid time for such service. The employee shall request witness fees and expenses. The employee shall give the City any monies received except for non-reimbursable expenses.
2. 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, including travel time.

3. If the case is not related to the City, the employee may request vacation or other accrued leave (except sick leave) for the time required. If the employee is required to be absent from work by a properly issued court subpoena, and the case is not related to the City, vacation or other paid/unpaid leave (except sick leave) shall be granted to the employee.

f. Maternity Leave

1. If an employee is entitled to maternity leave in accordance with state and federal law, an employee disabled by pregnancy, childbirth, or related medical condition shall be granted leave for the duration of the disability, not to exceed four (4) months, as needed for all disabilities related to each pregnancy. An employee may utilize time from accrued sick leave and then any other accrued paid leave balances to cover the period of absence for such disability. Time off requested after the disability has ceased will be treated as any other employee leave request and will not be subject to sick leave use.
2. An employee who plans to take maternity leave, when practical, shall give the City at least 30 days notice of when the leave is to begin and an estimate of the duration of the absence. The employee shall notify the City, prior to returning from maternity leave, of the employee's intention to return to work, and provide the City with satisfactory written verification from a physician or other licensed health care practitioner that her disability has ceased.
3. In the event an employee is disabled longer than four (4) months, the department head shall make a reasonable attempt to place the employee in the same or comparable classification once it is determined that the employee is able to perform essential job functions, with or without reasonable accommodations.

g. Unpaid Leave

1. An employee may be granted up to three (3) months of unpaid leave of absence within one calendar year, at the sole discretion of the City Manager. Unpaid leave shall be granted only for compelling reasons and if operational requirements permit such absence. Leave without pay shall not be granted unless the employee has already used all appropriate paid leave. Request for such leaves shall be made on the City's "Leave of Absence Request Form". If unpaid leave is approved, leave will be granted in up to one (1) month increments. Request for additional increments of unpaid leave up to the maximum of three (3) months will be reviewed in light of the impact of the absence on operational needs.
2. The granting of any unpaid leave of absence exceeding thirty (30) consecutive calendar days shall result in a new benefit date based on the total calendar days of leave in excess of thirty (30) consecutive calendar days.

h. Military Leave

An employee called to active duty in any reserve component of the Armed Forces of the United States or the National Guard shall be granted a leave of absence for the duration of said active duty. Any full-time employee on a military leave of absence shall be compensated as follows if the employee provides proper documentation from the Commanding Officer concerning their active duty.

1. An employee on active duty for training shall be compensated at the regular straight time rate less the military rate of pay for eight (8) hours per day for each day of training which occurs on the employee's regularly scheduled work day for a maximum of thirty (30) days per year.
2. Any full-time employee who is a member of a reserve component of the armed forces or national guard and is ordered to perform emergency duty by compulsory call of the Governor of the State of California or the President of the United States shall be entitled to an emergency military leave. While on such leave the employee shall be compensated at the regular straight time rate less the military pay. This supplemental payment shall not exceed twelve months. Should the period of the emergency duty become more than twelve months, the employee will be placed on a military leave of absence without pay and be allowed to utilize vacation and other paid leave, (except sick leave) to supplement the military pay. An employee who receives this benefit must return to work for at least six months to re-qualify for this benefit.
3. An employee who is involuntarily called or recalled into active military duty in any branch of the United States Armed Forces or National Guard shall be entitled to recall rights in accordance with the provisions of federal and state statutes in effect at the time at which reinstatement is sought. It is the employee's responsibility to notify the City of their interest in returning to City employment within the mandated timeframes.

i. Time Off to Vote

1. Employees are expected to vote on their own time. If an employee, who is a registered voter, does not have sufficient time to vote outside regular working hours at a statewide election, the employee may, without loss of pay, take off enough working time which when added to the voting time available outside of working hours will enable the employee to vote. No more than two hours of the time taken off for voting shall be paid time. The time off for voting shall be only at the beginning or end of the regular working shift, whichever allows the most free time for voting and the least time off from the regular working shift, unless otherwise mutually agreed.
2. If the employee on the third working day prior to the day of election, knows or has reason to believe that time off will be necessary to be able to vote on election day, the employee shall give the employer at least two working days' notice that a time off for voting is desired, in accordance with the California Elections Code §14350.

j. Medical Leave – Workers' Compensation

1. The Human Resources Director is responsible for managing the City's Workers' Compensation program and for monitoring all employees who are subject to a medical leave of absence. A leave of absence will be granted to any employee who sustains a work-related disability, upon written notification by a physician. As provided in the state labor code, the City retains the right to appoint a medical evaluator to examine the employee and review the employee's disability claim.

2. A medical leave of absence for a work-related disability will be extended to the employee for the duration of the work-related disability. Probationary employees returning from leave will be given credit for any portion of a probationary period completed prior to the commencement of the medical leave. Notification requirements for a medical leave of absence for occupational disabilities are the same as those for medical leaves for non-occupational disabilities.
3. Employees in permanently funded positions shall have benefits paid during a leave of absence for a work-related disability coordinated with Workers' Compensation benefits. To facilitate payment and administration, the City shall pay the employee, as part of the City's regular payroll processing schedule, the amount of pay the employee is eligible for, consistent with state law, and the employee report to the Human Resources Director all checks received as payment of temporary disability under the Workers' Compensation laws.
4. The employee shall continue to be eligible for insurance benefits and vacation, holiday and sick leave accruals during an industrial medical leave.
5. The City will retain employees on an extended leave of absence for work-related disabilities until one of the following situations occurs:
 - i The employee is released by a physician for duty at the same job classification;
 - ii The employee is released by the physician to modified duty which can reasonably be accommodated by the City;
 - iii The City receives medical evidence satisfactory to it that the employee will be permanently unable to return to work; or
 - iv The employee directly or indirectly informs the City (i.e., by accepting other employment, moving out of the state, etc.) there is no intention of returning to the City's employ.
6. The City reserves its right to terminate employees, on a non-disciplinary basis, for "business necessity" reasons, which do not violate labor code Section 132A or any successor statute.
7. An employee has the right to return to work from an industrial disability. Leave shall be governed by applicable state and federal law.

k. Family and Medical Leave (FMLA)

This provision shall be implemented in accordance with applicable federal and state law; however, this section is not intended to grant any rights greater than those under federal and state law. Employees who have been employed for at least one (1) year, and who have at least 1,250 hours of service with the City during the preceding twelve (12) month period, are eligible to request family and medical leave (FMLA). Employees returning from FMLA shall be returned to the same or to a comparable position.

1. Types of Paid Leave That May Be Used. The employee must use accrued sick leave, vacation leave, any compensatory time off (CTO) and any other accrued leave for all or part of the FMLA absence. After all paid leave balances have been exhausted, the remainder of the FMLA leave shall be unpaid leave.
2. Reasons for Leave. All employees who meet the applicable time of service requirements may be granted, during a twelve month period, a total of twelve (12) weeks of unpaid leave and paid sick/vacation, or any other CTO leave combined, as applicable, for the following reasons:
 - a) The birth of the employee's child and in order to care for the child;
 - b) The placement of a child with the employee for adoption or foster care;
 - c) To care for a spouse, child or parent who has a serious health condition; or
 - d) A serious health condition that renders the employee incapable of performing the essential functions of his or her job, except for disability due to pregnancy, childbirth or related medical conditions.
3. Definition. "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves either in-patient care in a hospital, hospice or residential health care facility; or continuing treatment or supervision by a health care provider.

"Child" means a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in "*loco parentis*" who is either under 18 years of age; or an adult dependent child. Parent means a biological, foster or adoptive parent, a stepparent, a legal guardian, or other person who stood in "*loco parentis*" to the employee when the employee was a child.

The method to determine the 12-month period in which the 12 workweeks of leave entitlement occur is measured forward from the date the employee's first family medical leave begins.

The entitlement to leave for the birth or placement of a child for adoption or foster care shall expire twelve months from the date of the birth or placement.

4. Application for Leave. In all cases, an employee requesting leave must complete the appropriate request form and return it to the Human Resources Director. The application must state the reasons for leave, the anticipated duration of the leave and the starting and ending dates of the leave.

An employee intending to take FMLA because of an expected birth or placement of a child, or because of a planned medical treatment, must submit an application for leave at least thirty (30) days before the leave is to begin. If leave is to begin within thirty (30) days, an employee must give notice to their immediate supervisor and to the Human Resources Director as soon as the necessity for the leave arises.

5. Medical Certification. An application for leave based on the serious health condition of the employee or the employee's spouse, child, or parent must also be accompanied by a "medical certificate" on a form obtained from the Human Resources Director and completed by the applicable health care provider. The certificate must state the date on which the serious health condition commenced, the probable duration of the condition and the appropriate medical facts regarding the condition.

If the employee is needed to care for a spouse, child, or parent, the certificate must so state along with an estimate of the amount of time the employee will be needed to provide such care. If the employee has a serious health condition, the certificate must state that the employee cannot perform the essential functions of his or her job.

6. Benefits Coverage During Leave. During a period of FMLA not exceeding 12 weeks in the defined 12 month period, an employee will be retained in the City's group health plan at the level and under the conditions coverage would have been provided if the employee had continued in employment for the duration of such leave.

If the employee fails to return to work after the expiration of the leave, the employee will be required to reimburse the City for payment of health insurance premiums paid by the City during the FMLA, unless the employee is using accrued leave (vacation, sick, management leave or CTO). Once the paid leave is exhausted or the twelve weeks of FMLA is reached, whichever one occurs last, the employee will be eligible for benefits under the Consolidated Omnibus Budget Reconciliation Act (COBRA) which allows the employee to continue with the City's benefits although they are required to pay the premiums. Should the employee opt to not continue paying for their benefits, the nonpayment of premiums shall not constitute a break in service for purposes of longevity, seniority under any collective bargaining agreement, or any employee benefit plan other than a pension or retirement plan. For purposes of pension and retirement plans, the leave period shall not be required to be counted for time accrued under the plan. However, an employee covered by a pension plan may continue to make contributions in accordance with the terms of the plan during the period of the leave. Leave accruals will only be accumulated for City-paid time off and not during any unpaid time.

7. Restoration to Employment. An employee returning from FMLA will be restored to their previously held position or to a comparable position with the same or similar duties and equivalent pay, benefits and other terms and conditions of employment. The department head shall recommend to the City Manager a "comparable position;" however, a determination as to whether a position is a "comparable position" shall be within the sole discretion of the City Manager.
8. Return from Leave. An employee must complete a "Notice of Intention to Return From FMLA" form before he or she can be returned to active status. If the employee takes a leave due to a serious health condition, the employee must provide a medical certificate stating that the employee is able to resume work and perform the essential functions of his or her job. If an employee wishes to return to work prior to the

expiration of FMLA, notification must be given to the Human Resources Director at least three working days prior to the employee's planned return.

9. Failure to Return from Leave. The failure of an employee to return to work upon the expiration of FMLA will subject the employee to immediate termination unless an extension of the leave is granted. An employee who requests an extension of FMLA due to the continuation, recurrence or onset of his or her own serious health condition or of the serious health condition of the employee, spouse, child or parent, must submit a request for an extension. This request must be in writing and must be accompanied by a medical certificate.
10. Workers' Compensation Benefits and FMLA. Employees who are off duty due to a work related injury or illness will be granted all rights and benefits to which they are entitled under the workers' compensation laws. However, this time off shall be recorded as FMLA time for the purposes of record keeping and determining whether an employee is entitled to any additional FMLA.

6.10 Adverse Weather Closure

In the event that adverse weather or an emergency results in the City offices closing or remaining closed during regular working hours, the following provisions apply:

- a. If non-essential City employees are sent home early from their worksite, they will be paid straight time for the remainder of their regular work shift. There will be no overtime or compensatory time paid for this time period. If an employee is already on overtime at the time of closure, their workday will be considered to have ended at that point and they will not be paid any additional hours that day.
- b. If the City is closed and non-essential employees are told not to report to work, employees will not be paid for that day. Employees may use vacation or any other accumulated leave (except sick leave) for the day or may take it as leave without pay.

6.11 Absences Due to Adverse Weather or Disasters

- a. Employees are responsible for their transportation to and from the worksite. There may be times when disasters or severe weather prevent an employee from arriving to work in a timely manner, or from being able to reach home after completing their work shift. The City will make every effort to accommodate employees in these situations, however the City shall not take on any financial responsibility for missed work time or for costs incurred due to an inability to reach home.
- b. In the event the employee cannot reach the worksite, he or she shall contact their supervisor as soon as possible and explain the situation and timeframe. Such time missed from work shall be considered leave without pay, however, the employee may use any accumulated paid leave—except sick leave—to cover this time. Employees who miss work without contacting their supervisor will be considered absent without leave and may be subject to the disciplinary provisions in Sections 6.7 and 8.1.

SECTION 7: EMPLOYEE DEVELOPMENT AND PERFORMANCE

7.1 Performance Reviews

Providing employees with feedback on their job performance is important to employee retention, the quality of city services, and the growth and development of city employees. The City spends the majority of the City budget on employees, and it is the responsibility of every supervisor to provide stewardship to that investment and ensure that employees establish and achieve annual job performance and career development goals.

Regular performance evaluations shall be made as to the efficiency, competency, conduct and merit of City employees, with the following goals:

1. That employees will receive regular and timely feedback on their work performance, and be given the opportunity to respond;
2. That performance problems will be documented and a process established whereby improvement may be mutually developed, monitored and achieved;
3. That an objective basis for merit pay increases can be established and maintained; and
4. That new employees will be given more frequent feedback on their performance during the Probationary Testing period of their employment.

The Human Resources Director shall provide and prescribe the forms and procedures to be used in such performance evaluations, and to assist in the training of supervisory personnel so that the evaluation program will be carried out in a consistent, sound, and effective manner.

a. Schedule

1. Evaluations shall be prepared and a copy submitted to Human Resources Director at three (3), six (6), and nine (9) months for probationary employees, and prior to twelve (12) months for extended probation.
2. An evaluation for regular employees shall be prepared each year within thirty (30) days prior to the salary anniversary date and a copy shall be submitted to the Human Resources Director. However, a special evaluation may be prepared at any time at the discretion of the City Manager or department head.

b. Responsibility for Performance Reviews

The Human Resources Director shall be responsible for assuring that notices of evaluations due are submitted as required by these rules. Evaluations shall be prepared by the department head or those supervisors who are most familiar with the work of the employee being evaluated. The department head shall review and approve all performance evaluations.

c. Employee Review

Each performance evaluation shall be thoroughly discussed with the employee to point out areas of successful performance and areas that need improvement. The employee shall also be encouraged to comment regarding their work performance, either in a written statement

attached to the report or orally. The employee shall sign the performance report only for acknowledgement of its contents and that the report has been discussed with the employee by the evaluator; the employee's signature shall not necessarily mean that the employee agrees with the contents of the evaluation.

d. Distribution of Evaluation Reviews

Reviews shall be retained in the employee's employment history file in the Human Resources Department and a copy provided to the employee.

e. Effects of Improvement Needed or Unsatisfactory Ratings

1. Any employee who receives an overall "unacceptable" or "needs improvement" will be placed on a Performance Improvement Plan (PIP). The PIP will include being re-evaluated at one (1), two (2) and three (3) month intervals to document performance. Specific goals and acceptable standards will be outlined for the employee to be obtained during the PIP period. The duration of the PIP period may be extended if improvement is not made. Disciplinary action may be implemented if acceptable improvement does not occur.
2. Any employee who receives an overall "unacceptable" or "needs improvement" rating will not be eligible to participate in any promotional examination until a satisfactory rating is established.
3. An overall "unacceptable" rating shall result in the withholding of any merit increases for which the employee may be eligible. An overall "needs improvement" rating may result in withholding any merit increase upon the determination of the department head.
4. If the employee's performance has improved to such an extent that the department head believes it is justified, the improvement shall be indicated on the performance report and specific recommendation may be made for the restoration of any merit step increase which had been withheld effective the first day of the pay period following the date of the report. The employee will then have a new salary benefit date.
5. The application of the provisions of this section does not preempt or preclude disciplinary action as provided for in Section 8.1 of this manual.
6. "Unacceptable" or "needs improvement" performance ratings leading to a Performance Improvement Plan will cause an employee to lose the privilege of seniority in the case of layoff.

7.2 Employee Training and Development

Employee development and skill enhancement serve the employee, City, and the community. To assist employees in advancing their careers and adding to their skills, the City shall strive to make available to all employees training and development opportunities.

a. Training and Development Opportunities

The City will seek to offer a wide range of learning opportunities to every regular, temporary and contract employee. These opportunities will not only enhance employee

capabilities, they will be designed to increase the excellence of city services, the productivity of the city workforce, and the quality of the work experience for employees.

Employee development will be based on assessed needs and the content may include technical skill development, professional development, and leadership and interpersonal skill development.

1. Technical skills include equipment, system and computer operations, safety and injury prevention, first aid, and employee orientations.
2. Professional skills include courses for credentials, licenses, and specialty skills such as process improvement and performance measurement.
3. Leadership and interpersonal skills include such areas as: communications, teambuilding, conflict management, dealing with difficult customers, supervisory and managerial skills, and leadership development.

b. Responsibility

The Human Resources Director shall be responsible for assessment of employee needs and development of an annual coordinated, comprehensive training and development program. Such annual program will be based on input from the department heads and the City Manager. The Human Resources Department shall coordinate citywide training and provide or contract for training services as necessary. Departments shall manage their department-specific technical or professional training activities, coordinating the activities with the Human Resources Department. The Human Resources Director shall develop and manage the citywide training and development budget, and shall be responsible for maintaining accurate employee records of citywide and departmental training completed.

c. Performance Reviews

Every employee performance review shall contain an annual plan for personal development based on the employee's performance and career goals. Every city supervisor is responsible to discuss and develop annual employee performance and personal development goals with each of their employees. Supervisors shall contact the Human Resources Director or their department head with specific training needs.

d. Employee Responsibility

The City provides training for the benefit of its employees and to improve service to the community and it is expected that they will make every effort to attend. Employees who consistently miss scheduled training shall have that noted in their annual performance review and may be subject to disciplinary action.

7.3 Education/Tuition Reimbursement *(information on this topic can also be found in the City's MOU and the City's Tuition Reimbursement Policy)*

a. Purpose

This program shall provide for the reimbursement for tuition and book expenses to employees attending classes on their own time, which are to the direct benefit of the individual employee and the City.

b. Eligibility

1. All regular employees shall be eligible for reimbursement under this program. Employees who have not completed their probationary period may also be eligible for reimbursement under this program if the employee, as indicated by the department head, appear to show promise of completing the probationary period.
2. In order to be eligible for reimbursement, the employee must still be employed by the City upon completion of the course and at the time reimbursement is sought.
3. All textbooks and materials related to the approved course, and paid for by the City, may become the property of the City.

c. Procedure

1. The department head, in consultation with the Human Resources Director, will determine what type of courses will be allowed for reimbursement prior to commitment to the employee. Courses considered by the department head for reimbursement shall be designed to directly improve the knowledge of the employee in the public service, which will improve performance and enhance advancement opportunities. This is done by the submittal and approval of the Tuition Reimbursement Program Application.
2. The City shall reimburse employees for 100% of the reasonable cost for books and tuition, for successfully completing educational classes at an accredited institution of higher learning for advanced education beyond the requirements of the position and other extraordinary attributes related to their position. This includes, but is not limited to, completion of certificates, licenses or trainings beyond those necessary for the position then currently held which enhances the employee's value to the City. "Reasonable cost" shall be the cost for the coursework through the California State University System.

7.4 Certificate Pay

According to the current contracts between the Teamsters, Local 315, and the City of American Canyon, employees may earn certificate pay. Refer to the applicable MOU for the specific parameters of this program and to the Joint City and Teamsters memorandum titled "City Policies on Certification Renewal, Certificate Pay, and Tuition Reimbursement" dated February 14, 2007.

7.5 Employee Assistance Program

The City shall make available to its employees and their families an Employee Assistance Program (EAP). The EAP helps individuals resolve personal, family and health issues before they become more serious and affect the employee's work performance. Employees are encouraged to access the EAP anytime that personal issues are beginning to affect their work performance or overall functioning. Supervisors and managers should be aware of the availability and resources of the EAP. It is an option to offer when counseling employees on job performance or behavior issues.

SECTION 8: CORRECTIVE AND DISCIPLINARY PROCEDURES

8.1 Discipline *Information on this topic can also be found in the City's MOU. Any changes to this section of the HR Manual is subject to the meet and confer process with the union)*

a. Policy Statement

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/or expected job performance. Corrective or disciplinary action taken should be limited in severity so that it is commensurate with the alleged infraction(s). While supervisors are encouraged to use a progressive approach in most circumstances, serious infractions of disciplinary standards call for an appropriate response. Counseling, warnings, reprimands, and suspensions may be bypassed if the employee's actions justify a more severe response.

Any employee holding regular status in the City service may be disciplined for cause provided the rules and provisions prescribed herein are followed. All disciplinary actions shall become a part of the employee's personnel record, unless otherwise noted below.

b. Disciplinary Actions

The following are appropriate formal disciplinary actions that may be taken as corrective measures. In most cases, the formal disciplinary action will be preceded by informal action such as counseling of the employee by the supervisor which shall not become a part of the employee's personnel record. Oral reprimands, written warnings, and suspensions of three (3) days or less are not subject to Section 10.1, Grievance Procedure, and shall be adjudicated through the applicable provisions of this section of the manual.

1. Oral Warning. A supervisor may provide an oral warning which notifies an employee that performance or behavior must be improved. The oral warning should include a discussion of the specific problem, policy, rule or legal provision violated. The oral warning should establish goals leading to improvement. It should also inform the employee that failure to improve will result in more serious disciplinary action. The supervisor shall make a note of the date, time, and content of the oral warning, and may send a confirming memo to the employee; however, no record of the oral warning is to be placed in the employee's official personnel file unless subsequent similar disciplinary action becomes sustained.
2. Written Reprimand. A reprimand provides notice to the employee that their performance is seriously below standards or that a significant violation of policies, rules or legal provisions has been committed. A supervisor may reprimand an employee by providing a written statement which outlines the specific problem, policy, rule or legal provision violated, constructive assistance towards correction, and which indicates that continuation or repetition of that performance, behavior or conduct may result in suspension, demotion or discharge. The reprimand shall be provided to the employee and made a part of the employee's personnel record. As part of the written reprimand, the supervisor may impose a time limit of how long it stays in the personnel file; however, the time limit shall not exceed 12 months. Such reprimand shall not be

subject to appeal, but the employee shall have the right of rebuttal by providing a written statement which will be included in the personnel record along with the written reprimand.

3. Temporary Suspension of Leave Accruals. A department head may suspend sick leave or vacation leave accruals for disciplinary reasons, for a period not to exceed three (3) work days' worth of leave accrual. A temporary suspension of leave accruals will not affect the employee's anniversary date. Such action is subject to appeal in the same manner as appeals of suspensions of three (3) days or less.
4. Suspension. A department head may suspend the employment of an employee without pay. Persons under suspension shall not accrue sick leave and vacation during such suspensions. A new benefit date shall be established, unless otherwise recommended by the department head and approved by the City Manager. Suspensions of three (3) days or less, except for written reprimands, are subject to appeal as set forth in Subsection 8.1.h. Suspensions of more than three days are subject to appeal as outlined in the procedures in Sections 8.1.i and 10.1.
5. Reduction in Salary. A department head may reduce the salary of an employee for disciplinary reasons, provided that such reduction shall be to a step within the salary range of the position held by the employee. Such action is subject to appeal as outlined in the procedures in Sections 8.1.i and 10.1.
6. Disciplinary Demotion. A department head may demote an employee for disciplinary reasons to any position with a lower salary allocation, provided the employee meets the minimum qualifications for the lower-level position. Such demoted employees shall not be eligible for promotion for a period of six (6) months unless otherwise recommended by the department head and approved by the City Manager. Such action is subject to appeal as outlined in the procedures in Sections 8.1.i and 10.1.
7. Discharge. A department head may terminate the employment of an employee for cause. Such action is subject to appeal as outlined in the procedures in Sections 8.1.i and 10.1.

c. Causes for Disciplinary Action

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

1. Fraud in securing appointment.
2. Inability, inefficiency, incompetence, or negligence in the performance of duties, including failure to perform assigned tasks or failure to discharge duties in a prompt, competent and reasonable manner.
3. Insubordination, defined as failure to obey a direct order or policy of a supervisor or superior, when that order is clearly understood, and the order is both lawful and does not cause an unreasonable safety risk. Insubordination may occur when an employee's actions involve a resistance to, or a defiance of, the supervisor, such as the use of

insulting, abusive, or obscene language when used to challenge a supervisor's authority.

4. Dishonesty.
5. Insobriety, unauthorized use or possession of alcohol, controlled substances or habit-forming drugs during duty hours.
6. Addiction to or current use of narcotics, habit-forming drugs, abuse of prescribed drugs or alcohol which prevents an employee from performing the essential functions of the job, with or without reasonable accommodations, or would endanger the health and safety of the employee or other individuals.
7. Absence without approved leave.
8. Conviction of a crime which relates to the qualifications, functions or duties of the employee's position or which involves moral turpitude.
9. Discourteous treatment of the public or other employees while on duty or when recognized or acting as a City representative.
10. Disorderly conduct including, but not limited to, physical altercations.
11. Disclosing any confidential City information to unauthorized persons.
12. Improper political activity as defined by the City Municipal Code and the State of California Government Code.
13. Willful disobedience.
14. Unauthorized removal or use of any City property or any of the City's agent.
15. Damage or negligence to public property or waste of public supplies or equipment.
16. Falsifying any City records or reports.
17. Interfering with another employee's job performance.
18. Any act or conduct that is discriminatory in nature toward another person's race, color, national origin, age, sex (including sexual harassment), sexual preference, gender identity, marital status, physical handicap, medical condition, veteran status, religious affiliation, political affiliation or a perceived mental or physical disability.
19. Failure to abide by reasonable safety precautions.
20. Misuse or abuse of sick leave.
21. Refusal or inability to meet job performance standards in accord with written or verbal direction after a prescribed period of time.
22. Violation of any of the provision of these rules and regulations, departmental rules and regulations or City policies.

d. Initial Investigation

An alleged violation of public policy, procedure, rules, regulations, directives, orders or laws shall be investigated by the employee's supervisor, department head or designee. The supervisor shall complete a written report of the investigation, including the specific violations, all available facts, statements of witnesses, and the employee's statement. The

above information shall be forwarded to the department head or designee, including a recommendation of what disciplinary action, if any, should be imposed.

e. Department Head Review

The department head or designee shall review the initial investigation and indicate concurrence or modification of the recommended disciplinary action, if any. If the disciplinary action is not subject to appeal, such action, if any, shall be imposed by the department head. If the disciplinary action, if any, is subject to appeal, the procedures set forth in Sections 8.1.i and 10.1 shall apply.

f. Human Resources Director Review

The Human Resources Director, or in the absence of a Human Resources Director, one other department head appointed by the City Manager, shall review the recommendations for the disciplinary action proposed. Following approval of the Human Resources Director or other department head, a written notice of proposed discipline specifying the recommended discipline and the reason for the discipline shall be forwarded by the department head to the employee. A copy shall be forwarded to the Human Resources Department for filing in the employee's official personnel file, unless stated otherwise in this manual or the applicable MOU, i.e. oral reprimand notes.

g. Notice of Proposed Discipline

All notices shall be personally served or shall be mailed by certified mail, return receipt requested, to the last known address of the employee. For notices personally served, the employee shall acknowledge in writing receipt of the notice at the time of presentation. The notice of proposed discipline shall contain the following:

1. A statement which clearly defines the intent to take action, the specific action to be taken, and the proposed date of the action. In cases of suspension, the proposed date beginning and ending time shall be stated;
2. A statement of the reason(s) for the proposed action, the charges being considered, and the specific grounds and particular facts upon which the disciplinary action is based;
3. A description of the records and documents upon which the proposed action is based and a statement that those records and documents are either attached or available upon request; and
4. A statement informing the employee of the right to respond to the proposed disciplinary action, the date by which the employee must respond, the person to whom the employee should respond, that the response must be in writing, and the consequences of a failure to respond.

The employee shall have ten (10) working days from the date of receipt of the notice to respond in writing to the designated authority and indicate their intent to appeal, if applicable, or to provide a written rebuttal in the case of a written reprimand. Failure to respond within the prescribed time following receipt of the notice of proposed discipline shall result in a waiver of all further appeal or rebuttal rights of the employee and the proposed disciplinary action shall become final and be imposed.

h. Suspensions of Three Days or Less

Suspensions of employment without pay for a period of three (3) days or less shall follow the procedures outlined below; however, written reprimands shall not be subject to the appeal process outlined below. In the case of written reprimands, the employee shall have the right of rebuttal by providing a written statement which will be included in the personnel record along with the written reprimand.

1. Such suspensions shall not be subject to the Section 10.1, Grievance Procedure. In the event that the employee wishes to appeal the imposition of the suspension, the department head shall schedule, coordinate, and conduct a hearing within ten (10) working days of the request. The department head shall conduct the hearing informally and hear appropriate testimony and evidence from the employee on the specific issues of the disciplinary action. The department head shall make written findings of fact and a determination as to the disciplinary action.
2. The employee may appeal the department head's determination to the City Manager. Such appeal must be made within ten (10) working days of the receipt of the department head's determination. The City Manager shall set the matter for hearing not less than ten (10) working days nor more than twenty (20) working days from the date of the filing of the request for appeal unless otherwise stipulated to by the parties. The City Manager shall consider the findings of fact and determination of the department head and any other information provided by the employee. The employee may be represented and may, at the hearing, produce relevant oral and/or documentary evidence. The hearing need not be conducted according to the technical rules of evidence relating to evidence and witnesses.
3. The City Manager shall render findings of fact and determinations within ten (10) working days after conducting the hearing unless otherwise stipulated by the parties. The findings and recommendations of the City Manager shall be filed with the disciplined employee. The decision of the City Manager shall be final.
4. Discipline shall not be deferred in the event the employee or designated representative requests the right to respond and the proposed discipline may be imposed without hearing.

i. Suspensions of More Than Three Days

Suspensions of employment without pay for a period of more than three (3) days are subject to the appeals and hearings as set forth in Section 10.1, Grievance Procedures and is extracted and summarized below:

1. Notice of Proposed Disciplinary Action
2. Predisciplinary Meeting
3. Order of Disciplinary Action
4. Appeal Hearing with an Adjustment Board (This step is only for represented employees)
5. Impartial Arbitrator (This step is only for represented employees)

6. Hearing with an Administrative Law Judge (This step is only for unrepresented, regular, non-at-will employees)
7. Adoption of the Final Decision

1. Notice of Proposed Discipline

The first step in discipline is to serve the employee with a “Notice of Proposed Disciplinary Action.” This notice outlines the reasons for the discipline and the proposed penalty. For instance, the discipline might be for excessive absenteeism. The notice should specify the facts and materials leading to the discipline (including the dates of absences, whether they were unauthorized, and if relevant, their relationship to weekends, etc), the proposed level of discipline, and procedural rights for a Skelly meeting.

The “Notice of Proposed Discipline” and the “Final Order of Discipline” can only be authorized by the department head or City Manager. A supervisor cannot impose discipline without the approval of the department head or his/her designee. The notice of proposed discipline must comply with the procedures outlined in the MOU and this manual.

The department head or his/her designee typically writes the “Notice of Proposed Disciplinary Action.” Usually this document is based upon information submitted in writing by the appropriate supervisor or manager. All memos and other documentation related to this incident should be given to the department head, and if applicable, to the Human Resources Director. These documents include, but are not limited to, the following (not all may be applicable in all instances):

- Memos to file regarding incidents that may have occurred
- Record(s) of discussion (some departments may issue these prior to counseling memo)
- Any applicable announcements or notes from bulletins or unit meetings
- Counseling memo(s)
- Letter(s) of Reprimand
- Prior disciplinary actions
- Accident reports, police reports, accident investigation reports (if an accident was involved)
- Investigation report with an Executive Summary
- Past performance evaluations
- Statements from witnesses
- Any other related documents or information

At this point the discipline is **proposed**, not final. The employee has the right to have copies of the materials upon which the disciplinary action is based such as the executive summary of an investigative report and copies of the evidence used in the case.

2. Predisciplinary Meeting

Before final action can be taken, the employee has the option to request a meeting to tell his/her side of the story. This meeting is commonly referred to as a “Skelly” meeting. It is an informal meeting with the department head’s designated representative. For an employee to take advantage of this opportunity she/he must respond to the Notice of

Proposed Disciplinary Action within ten (10) working days and in the manner specified in the Notice.

The employee may represent himself/herself, or be represented by his/her union, or an attorney. This is not a formal hearing. It is the employee's chance to present information demonstrating or asserting that the facts are wrong or incomplete, or the discipline is too severe because there are mitigating factors, or it is being imposed in an unfair fashion.

Skelly Officer Duties - During a Skelly meeting, the Skelly Officer should review the charges for fairness and completeness. The employee should be provided with a full opportunity to present any defenses or mitigating circumstances. The employee should be encouraged to provide a full and complete response. The Skelly Officer is not expected to perform an independent investigation of the alleged wrongdoing and tendered defenses.

A formal hearing is not required. A Skelly meeting is not an evidentiary hearing, but an opportunity for the employee to articulate his/her defense to the proposed charges as well as to identify any mitigating circumstances.

After the hearing, the Skelly Officer may issue a report of his/her findings so that the appointing authority is in the best possible position to evaluate the entire case before issuing discipline; or, the results may be presented verbally to the department. If, after considering all of the information (including that presented by the employee and the City's information and/or evidence on which the proposed discipline is based), the Skelly officer believes that there is insufficient evidence to sustain the charges, she/he should so advise the appointing authority.

However, the final determination of the merits of the charges (or whether any further investigation is required) and the appropriateness of the proposed disciplinary action in light of any tendered defenses or mitigations rests exclusively with the appointing authority. The Skelly Officer may, but need not, offer a view or recommendation regarding the appropriateness of the proposed penalty. If the Skelly Officer recommends modification of the proposed penalty, the basis for the recommended modification should be articulated in the report to the appointing authority. Based on the Skelly Officer's recommendation, the department may need to do follow up investigation.

3. Order of Disciplinary Action

After the Skelly meeting and before discipline is imposed, the employee must receive a final "Order of Disciplinary Action." The final order will contain:

- A statement of the reasons for the disciplinary action
- The effective date of the discipline
- The facts upon which the discipline is based
- A statement of appeal rights

The discipline is effective for the dates outlined in the document. For instance, it might be a five-day suspension because of an act of insubordination. It would state, for instance, you are suspended from November 1st to 5th.

The employee would be docked five (5) days pay for that period of time. The penalty would not be delayed pending an appeal. However, on an exceptional basis, the City Manager may exercise his/her discretion to delay implementation of the penalty pending the appeal.

The employee will have ten (10) working days to file an appeal with the City Manager.

4. Amending Notices of Discipline

If new disciplinary action, new facts, or a different level of discipline is needed, as a result of a Skelly or additional investigation, it may be necessary to amend the notice of proposed disciplinary action or an order of disciplinary action in which case a new Skelly meeting may be required. The department head is responsible for amending the notice of proposed disciplinary action or order of disciplinary action.

5. Hearing with an Adjustment Board (Only for represented employees)

If the employee appeals the Order of Disciplinary Action to the City Manager within 10 working days of the date of the Order of Disciplinary Action, such appeal shall be submitted to an Adjustment Board (Board) comprised of two (2) Union representatives, neither of whom shall be an employee of the City or an elected official of Teamsters Local 315 and two (2) representatives of the City, no more than one (1) of whom shall be either an employee of the City or a member of any organization employed to represent the City in the meeting and conferring process. Further, the one member of the Board who may be a City employee shall not be from the department from which the discipline originated. The Board shall convene within fifteen (15) days. No decision of the Board shall be final and binding without receiving the affirmative votes of at least three (3) members of the Board. If the three (3) votes required to resolve the matter are not cast, the Board shall be declared deadlocked.

6. Hearing with an Administrative Law Judge (Only for unrepresented, regular, non-at-will employees) – If an unrepresented, regular, non-at-will employee appeals the Order of Disciplinary Action to the City Manager within 10 working days of the date of the Order of Disciplinary Action, such appeal will result in a request for services of an Administrative Law Judge (ALJ) through the independent state Office of Administrative Hearings (OAH) to adjudicate the matter. The ALJ will be tasked with deciding whether the City terminated the unrepresented, non-at-will employee for just cause; and if not, what the appropriate remedy should be. The employee shall be entitled to represent themselves at the hearing or employ an attorney or other person to represent them. Both the employee and the City will have the opportunity to present documentary and testimonial evidence relevant to the issues to be decided and to cross-examine witnesses called by the other. Each side will bear the costs of its own representation; however, the City will pay the ALJ's fees. The ALJ's recommendation must be adopted by the City Council in closed session. The City Council's decision shall be final and binding.

7. Impartial Arbitrator Hearing (Only for represented employees)

If an Adjustment Board is unable to arrive at a majority decision, either the Union or the City may require that the appeal of discipline be referred to an impartial arbitrator who

shall be designated by mutual agreement between the Union and the City Manager. Request for arbitration shall be made within ten (10) days of a declared deadlock of the Board. The selection of the arbitrator will be made within thirty (30) days of the request for arbitration. The fees and expenses of the arbitrator and a court reporter shall be shared equally by the Union and the City. Each party shall bear the cost of its own presentation including, but not limited to, preparation and posting of hearing briefs, if any.

Decisions of the Board and arbitrators on matters properly before them shall be final and binding.

j. Immediate Removal

The procedures of this section shall not preclude the immediate removal of an employee with pay without notice and hearing if the continued presence of the employee would present a hazard or disruption to other employees, the public or the City. An administrative removal with pay pending an investigation requires the approval of the City Manager and is not subject to appeal. Such investigations should be initiated promptly and completed expeditiously. When an administrative removal with pay is imposed and subsequent disciplinary action follows, the employee shall be assured of all due process in accordance with the procedures of this section.

k. Right to Representation

An employee subject to a meeting, interview or an investigation that may result in disciplinary action has the right, upon request, to be represented by an employee representative or an attorney retained by the employee at the employee's expense. Any employee other than those defined as management, confidential or supervisory (unless the employee is a Union steward for the employee investigated), shall be permitted to represent another City employee or group of City employees.

8.2 Reporting Arrests and Convictions

Employees convicted of a misdemeanor or felony during their employment with the City, must report any such conviction to the Human Resources Director within three (3) days of the conviction. Any arrests that occur while an employee is on City business or in a City vehicle must also be reported to the Human Resources Director as soon as possible from the date/time of the arrest.

SECTION 9: EMPLOYEE CONDUCT

9.1 Work Philosophy

The Human Resources Director, in collaboration with the department heads, line employees, supervisors, and the City Manager shall develop a statement of work philosophy that assimilates a mission and vision of City service, workplace values of the desired City organization, and incorporates the service excellence standards in Section 3.3.

9.2 Professional Appearance

The City is a professional workplace, and desires to maintain a professional image with the community, visitors, and the general public, as well as fellow co-workers. A professional appearance reflects favorably on both the employee and the City. Employees are expected to use good judgment in determining their dress and appearance. Clothing and appearance should always be neat, clean, in good business taste, and not constitute a safety hazard.

For office based and non-uniformed employees, attire is expected to be business professional, and appropriate to the work assignment. Worn/torn/patched jeans, shorts, sweats, sportswear, and similar informal attire are not appropriate, including on designated “casual” days. Attire on any designated “casual day” shall be business casual attire, such as the City-provided shirts. Exceptions may be made to this policy for employees with certain field-based assignments, such as in the Community Services Department where shorts may be appropriate professional attire for lifeguards or camp counselors. Exceptions may also be made by supervisors for specific tasks, such as a moving or cleaning day. Clothing such as t-shirts with inappropriate slogans or graphics is not acceptable in any situation.

Certain positions within city service require that a uniform be worn. The uniform identifies the individual as a City employee. Uniforms should always be neat and clean. Uniforms furnished by the City are to be worn during regular working hours and may be worn to and from work, but they are not a substitute for personal attire.

Department heads and supervisors are responsible for ensuring that employees meet the professional appearance guidelines. Employees wearing inappropriate clothing will be required to leave work and change into appropriate attire without compensation. For more specific information regarding the City’s dress code, see City Policy #05-2.

9.3 Employee Identification Cards

The City will issue official identification cards to employees. Such cards are intended to identify the individual as an official representative of the City in the performance of their City duties. The cards will also be used as a security measure to identify individuals as employees of the City.

Employees issued a City identification card are expected to carry and display those cards as designated by the City Manager or department head. The cards remain the property of the City and must be surrendered to the Human Resources Director upon termination of the relationship between the City and the individual.

Any misuse of the cards, or use of the card for a non-job related purpose, may be cause for disciplinary action as identified in Section 8.1.

9.4 Use of City Equipment

- a.** Because of public perception, potential damage or loss to city equipment, and the costs associated with finding missing equipment, the City shall not allow the personal use of City equipment. The following practices apply to the use of City equipment:
1. Taking City equipment or supplies home for personal use, such as power tools, tables, chairs or computer equipment, is not allowed.
 2. Use of City equipment for personal use, particularly office equipment such as copiers, phones and computers, is to be discouraged. The employee will reimburse the City for the use of such equipment, if and when such use occurs.
 3. When City equipment or supplies are no longer needed and can be discarded, employees shall take care in their proper disposal. In some instances, the surplus value may warrant selling the item; in other instances, giving the item away in exchange for getting rid of it may be the most cost-effective action. Such a decision is to be made by the appropriate department head or authorized supervisor, and *not* the employee. The department head is also expected to use good judgment in determining when a matter should be handled at the departmental level, transferred to the Purchasing Agent for disposal, or referred to the City Manager.
 4. Employees who are required to drive a vehicle or operate equipment that requires possession of a driver license must participate in the DMV Employer Notification Program. The Program provides the City driver license reports for its employees.

Disciplinary action may be taken when these rules are violated. The severity of the disciplinary action will depend upon the nature and circumstances of the violation, including whether or not such instances have occurred in the past, the dollar value in question, and how negatively the City's image was impacted.

9.5 Reimbursement of Expenses

a. City-reimbursable Expenses

1. Memberships and dues are reimbursable, to the extent that they are clearly city-related, funds are available in the annual budget, and supervisor approval is received. Membership in the League of California Cities, Association of Bay Area Governments (ABAG) and other government-related organizations are specifically eligible, although the City itself is generally the member. Membership in social organizations, such as Rotary or Lion's Club, is not reimbursable.
2. Office equipment and supplies are generally not eligible for reimbursement, since they are available through the city's procurement process. However, if an item is needed for city business and it is not available through the city's normal purchasing process, then the expense is reimbursable.
3. Newspaper and magazine subscriptions are generally not reimbursable, although the City will pay for a single subscription to such periodicals that are necessary to conduct city business. Such newspapers and magazines must be sent to city offices only.

4. Business-related toll and access charges for city-related communications are reimbursable, provided receipts are submitted and the nature of the relationship to city business is established.
5. Contributions to charitable or other organizations are not allowed, unless the City Council formally authorizes such payment, in exchange for services rendered.
6. Other business-related expenses may be reimbursed, provided they meet the following criteria: the charge is an actual expense of a Council member or city employee; the expense was incurred in the performance of official duties; and the expense was necessary. Any disputes over the appropriateness of any expense shall be resolved by the City Manager, in the case of employee expenses; and by the full Council, in the case of a Council member expense.
7. Personal protective property or tools that have been pre-approved for use by the department director and was damaged as a result of conducting City business may be reimbursable. Any reimbursement will be considered on a case-by-case review of the situation and at the discretion of the department head. Reimbursement amount is conditional to a reasonable replacement value.

b. Mileage Allowance

Employees/volunteers shall be reimbursed at a rate as determined by the IRS for the authorized use of their private vehicle on city business. Employees/volunteers shall also be reimbursed for parking fees, bridge tolls, and transit fees paid while on City business. The City is not liable for parking tickets or other violations incurred while on city business.

An employee or volunteer who uses their personal automobile for city business must provide at least the minimum levels of automobile liability insurance, as required by the City's risk management carrier. Proof of such insurance must be on file with the Human Resources Department. The City is not liable or responsible for any coverage in the event of an employee accident in a personal vehicle, even if the accident occurred while conducting City business.

9.6 Travel

Occasionally, it is necessary for City personnel to attend meetings and to travel outside the City to conduct city business or attend conferences. To control the costs involved and to compensate individuals for actual and necessary expenses, it is the policy of the City Council to reimburse City officials and staff for reasonable business expenses associated with City-related travel and other matters, subject to the procedures as set forth in City Policy 09-2, Travel Policy. See Policy 09-2 for additional guidance and information.

a. Ineligible Expenses

1. Costs for entertainment and social events while on a conference or training session (unless part of the banquet tickets or basic conference registration). Social activities, such as sightseeing bus fares, shows or similar activity, even if sponsored by an otherwise eligible conference or training session, are not reimbursable.

2. Travel expenses reimbursed by another organization. Also ineligible are mileage expenses while traveling as a passenger in a privately owned vehicle, although the cost may be shared if traveling with members of another jurisdiction. Trip insurance is not a reimbursable expense.
3. Alcoholic beverages are not reimbursable, unless it is included in the cost of the meal and the alcoholic beverage portion cannot be separated from the rest of the bill.
4. Any vehicle moving violations or parking tickets.
5. Any other expenses that are clearly for personal entertainment, or other personal reasons, or are for expenses incurred by a spouse or other guest.

b. Upgrades

A Council member or City employee may pay the difference between the amounts that are reimbursable under these procedures and a higher level of service or accommodation, provided such a differentiation can be made.

9.7 Electronic Media

The use of all technology shall only be for purposes related to the individual's specific job duties or as assigned. These resources are intended to enhance the City's communications and operational capabilities and to be used for research and administration in support of the City's overall mission. These practices cover the use and security of all City technology including, but not limited to, electronic mail (E-mail), internet, electronic information sharing systems, cell phones, electronic media, faxes, televisions, voice mail, electronic documents, pagers, personal data assistants (PDA), and computers by City employees, contractors, consultants, elected officials and volunteers using city-owned electronic equipment. The specifics of electronic media use are outlined in Policy 10-1, Technology Use Policy, and shall apply.

9.8 Workplace Harassment and Discrimination

a. Policy

It is the policy of the City of American Canyon to provide a businesslike work environment, free from all forms of employee discrimination, including incidents of harassment or retaliation. Harassment by or of an employee, contractor, consultant, or volunteer on the basis of race, color, national origin, age, sex, sexual preference, gender identity, marital status, physical handicap, medical condition, veteran status, or religious affiliation will not be tolerated. No employee shall be subjected to any form of harassment by other employees or non-employees. No employee shall sexually harass anyone. It is the City's policy to treat all employees, contractors, consultants, and applicants on the basis of merit, qualifications and competence, and to remove discriminatory employment barriers when and where they are found to exist so all individuals may compete for employment opportunities on an equal basis. Violation of this policy will result in disciplinary action up to and including termination.

b. Intent

It is the intent of this procedure to provide an effective means for quickly resolving situations involving harassment with a minimum of formal or cumbersome procedural requirements.

c. Definition of Harassment

Harassment is a violation of Title VII of the 1964 Civil Rights Act and the California Fair Employment and Housing Act. Harassment may include acts committed by managers and supervisors or co-workers of the employee or third parties, such as consultants or contractors for the City. In general, harassment includes, but is not limited to:

1. **Verbal Harassment:** For example, epithets, derogatory comments or slurs made to or about an employee, yelling at an employee, or refusing to speak to an employee on the basis of race, religion, creed, color, national origin, ancestry, physical or mental disability, medical condition, marital status, gender, sexual preference, gender identity, or age.
2. **Physical Harassment:** For example, unwanted touching of an employee, assault, impeding or blocking movement, or any physical interference with normal work or movement when directed at an individual on the basis of race, religion, creed, color, national origin, ancestry, physical or mental disability, medical condition, marital status, gender, sexual preference, gender identity, or age.
3. **Visual Forms of Harassment:** For example, the display of posters, notices, bulletins, cartoons, calendars, or drawings which are derogatory on the basis of race, religion, creed, color, national origin, ancestry, physical or mental disability, medical condition, marital status, gender, sexual preference, gender identity or age, or the display of sexually explicit posters, calendars, or other materials in the workplace

d. Sexual Harassment

To help define sexual harassment, the State Department of Fair Employment and Housing, the Federal Equal Employment Opportunity Commission, and the courts use the following guidelines:

1. There are two types of sexual harassment:
 - a) **Quid pro quo (Sexual favors as a condition of employment):** This type of sexual harassment involves situations in which a supervisor or manager of an employee requires sexual favors, such as having sexual relationship, going out on a date, etc., as a condition of employment, i.e., keeping a job, getting a promotion, etc.
 - b) **Hostile work environment:** This type of sexual harassment involves situations in which:
 1. The employee is subjected to unwelcome verbal or physical conduct of a sexual nature, and
 2. The verbal or physical conduct is sufficiently severe or pervasive as to change the conditions of the employee's employment and working conditions and create an abusive work environment.

2. Sexually harassing conduct may take the form of visual, verbal, or physical conduct. It need not be explicit or even specifically directed at the victim.
3. Under court decisions, whether certain acts or situations in the workplace are sexual harassment is to be determined based on the perspective of a “reasonable woman”, if the harassee is female, or a reasonable harassee, if the harassee is male. (Under the “reasonable person” standard, it does not matter that the harasser did not intend certain behavior or comments to be offensive. For example, although a male supervisor may not believe it is offensive for him to tell a female subordinate that she has a “great figure,” the female subordinate or a “reasonable woman” may find this comment offensive.)
4. In some situations, inappropriate comments, touching, or other conduct between members of the same sex may constitute sexual harassment, if the comments or conduct are based on sex. However, the comments or conduct need not be motivated by sexual desire. For example, explicit comments made regarding the anatomy of a co-worker or subordinate of the same sex could be considered sexual harassment under some circumstances.
5. Examples of the types of conduct which constitute sexual harassment, include, but are not limited to the following:
 - a) Comments about an employee’s body
 - b) Sexually suggestive objects or pictures in the workplace;
 - c) Sexually degrading words used to describe a person;
 - d) Propositions of a sexual nature;
 - e) Asking an employee out on a date, especially if the employee is a subordinate of the person making the invitation, or has previously expressed disinterest;
 - f) Refusing to work with or speak to an employee based on his/her sex;
 - g) Unwanted touching of an employee, especially in sexually sensitive areas;
 - h) Touching oneself in a sexually suggestive way in front of other employees;
 - i) Sexual jokes;
 - j) Blocking an employee’s movement, or access to doors, etc., in the workplace;
 - k) Threats or insinuations by a supervisor or manager that the employee’s lack of sexual submission will adversely affect the employee’s employment, wages, advancement, assigned duties or shifts, or other conditions that affect an employee’s livelihood.

e. Reporting Sexual Harassment

1. **Report by Employee:** Any employee who believes he or she has been illegally harassed or has witnessed harassment of another employee, as defined above, should immediately report such conduct either verbally or in writing to any of the following individuals:
 - a) His/her immediate supervisor or, if the supervisor is alleged to be involved with the harassment, to his or her department head or the Human Resources Director.

If any of these persons are alleged to be involved in the sexual harassment, the complaint shall be made as set forth in Subsection 9.8.g.

- b) If the City Manager is alleged to be involved in the sexual harassment, the report should be made to the City Attorney, as well as the employee's department head and the Human Resources Director.
2. **Response to Harassment Complaint by Supervisors and Managers:** Any supervisor or manager who receives a harassment complaint from an employee shall notify the applicable department head and the Human Resources Director immediately either verbally or in writing, along with his or her recommendations (if any), based on his or her knowledge of the facts. If the department head or the Human Resources Director is alleged to be involved in the sexual harassment, the complaint should be made as set forth in Subsection 9.8.g.
3. **Timeline for City's Response to Complaint:** The City will make every effort to fully investigate all reports and take appropriate action within a reasonable timeframe from receipt of the complaint.

f. Investigation and Response to Harassment Complaint by City

Upon notification of the harassment complaint, the Human Resources Director shall:

1. Report the complaint to the City Manager.
2. Immediately authorize the investigation of the complaint and supervise and/or investigate the complaint. The investigation shall be conducted by a neutral person who has sufficient knowledge and training to conduct an adequate investigation. The investigation will include interviews with:
 - a) The complainant;
 - b) The accused harasser; and
 - c) Any other persons who have relevant knowledge concerning the complaint. This may include witnesses and/or complainants of similar conduct.
3. Review factual information gathered through the investigation, including written statements of persons interviewed to determine whether the alleged conduct constitutes sexual harassment, giving consideration to all factual information, and the totality of the circumstances, including the nature of the conduct which was the basis for the complaint and the context in which the alleged incidents occurred.
4. Report the results of the investigation and the determination as to whether sexual harassment occurred in writing to appropriate persons, including to the applicable department head, the City Manager, and City Attorney. If one of these individuals is the subject of the harassment complaint, the report regarding the investigation should be distributed to the other two individuals only.
5. The City Manager, or if the City Manager is alleged to be involved in the harassment, the City Attorney shall then make a decision regarding the action to be taken by the City in response to the results of the investigation.

6. If harassment occurred, the City shall take prompt and effective disciplinary action against the harasser. The specific disciplinary action to be imposed will depend on the circumstances of each case, including the severity of the offense, whether similar offenses have occurred in the past, and the personnel history of the harasser. If the harasser is a third party, such as a consultant or contractor or customer for the City, the City shall immediately take necessary steps to stop the harassment.
7. Inform the complainant of the findings of the investigation and the resolution of the matter, and advise him/her of the City's policy against retaliation and the right to make additional complaints if the harassment recurs.
8. Take reasonable steps to protect the complainant, witnesses and other potential complainants from further harassment.
9. Take reasonable steps to protect the complainant and any witnesses from any retaliation as a result of initiating the complaint. Examples of retaliation may include, but are not limited to, confronting, yelling, or screaming at the employee who filed the complaint or at a witness, worsening the treatment of the employee or witness, not speaking to or refusing to work with the employee or witness, or taking adverse personnel action, which is not based on problems with job performance or a violation of City rules and policies, against the employee who filed the complaint, or the witness.
10. After a period of time not to exceed 45 working days, or 30 days after the alleged harasser has returned to work (if suspension has occurred), meet with the complainant to confirm that the harassment has ceased and that there has been no retaliation by the alleged harasser or any other persons.

g. Alternate Complaint and Investigation Procedure if the Department Head, Human Resources Director, or City Manager is Subject of a Harassment Complaint

If a harassment complaint is made against the department head, the supervisor must promptly report the complaint to the Human Resources Director. If the Human Resources Director is the subject of a harassment complaint, the report should be made to the City Manager and the employee's department head. If the City Manager is the subject of a harassment complaint, the report should be made to the City Attorney.

In cases involving harassment complaints against the Human Resources Director, the City Manager shall authorize, supervise, or perform the investigation. If the City Manager is the subject of a harassment complaint, the City Attorney shall assume these responsibilities. If the City Attorney or the City Council Members are the subject of a harassment complaint, an arrangement for an investigation by a qualified neutral party shall be arranged and a decision made on behalf of the City regarding the action to be taken in response to the investigation.

h. Confidentiality

The City will make every effort to maintain the confidentiality of all claims of harassment and other information gathered during the investigation process, including correspondence, data, documents, tapes and testimony and will only disclose such information as necessary to: make a complete investigation, provide an appropriate remedy, initiate and implement disciplinary action and/or comply with any law or this section.

i. Record Keeping

All materials related to a complaint of harassment, including reports, correspondence, data, documents, tapes and testimony gathered during the investigation will be retained in a confidential City file for a minimum of five (5) years. All materials used to support a disciplinary action shall be retained in the personnel file of the employee disciplined.

j. Prohibition of Retaliation Based on Claims of Sexual Harassment

Pursuant to State and Federal law, the City prohibits retaliation against an employee who has filed a sexual harassment complaint or participated in a sexual harassment investigation or testified at any hearing, deposition, or trial regarding sexual harassment in the workplace, even if the sexual harassment complaint is later found to be false or unfounded.

k. Responsibilities of City Managers and Supervisors

Management and supervisory personnel are responsible for ensuring that the work environment is free of illegal harassment as herein defined, including sexual harassment, by:

1. Setting an example of behavior appropriate to the workplace.
2. Informing all employees under their direction of the City's policy and complaint procedure, and answering any employee questions.
3. Reporting any instances of illegal harassment, including sexual harassment, to his/her Department head and the Human Resources Director, or the City Manager or City Attorney in appropriate cases.
4. Based on the findings of the investigation, promptly taking appropriate disciplinary action against the harasser.
5. Complying with Federal and State laws regarding harassment.

l. Training

The City will conduct periodic training on this policy for supervisors and managers, and City employees, to ensure that all employees are aware of and understand the policy and complaint procedure and to deter sexual harassment in the workplace, and will comply with all requirements of State and Federal law.

m. Dissemination of Policy

A copy of this policy will be provided to each employee, including all newly hired employees at the date of hire and all other individuals contracted to perform services at the City (as of the date of the contract or as soon thereafter as reasonably possible). In addition, the City will distribute all other information relating to the illegality of harassment as required by law.

9.9 **Retaliation**

- a. The City does not tolerate retaliation of any kind, on or off the job, by a supervisor, manager, coworker, contractor or consultant. Such retaliation may be in response to a claim an employee makes of harassment (Section 9.8), a grievance filed (Section 10.1), or any other situation where an employee is being harassed, punished or discriminated against outside of the City's disciplinary process.
- b. Employees who believe they are the subject of retaliation should report such claims as described in Section 9.8, Workplace Harassment and Discrimination.
- c. Employees who practice retaliation shall be subject to disciplinary action up to and including termination.

9.10 **Conflict of Interest**

Employee, contractors, commissioners, and council members of the City are prohibited from:

- a. Engaging in or having any interest in any business or transaction, or incurring any obligation which conflicts or impairs, or appears to conflict or impair their independent judgment in the discharge of their official duties.
- b. Accepting money, favors or other considerations for work they would be required or expected to perform in the regular course of their duties.
- c. Accepting gifts, gratuities or favors of any kind from persons, vendors doing business with the City or applicants seeking services. The only exception is the acceptance of consumable gifts offered equally to an entire work group where rejection would damage the spirit in which the gifts were offered.
- d. 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.

It is the employee's responsibility to disclose and report all potential conflict of interest situations to their supervisor or the City Manager.

9.11 **Acceptance of Gifts and Gratuities**

a. Financial Conflict of Interest

No employee or contractor of the City shall knowingly seek or accept any gift, service, favor, employment, engagement, or economic opportunity which creates a conflict of financial interest from any person, firm, or corporation which is interested—directly or indirectly, now or in the future—in any manner whatsoever in business dealings with the City.

b. Conflict of Interest in Public Duties

No employee or contractor shall seek or accept any gift or compensation, regardless of amount or value, which would tend to improperly influence a reasonable person in his or her position to depart from the faithful and impartial discharge of the duties of his or her position.

9.12 Political Activities

City employees shall not engage in political activity of any kind while on the job. 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 measure, political committee or the nomination or election of any person to public office, while on the job. 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.

Subject to the paragraph above, the rights of City employees to register and vote as they choose shall not be infringed. City employees may express their opinions as authorized by law on all political subjects without recourse against them. Subject to the foregoing and applicable law, any City employee may seek appointment or election to any public position, office, or employment for which qualified.

SECTION 10: **COMMUNICATION CHANNELS**

10.1 **Formal Grievance/Informal Problem Resolution Process** (*information on the formal grievance topic can also be found in the City's MOU*)

a. Purpose

Grievance and informal problem resolution procedures for employees are provided:

1. To promote improved employer/employee relations by establishing a grievance/complaint procedure on matters for which appeal or hearing is not provided by other regulations;
2. To afford employees individually or through recognized employee organizations a systematic means to obtain further consideration of problems after every other reasonable effort has failed to resolve them through discussion;
3. To provide that grievances/complaints shall be settled in a timely manner; and
4. To provide that grievances/complaints shall be heard and settled as informally as possible.

b. Informal Problem Resolution Procedure (*This process is not part of the formal grievance procedure*)

Occasionally, situations come up that involve an interpretation of a work rule or procedure that is not grievable; or, sometimes an employee is not comfortable with going through a formal grievance procedure to get a resolution on something that can be settled in more informal manner. Some examples of informal problems would be where office equipment is located, use of time clocks in some work units, promotion and reclassification effective dates, etc. For these types of situations, the City has an informal problem resolution procedure.

An employee should first attempt to resolve a complaint through discussion with their immediate supervisor within five (5) working days of the event or knowledge of the event giving rise to the complaint. Every effort should be made to find an acceptable solution by informal means at the most immediate level of supervision.

The next step in the informal complaint resolution procedure is to contact the Human Resources Director to discuss the situation. Again, every effort will be made to find an acceptable solution. If nothing can be done or if the resolution is not acceptable to the employee, the informal problem resolution procedure will go no further. (**NOTE:** If the problem is a grievable complaint, the formal procedure outlined in “c” below should be used as an employee has only 10 working days, as mandated in the MOU, from the time that the “cause” occurred to the time a formal grievance must be submitted in writing to the supervisor. Time spent in the informal procedure will count towards the 10 working day requirement).

c. Formal Grievance Procedure (see applicable MOU section on Grievances). A formal grievance is any dispute that involves the interpretation or application of any provision of the MOU, or rules, regulations, resolution, ordinances and existing practices and working conditions. A formal grievance may only be initiated by the employee or an authorized union representative completing and filed with the employee's supervisor as a written statement of the grievance containing the following information:

- Name(s) of grievant(s)
- Job title(s)
- Department
- Mailing address(es)
- A clear statement of the nature of the grievance (cite applicable ordinance, resolution, rules or regulations, or memorandum of understanding language);
- The date of the event giving rise to the grievance;
- A proposed solution to the grievance;
- The date of the written grievance;
- The signature(s) of the grievant(s); and
- The name of the organization, if any, representing the grievant(s), followed by the signature of the organization's representative.

10.2 **Changing Work Rules**

The practices and procedures contained in this manual are adopted by the City Manager as authorized by City Council through Sections 2.08 and 2.5 of the City Code. Human resources practices and procedures are only as valuable as their usefulness and application in the workplace. All employees are encouraged to submit suggestions for process improvements, additions, clarifications, and enhancements to the practices and procedures in this manual. Suggestions for changing work rules should be submitted to the Human Resources Director.

10.3 **Council Communications**

City of American Canyon Code Section 2.08.070 specifies that the City Council and its members shall deal with the administrative services of the City only through the City Manager, except for the purpose of inquiry. Neither the City Council nor any member thereof shall give orders to any subordinate of the City Manager. For the purpose hereof, "inquiry" means any and all communications short of giving orders, direction or instructions to any City employee, contractor or consultant.

All City employees, contractors, and consultants are expected to inform the City Manager of any Council inquiry and to provide the City Manager with a copy of the response. Any other communications with the Council or its members shall be through the City Manager or designee.

10.4 **Grand Jury/Media/Other Outside Organization Communications**

From time to time, the media, grand jury, or other outside organization may directly contact City employees, contractors, and consultants for information or the City's position on various issues. Unless previously authorized to provide such information by the City

Manager, all employees, contractors, and consultants shall refer any such inquiry to the City Manager or designee. See City Policy 09-3, Public and Media Communications for additional information and guidance.

10.5 Communications Within the Workplace

Open communications are welcomed and encouraged between and among all levels of the organization. Direction and decisions, however, are to be made in accordance with the organizational structure of the City. Employees, supervisors and managers shall make every effort to include all those involved in the decision-making process. It is not acceptable to circumvent the organizational structure or the practices and procedures described in this Manual in pursuit of giving or getting direction or in decision-making.