



PERSONNEL RULES

2015

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RULE I PURPOSE AND DEFINITION

A. PURPOSE

The purpose of these rules is to facilitate efficient and economical services to the public and to provide for a fair and equitable system of personnel management in municipal government.

These rules set forth in detail those procedures which ensure similar treatment for those who compete for original employment and change status, and define the terms and conditions of employees of the City of Chino Hills.

Unless amended by a subsequent Resolution of the City Council or modified by an adopted Memorandum of Understanding for a recognized employee organization approved by the City Council, the Rules and Regulations set forth herein and the Personnel Ordinance shall govern the Personnel System for the City of Chino Hills.

B. DEFINITION OF TERMS

The following terms, whenever used in these rules, shall be defined as follows:

- Section 1. Advancement: A salary increase within the limits of the pay range established for applicable class.
- Section 2. Allocation: The assignment of a single position to its proper class in accordance with the duties performed, and the authority and responsibilities exercised.
- Section 3. At-Will: All positions outside of the competitive service which may be terminated with or without cause, at any time, at the will of the City, in its sole discretion.
- Section 4. Class: All positions sufficiently similar in duties, authority, responsibility, and working conditions to permit grouping under a common title and the application with equity of common standards of selection, transfer, promotion, and salary.
- Section 5. Competitive Service: All positions of employment in the service of the City except those excluded by the Personnel Ordinance.
- Section 6. Demotion: The movement of an employee from one class to another class having a lower maximum rate of pay.
- Section 7. Eligible: When used as a noun, means a person whose name is on an employment list.

Section 8. Personnel Officer: The City Manager shall be the Personnel Officer. The City Manager may delegate any of the powers and duties conferred upon him/her as the Personnel Officer.

Section 9. Employment List:

- (a) Open employment list: A list of names of persons who have taken an open-competitive examination for a class in the competitive service and have qualified.
- (b) Promotional employment list: A list of names of persons who have taken a promotional examination for a class in the competitive service and have qualified.

Section 10. Examinations:

- (a) Assembled examination: An examination conducted at a specified time and place at which applicants are required to appear for competitive examination under the supervision of an examiner.
- (b) Unassembled examination: An examination consisting of an appraisal of training, experience, work history, or any other means of evaluating other relative qualifications of applicants without the necessity for their personal appearance at a specified place.
- (c) Open-competitive examination: An examination for a particular class, which is open to all persons meeting the qualifications for the class.
- (d) Promotional examination: An examination for a particular class, admission to the examination being limited to regular, probationary, or part-time employees in the competitive service who meet the qualifications for the class.
- (e) Continuous examination: An open competitive examination which is administered periodically and as a result of which names are placed on an employment list, in order of final scores, for a period of not more than one (1) year.

Section 11. M.O.U.: Current Memorandum of Understanding in effect with respect to an employee group.

- Section 12. Personnel Ordinance: Ordinance Number 91-05 (1991) of the City of Chino Hills, including the date of the adoption of these Rules, or as amended from time to time thereafter.
- Section 13. Probationary Period: A working test period during which an employee is required to demonstrate his/her fitness for the duties to which he/she is appointed by actual performance of the duties of the position.
- Section 14. Promotion: The movement of an employee from one class to another class having a higher maximum rate of pay.
- Section 15. 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 class in the absence of available eligibles. Appointment will be limited to six (6) months with an extension of three months allowed, with the approval of the City Manager.
- Section 16. Reclassification: The change of a position from one class to another deemed more appropriate in terms of duties, authority, responsibility, and working conditions.
- Section 17. Reduction in Pay: A salary decrease within the limits of the pay range established for a class.
- Section 18. Regular Employee: An employee who has successfully completed his/her probationary period and has been retained as hereafter provided in these Rules.
- Section 19. Temporary Employee: A temporary employee is a person who has been appointed to a full-time or part-time position of limited duration.
- Section 20. Rejection: The separation of an employee from the service during the probationary period.
- Section 21. Reinstatement: The re-employment, without examination, of a former permanent employee.
- Section 22. Suspension: The temporary separation from the service of an employee without pay, for disciplinary purposes.
- Section 23. Transfer: A change of an employee from one position to another position in the same class or another class having the same maximum salary limits, involving the performance of similar duties and responsibilities and requiring the same qualifications.

RULE II GENERAL PROVISIONS

- Section 1. Fair Employment: No question in any test or in any application form, shall be so framed as to attempt to elicit information concerning gender, age, race, color, ancestry, national origin, political or religious opinion or affiliations of an applicant. No appointment or removal from a position in the competitive service shall be affected or influenced in any manner by any consideration of gender, race, color, ancestry, national origin, political or religious opinion or affiliation.
- Section 2. Violation of Rules: Violation of the provisions of these rules shall be grounds for disciplinary action.
- Section 3. Amendment and Revision of Rules: Amendments and revisions to these rules must be recommended by the Personnel Officer and approved by the City Council.

RULE III CLASSIFICATION

- Section 1. Preparation of Plan: The Personnel Officer or designee shall ascertain and record the duties and responsibilities of all positions in the competitive service, after a classification study is conducted, including job analysis, and recommend a classification plan for such positions. The classification plan shall consist of classes of positions in the competitive service defined by class specifications, including title, definition of the position, supervision received and exercised, a description of the essential and marginal duties and responsibilities of positions in each class, and the training, experience, and other qualifications to be required of applicants for positions in each class. The classification plan shall be so developed and maintained that all positions substantially similar with respect to duties, responsibilities, authority, and character of work are included within the same class and allocated to the same schedules of compensation.
- Section 2. Adoption, Amendment, and Revision of Plan: The classification plan shall be adopted and may be amended from time to time by resolution of the City Council. Amendments and revisions of the plan shall be submitted by the Personnel Officer and approved by the City Council.
- Section 3. Allocation of Positions: Following the adoption of the classification plan, the Personnel Officer shall allocate every position in the competitive service to one of the classes established by the plan.

- Section 4. New Positions: When a new position is created, before the same may be filled, the classification plan must be amended and an employment list established, before an appointment is made.
- Section 5. Classification Studies: Classification studies shall be conducted as warranted in the opinion of the Personnel Officer, as recommended by the Department Head, in order to determine if the duties and responsibilities of the position have changed materially, have become inequitably aligned in relation to other positions within the City service, or are otherwise incorrectly designated. Upon receiving approval from the Personnel Officer, a classification study shall be conducted and the position may be reclassified to a more appropriate class, whether new or already created, whether of a higher or lower maximum salary level.

After conducting a classification analysis of the position(s) authorized for study, the Personnel Officer will recommend classification changes, if any, to the City Council for approval.

- Section 6. Classification Appeal Procedure: Appeals of recommended allocations may be filed by incumbents in positions or by exclusive recognized bargaining agents. Such appeals must be requested in writing and be directed to the Personnel Officer within ten (10) working days of notice of allocation. In the case of both represented and nonrepresented employees, the Personnel Officer and the designated representative or employee, shall mutually agree on the selection of a hearing officer to conduct a hearing of the matter. The decision of the hearing officer shall be in the form of an advisory recommendation to the Personnel Officer.
- Section 7. Qualifying Examination: A reclassification with a title change that results in a salary increase above the old classification may require of the incumbent a qualifying examination to determine whether or not the incumbent possesses the minimum qualifications for the new class. The method for the qualifying examination shall be determined by the Personnel Officer. An incumbent proposed for a reclassification who does not pass the qualifying examination shall retain his/her original title and class until such time as he/she does pass the qualifying examination. The employee may request to the Personnel Officer that the qualifying examination be waived.

An employee whose position is being reclassified upward and who has previously passed the examination for the position within the last year, and whose name appears on an eligibility list for such a position, need not take a qualifying examination.

- Section 8. Y-Rate: When a reclassification results in a lower maximum rate of pay for the incumbent, the incumbent shall be “Y-Rated” at the salary level he/she has earned up to that time. This protects the employee from an actual decrease in salary, although he/she may not receive an increase until such time as the maximum salary rate for the new class exceeds the previously attained rate.

RULE IV COMPENSATION

- Section 1. Preparation of Plan: The Personnel Officer or designee shall prepare a pay plan covering all classes of positions in the competitive service, showing the minimum and maximum rates of pay. In arriving at such salary rates or ranges, consideration shall be given to prevailing rates of pay and consideration of working conditions for comparable work in other public and in private employment; to current costs of living; to suggestions of department heads; to the City’s financial condition and policies; and, to other relevant factors. The Personnel Officer or designee shall thereafter make such further studies of the compensation plan as may be requested by the City Council.
- Section 2. Adoption of Plan: The pay plan shall be adopted and may be amended from time to time by action of the City Council. Amendments and revisions of the plan shall be submitted to the City Council by the Personnel Officer. Thereafter, no position shall be assigned a salary not in conformance with the salary schedule unless the salary schedule for the class is amended in the same manner as herein provided for its adoption.

RULE V APPLICATIONS AND APPLICANTS

- Section 1. Announcement: All examinations for classes in the competitive service shall be publicized by posting announcements in the City Hall, City Yard, on official bulletin boards, or by such other means as the Personnel Officer deems advisable. The announcements shall specify the title and pay of the class for which the examination is announced, duties and responsibilities of the work to be performed, minimum requirements established, the manner of making application, and other pertinent information. The announcement shall be posted for a minimum of five (5) working days before the closing date of filing the employment application.
- Section 2. Application: Applications shall be made as prescribed on the examination announcement. Application forms shall require

information covering training, experience, and other pertinent information. All applications must be signed by the person applying.

- Section 3. Disqualification: The Personnel Officer shall reject any application, which indicates on its face that the applicant does not possess the minimum qualifications required for the position. Falsification of any information presented on the employment application shall be grounds for rejection/disqualification from the recruitment and/or termination from employment, if applicant is appointed to the position.

RULE VI EXAMINATIONS

- Section 1. Types of Examinations: The selection techniques used in the examination process shall measure the knowledge and abilities of the applicants to execute the duties and responsibilities of the class to which they seek to be appointed.

Examinations shall consist of selection techniques which will test fairly the qualifications of candidates such as, but not necessarily limited to, achievement and aptitude tests, other written tests, personal interviews, performance tests, physical agility tests, evaluation of daily work performance, work samples, medical tests, or any combination of these or other tests. The Personnel Officer, or designee, may select the appropriate examination(s) to be utilized in the selection process.

- Section 2. Subjects and Method of Examinations: Examinations may be assembled, unassembled, written, oral, practical demonstration, or any combination thereof, or any other form which will test fairly the qualifications of applicants and shall consist of one or more of the following parts:

- (a) Specialty: This part shall constitute that portion of the examination, which deals with the duties of a position and must be designed to test the ability of an individual to perform said duties.
- (b) Educational: This part may test the knowledge and abilities related to the position, as well as other subjects to test the basic training which would logically form the groundwork for performing the duties and responsibilities of the position and advancement in the service.
- (c) Training and Experience: Training shall consist of a statement of pertinent schooling and studies. Experience shall consist of a statement of all past activities that would

tend to fit candidates for the positions they seek and may include a statement of the names of former employers, nature of work, and references. A record, based on references, investigation, and character of past employment, may be included as a part of this requirement.

- (d) Physical or Medical: A physical or medical examination may be required of any applicant and must be given when so stated in the classification schedule.

Section 3. Promotional Examinations: Promotional examinations may include any of the selection techniques mentioned in Sections 1 and 2. All candidates for promotion must be regular, probationary, or part-time employees and must possess the minimum qualifications as set forth in the specifications of the class to which promotion is sought.

Examinations for intermediate and senior level positions are primarily promotional examinations and may be limited to City personnel. Promotional examinations, however, may be scheduled at the City's discretion. Open competitive examinations may be given.

Section 4. Continuous Examinations: Open-competitive examinations may be administered periodically for a single class as the needs of the service require. Names shall be placed on employment lists, in order of final scores, for a period of not more than one (1) year, unless extended by the Personnel Officer.

Section 5. Conduct of Examinations: The Personnel Officer shall determine the manner and methods and by whom examinations shall be prepared and administered. The Personnel Officer or designee shall arrange for the use of such buildings and equipment as is deemed necessary for the conduct of examinations.

Section 6. Scoring Examinations and Qualifying Scores: A candidate's score in a given examination shall be the average of his/her scores on each competitive part of the examination. The Personnel Officer may, at his/her discretion, include as a part of the examination, tests which are qualifying only.

- (a) Veterans' Preference in Examinations: "Veteran" means any person who has served full time for 30 days or more in the armed forces in time of war, or in time of peace in a campaign, expedition or service for which a medal has been authorized by the government of the United States, or during the period from September 16, 1940 to January 31, 1955, who has been discharged or released under conditions other

than dishonorable. This section does not include any person who served only in auxiliary or reserve components of the armed forces, any person whose service did not exempt him or her from the operation of the Selective Training and Service Act of 1940, nor any person who has retired from the military service.

Any such veteran competing in an open-competitive entrance examination shall be credited with two additional points to his or her score attained in such examination, provided that such points shall be awarded only during a period within five (5) years from the date of release from active duty. An official DD214 must be presented prior to the posting of the employment list to verify the veteran's status and receive this credit. The credit may be awarded concurrent with any applicable disabled veterans' preference credit.

- (b) Disabled Veterans' Preference in Examinations: "Disabled veteran" means a veteran who was disabled as a result of such service. Proof of such disability shall be deemed conclusive if it is of record in the United States Veterans Administration.

Any such disabled veteran competing in an open-competitive entrance examination shall be credited with one additional point to his or her score attained in such examination, provided that such credit shall be awarded only during a period within five (5) years from the date of release from active duty. The required military service is as defined in the Veterans' Preference Section above.

- Section 7. Notification of Selection Process Results: Each person competing in an employment selection process shall be given notice of the final rating and relative standing on the eligible list or of failure to obtain a place on the list. Within a period of time specified by the Personnel Officer, but within five (5) days following the postmarked date for such notice, any competitor may inspect his/her test papers and have ratings reviewed and corrected if any error in scoring or test construction has been made. Such corrections so made will be evaluated by the Personnel Officer and appropriate action taken. Such inspection shall be provided upon appointment during the regular business hours in the Personnel Office. All formal grading parts of the selection process shall be made available to the candidate upon request. The actual rating sheets of individual raters will not be shown but an accurate composite description of the individual rating sheets shall be provided if requested.

RULE VII EMPLOYMENT LISTS

Section 1. Employment Lists: As soon as possible after the completion of an examination, the Personnel Officer shall prepare and keep available, an employment list consisting of the names of applicants who qualified in the examination, arranged alphabetically and shall reflect the candidate's final score.

Employment lists shall remain in effect for one year, unless exhausted sooner, and may be extended, prior to their expiration dates, by action of the Personnel Officer for additional periods, but in no event shall an employment list remain in effect for more than two (2) years. The types of employment lists are:

- (a) Open: A list of applicants having qualified by an open competitive examination for a specified position.
- (b) Promotional: A list of persons having regular, probationary, or part-time status who have qualified in a City promotional examination for a specified position.

Section 2. Removal of Applicants from Lists: The name of any person appearing on an employment, re-employment, or promotional list shall be removed by the Personnel Officer if the person eligible requests in writing that his/her name be removed, fails to respond to a notice of certification mailed to his/her last known address, or has been certified for appointment three (3) times and has not been appointed. The names of persons on promotional employment lists who resign from the service shall automatically be dropped from such lists.

RULE VIII METHOD OF FILLING VACANCIES

Section 1. Notice to Personnel Officer: Whenever a vacancy occurs, the Department Head shall submit a request to the Personnel Officer to request authorization to fill the position. Except as otherwise provided in these rules, all selection interviews shall be conducted and appointments made from applicants qualifying on an eligibility list. The Personnel Officer or designee shall advise the Department Head as to the availability of candidates from employment lists. The Personnel Officer may hold a new examination and establish a new employment list, if requested.

Section 2. Appointment: After interview, the Department Head shall recommend an employment offer to be made by the Personnel Officer. The Personnel Officer shall thereupon notify the person of the conditional offer of appointment, subject to passing all required medical examinations and background verifications. No one may make any oral or implied representations as to any aspect of employment to at-will employees. At-will employees will also be required to sign at-will acknowledgment forms or contracts at the time of employment stating that no oral or implied conditions of employment were conveyed to them.

Section 3. Temporary Assignments: Employees may be temporarily assigned higher or lower duties without a change in pay and such action shall not be deemed as a transfer, demotion, promotion, or reclassification. In all cases where periodic or regular variations in assignments occur because of seasonal needs, the nature of the duties, the work schedule, or a position from which the incumbent is on extended leave of absence, such variations shall be considered as incidental to the position.

(a) Assignment to Vacant Higher Position: Employees assigned to perform the full duties in a vacant higher level regular position authorized by the City Council shall be entitled to a salary rate increase to the higher level for the time actually worked in the temporary assignment. The duration of such assignment to a vacant higher position shall not exceed one (1) year. It is the responsibility of the Department Head to request such salary rate increase to the Personnel Officer for approval.

(b) Special Assignment Pay: Employees performing in a capacity beyond the normal scope of their duties because of a vacancy and/or a leave of absence greater than three (3) months, and with increased and direct responsibility and personal liability for City operations, shall be eligible for Special Assignment Pay. Special Assignment Pay shall be a flat rate not to exceed five percent (5%) of base salary. Special Assignment Pay will only be authorized upon Department Head recommendation and City Manager approval.

RULE IX PROBATIONARY PERIOD

Section 1. Probationary Period: All original appointments of positions in the competitive service shall be subject to a probationary period of 26 pay periods (approximately one year). Promotional appointments of positions in the competitive service shall be subject to a probationary

period of 13 pay periods (approximately 6 months). The City Council may, by resolution, establish a longer probationary period for specified classes, according to class of position, prior to the time of appointment. During the probationary period, the supervisor shall review, examine, and monitor the conduct, capacity, efficiency, skill, responsibility, integrity, and effectiveness of an employee to determine whether the employee is fully qualified for employment in the classification and position to which the employee has been appointed.

- Section 2. Original Probationary Period: A Work Performance Evaluation will be given at the conclusion of ten (10) pay periods or approximately six (6) months, and after twenty (20) pay periods following an original appointment.
- Section 3. Extension of Probationary Period: A Department Head may recommend an extension of the probationary period in increments of three (3) pay periods with a maximum extension of thirteen (13) pay periods.
- Section 4. Rejection of Probationary Employees: The Department Head may recommend termination of a probationary employee during the original probationary period, to the Personnel Officer. Such terminations are not subject to review or appeal, unless otherwise required by law.
- Section 5. Promotional Probationary Periods: An employee who is promoted will be given a Work Performance Evaluation at the conclusion of ten (10) pay periods or the fifth month, following a promotion. A promoted employee who has attained regular status in another classification of City employment who does not successfully complete the probationary period in the promoted class shall be returned to the former classification or a comparable classification, without right to review or appeal.

RULE X ATTENDANCE AND LEAVES

- Section 1. Vacation Leave: Vacation is a right, earned as a condition of employment, to a leave of absence with pay for the recreation and well being of the employee. If an employee has exhausted sick leave, vacation may be used for sick leave upon request of the employee and with approval of the Department Head. All regular employees, after completion of thirteen (13) pay periods shall be entitled to use accrued vacation leave.
- (a) Employees shall accrue, on a pro-rata basis, vacation leave for completed pay periods. Such vacation allowance shall be

available for use on the first day following the pay period in which it is earned.

Length of Service from Benefit Date	Annual Vacation Allowance	Maximum Accrual
After 13 and through 104 Pay Periods (Over 6 months - 4 years)	80 hours	160 hours
Over 104 and through 234 Pay Periods (Over 4 years - 9 years)	120 hours	240 hours
Over 234 Pay Periods (Over 9 years)	160 hours	320 hours

- (b) Waiver of Maximum Accrual must be requested by the Department Head and approved by the City Manager, for a period not to exceed thirteen (13) pay periods per fiscal year. If at the end of the waiver period the maximum accrual amount is exceeded, vacation accrual for the affected employee will stop. No further vacation time will be accrued until the employee’s vacation leave balance is below the maximum accrual amount. In the event that the failure to utilize vacation past the thirteen pay period waiver is due to the City’s inability to allow an employee to take vacation (as opposed to an employee’s delay and/or failure to request vacation time off), the employee may, with City Manager authorization, continue to accrue vacation.
- (c) The minimum charge against accumulated vacation leave shall be fifteen (15) minutes or multiples thereof. Vacation leave shall be compensated at the employee’s base rate of pay.
- (d) The time during a calendar year at which an employee may take his vacation shall be determined by the Department Head with due regard for the wishes of the employee and particular regard for the needs of the City. Employees who terminate shall be paid the salary equivalent to all accrued vacation leave earned.
- (e) All vacation leave requests shall be made in as much advance notice as possible, and prior approval must be given by the employee’s supervisor and Department Head. When circumstances warrant and advance notice is impractical, Department Heads may approve the use of vacation leave for

emergency absences. If an employee does not request time off in advance and simply does not show up for work, the Department Head may deny the use of vacation time or any leave accruals, and said employee may be subject to disciplinary action.

- (f) When a fixed holiday falls within a vacation period, the holiday time shall not be charged against an employee's earned vacation benefits.
- (g) Employees not planning to return to work at the expiration of a vacation leave except those retiring, shall be compensated in a lump sum payment for accrued vacation at their base rate of pay at the time of termination. Retiring employees may elect to use vacation leave to enhance retirement benefits or be compensated in a lump sum payment for accrued vacation leave.

Section 2. Vacation Leave Cash Out Program: Employees in regular positions are eligible for the Vacation Leave Cash Out Program and may cash out up to 40 hours of accrued vacation leave on an annual basis. After the cash out, the employee must have a minimum of 80 hours of vacation leave remaining on the books.

(a) The program will run each year, from Pay Period 12 to Pay Period 11.

(b) Vacation Leave Cash Out shall be at the employee's base rate of pay that is in effect at the time of cash out.

(c) A paycheck will be distributed to the employee on or about the pay date for Pay Period 11.

Section 3. Sick Leave: Sick leave is defined to mean the authorized absence from duty of an employee because of physical or mental illness, injury, pregnancy, confirmed exposure to a serious contagious disease, or for a medical, optical, or dental appointment. Sick leave shall not be considered as a privilege, which an employee may use at his/her discretion, but shall be allowed only in case of necessity and actual sickness or disability.

- (a) Employees shall accrue sick leave for each payroll period completed, prorated on the basis of ninety-six (96) hours per year, or 3.69 hours per pay period. Earned sick leave shall be available for use the first day following the payroll period in which it is earned.
- (b) The minimum charge against accumulated sick leave shall be fifteen (15) minutes or multiples thereof. Approved sick leave with pay shall be compensated at the employee's base rate of pay.
- (c) Unused sick leave shall be accrued to a maximum total not to exceed 1,000 hours. Absence or illness may not be charged to sick leave if not already accumulated.
- (d) Department Head may require a physician's certificate if the employee is absent for more than three days or at anytime, if the Department Head, with reasonable cause, suspects misuse of sick time.

In order to receive compensation while absent from duty on sick leave, the employee must notify his/her immediate supervisor or Department Head prior to, or within one half hour after the time set for the beginning of his/her regular duties. The Department Head may, with reasonable cause, request a certificate issued by a licensed physician or other satisfactory proof of illness before sick leave is granted. The Department Head may also designate a licensed physician to conduct a physical examination, and such examination shall be conducted at City expense. Employees shall be required to complete a sick leave verification form when returning to work after utilizing sick leave. Violation of sick leave privileges may result in disciplinary action and/or loss of pay when in the opinion of the Department Head, with reasonable cause, the employee has abused such privileges.

- (e) If an employee does not report to work and does not notify their immediate supervisor or Department Head within one half hour, use of sick leave may be denied for the unauthorized time off, and the employee may be subject to disciplinary action. Evidence substantiating the use of sick leave for willful injury, gross negligence, intemperance, misrepresentation, or violation of the rules defined herein shall be construed as grounds for disciplinary action up to and including termination.

Section 3. Sick Leave Incentive Program: Employees in regular positions are eligible for the Sick Leave Incentive Program. Sick leave is earned at the rate of 3.69 hours per pay period, for a possible total maximum of ninety-six (96) hours per calendar year. Sick leave used during each calendar year will be charged against the current year accrual bank.

- (a) The program will run each payroll calendar year, from Pay Period 25 to Pay Period 24.
- (b) At the conclusion of Pay Period 24 of each year, the City will determine each regular employee who has a sick leave balance of at least 200 hours and the amount of used sick leave for each of those regular employees in the current year accrual “bank”. If the employee has used less than 45 hours of sick leave, the employee is eligible to cash out any sick leave accrued and unused in the last 26 pay periods, at the employee’s option. After the cash out, an employee must have 200 hours of sick leave remaining on the books. If the employee has used 45 or more hours in that calendar year, the employee must add it to the sick leave accruals, and is not eligible to cash out any unused sick leave accruals.
- (c) If the employee is eligible and elects to cash out the sick leave accruals, a paycheck will be distributed to the employee on or about the Pay Date for Pay Period 24.

Section 4. Sick Leave Conversion: Upon retirement or separation of service, employees in regular positions with ten (10) or more years of continuous service from date of hire in a regular position or the estate of a deceased employee will be paid unused sick leave balances according to the following formula:

Sick Leave Balance As of Date of Separation	Cash Payment % of Hours of Sick Leave Balance
480 Hours or less	30%
481 to 600 Hours	35%
601 to 720 Hours	40%
721 to 840 Hours	45%
841 to 1,000 Hours	50%

- (a) Employees who receive a disability retirement due to permanent incapacity to work shall be entitled to one hundred

percent (100%) cash payment of any unused sick leave balances, computed at their current base hourly rate, if they elect an early retirement in lieu of exhausting such accrued sick leave balances.

Section 5. Occupational Injury or Illness Leave: Whenever a person is compelled to be absent from employment with the City on account of injury or illness arising out of or in the course of that employee's employment as determined pursuant to the provisions of the California Labor Code, the employee may elect to apply pro-rated accrued sick leave, if any, to such absence to receive compensation of an amount of the difference between the compensation received under the Workers' Compensation Act and that of the employee's regular pay, not to exceed the amount of the employee's earned sick leave. An employee, in such instance, may also elect to use any earned vacation time in like manner after sick leave is exhausted. Employees shall receive full salary in lieu of Workers' Compensation benefits and paid sick leave for the first three (3) days following an occupational injury or illness, if authorized off work by order of an accepted physician under the Workers' Compensation sections of the California Labor Code. If the occupational injury or illness absence falls on the employee's eight (8) hour day, the employee will be credited with eight (8) hours. If the occupational injury or illness falls on the employee's nine (9) hour day, the employee will be credited with nine (9) hours.

Section 6. Bereavement Leave: When circumstances are such and the City Manager determines that conditions warrant, three (3) days of paid bereavement leave may be used per occurrence in the event of death of a spouse, child, brother, sister, parent, parents-in-laws, grandchild, or grandparent of a full time employee. If the day of bereavement falls on the employee's eight (8) hour day, the employee will be credited with eight (8) hours. If the day of bereavement falls on the employee's nine (9) hour day, the employee will be credited with nine (9) hours. With City Manager approval, up to an additional sixteen (16) hours of sick leave may be used to supplement bereavement leave.

In the event of the death of other relatives and with City Manager approval, forty (40) hours of sick leave days may be used per occurrence for the death of aunts, uncles, or other individuals related by blood or marriage.

Section 7. Jury Duty and Witness Leave: If a regular employee is subpoenaed for jury duty, such employee shall receive regular pay while actually performing jury service up to a maximum of thirty (30) workdays per each jury duty subpoena. The City Manager has the discretion to approve additional days of jury duty leave. Amounts received by such

employee as payment for service as a juror and mileage paid to the employee as a juror shall not be considered as a reimbursable item to the City. Employees will be required to provide a Jury Duty Certification form to their supervisor, to be attached to their time sheet for that time period

Employees shall be granted leave when subpoenaed to testify as a witness in a case involving their actions and/or observations while working as a City Employee. Leave time shall not be charged against leave accruals and the employee shall be compensated at the employee's base hourly rate. This benefit shall not apply in any case in which the subpoenaed employee is a party to the action.

Employees absent from work due to jury duty or witness leave must daily notify their immediate Supervisor or Department Head of the status of their leave.

Section 8. Administrative Leave: Employees in classifications designated as FLSA exempt, shall receive Administrative Leave each year. Effective Pay Period 1 of each calendar year, Professional employees will accrue forty (40) hours of Administrative Leave.

Division Managers will accrue forty (40) hours of Administrative Leave. Upon completion of a minimum of three continuous years of service as a Division Manager they will accrue an additional sixteen (16) hours annually effective Pay Period 1. The 3 years of service must be complete prior to the beginning of Pay Period 1. The additional hours of Administrative Leave will not be prorated for those employees who three-year anniversary falls within the current year. Employees serving in the following classifications will qualify to accrue the additional hours of Administrative Leave:

Assistant City Engineer
Assistant Director of Community Development – Building Official
Assistant Finance Director
Community Relations Manager
Deputy City Manager
Information Technology Manager
Maintenance and Operations Manager
Water and Sewer Manager

Executive Management Employees will accrue eighty (80) hours of Administrative Leave effective Pay Period 1. Executive Managers will accrue an additional sixteen (16) hours (for a total of ninety-six (96) hours annually) each year following three continuous years of service

in an Executive Management classification. The three years of service must be completed prior to the beginning of Pay Period 1 to qualify. The additional hours of Administrative Leave will not be pro-rated for those employees whose three-year anniversary falls within the current year.

All Administrative Leave time must be used prior to the end of Pay Period 26 during the payroll year in which it is accrued. Accrued Administrative Leave time balances will not be carried forward to the following year.

Employees in these units shall be required to work during such hours as necessary to carry out the duties of their position, and such hours may be varied, so long as approved by the Department Head and the work requirements and efficient operations of the City are assured. Professional, Division Managers and Executive Management employees are given Administrative Leave because they are classified as exempt employees and will not accrue compensatory time or be paid overtime compensation. In case of emergencies or special circumstances, the City Manager may authorize overtime compensation or compensatory time.

Section 9. Administrative Leave Cash Out Program: Employees are eligible for the Administrative Leave Cash Out Program and may cash out up to their total available hours of Administrative Leave on an annual basis.

Payment will be distributed to the employee on or about the Pay Date for Pay Period 24.

- (a) Administrative Leave Cash Out shall be at the employee's base rate of pay that is in effect at the time of cash out.
- (b) Payment will be distributed to the employee on or about the Pay Date for Pay Period 24.

Section 10. Leave of Absence Without Pay: The City Manager may grant a regular employee a leave of absence without pay or continuation of seniority for a period not to exceed one (1) year. No such leave shall be granted except upon written request of the employee, setting forth the reason for the request, and the approval will be in writing. Upon expiration of a regularly approved leave or within a reasonable period of time after notice to return to duty, the employee shall be reinstated in the classification held at the time leave was granted. Failure on the part of an employee on leave to report promptly at its expiration, or within a reasonable time after notice to return to duty, shall be cause

for discharge. Such leave of absence shall not be counted as a break in service for purposes of satisfying the continuous employment requirement as regard vacation allowance.

- (a) An employee on leave of absence without pay does not accrue sick leave, vacation time, or receive benefits while on leave. Such employee does not lose or forfeit any sick leave or unpaid vacation time that had been accumulated prior to the time being granted.

Section 11. Military Leave: Military leave shall be granted to City employees in accordance with the provisions of current federal and state law.

Section 12. Political Leave: Political leave shall be granted, to any employee who is declared a candidate for public office, subject to the provisions of Section 9 of this Rule.

Section 13. Family Care Leave: Family Care leave shall be granted to City employees in accordance to both the Federal and State Family Care Leave Acts. Employees must have been employed with the City for at least twelve (12) months to be eligible for Family Care Leave. Leave may be granted for up to twelve (12) weeks, in a twelve (12) month period for one or more of the following reasons:

- (a) Birth of a child, or the placement of a child with the employee for adoption or foster care and in order to care for the child.
- (b) Care for a spouse, child, or parent with a serious health condition.
- (c) Serious health condition which makes the employee unable to perform the functions of his/her position.
- (d) Military qualifying exigency arising out of the fact that the employee's spouse, child, or parent is on covered duty or called to active duty.
- (e) Care for a covered service member with a serious injury or illness because the employee is a spouse, child, parent, or next of kin.

Please refer to the City's Administrative Policies and Procedures for further detail regarding Family Care Leave.

Section 14. Hours of Work: City Hall departments, except those for which special regulations are required, shall be kept open for business on all days of the year except Saturdays, Sundays, holidays, and the Winter Holiday Closure from 7:30 a.m. to 5:30 p.m. Monday through Thursday and 7:30 a.m. to 4:30 p.m. on Fridays. The City Yard shall be open for business on all days of the year except Saturdays, Sundays, Holidays, and the Winter Holiday Closure from 6:45 a.m. to 4:45 p.m. Monday through Thursday and 6:45 a.m. to 3:45 p.m. on Fridays.

All City Hall and City Yard employees, exclusive of field employees, must take a one (1) hour non-paid meal period. Field staff must take a forty-five (45) minute non-paid meal period. Employees for whom a work related necessity requires a different schedule than above, shall work according to a schedule prepared by the respective Department Head and approved by the City Manager.

Employees, for whom personal necessity requires a different schedule than above, may make a request for the alternate schedule to the Department Head. If the Department Head agrees with the request, the request will be submitted to the City Manager for final approval. Alternate schedules must begin no earlier than 7:00 a.m. and end no later than 6:00 p.m. and will not include a shorter meal period than above.

Nine (9) hours, exclusive of lunch period, shall constitute a day's work for all full time employees. The fifth day of a work period shall be eight (8) hours. It shall be the duty of each Department Head to arrange the work of their department so that non-exempt employees therein shall not work more than forty (40) hours in each work week and not more than eighty (80) hours per pay period for exempt employees. The City Manager may require an employee to temporarily perform service in excess of forty (40) hours per workweek for non-exempt employees or eighty (80) hours per pay period for exempt employees, when public necessity or convenience so requires.

Section 15. Overtime: Overtime shall be defined as all hours worked in excess of forty (40) hours a work week. For purposes of defining overtime, all paid leave time except sick time shall be considered as time actually worked. The accrual of floating holiday time as a result of working on a City fixed holiday shall be considered as time worked for overtime purposes.

- (a) Overtime shall be reported in increments of fifteen (15) minutes and is non-accumulative and non-payable when incurred in units of less than fifteen (15) minutes.

- (b) The rate of compensation or accumulation for compensatory time will be at premium time (one and one-half times the employee's regular rate of pay or number of overtime hours worked) for non-exempt employees and straight time (the employee's regular rate of pay or one for one hour worked) for exempt employees.
- (c) The employee shall designate, prior to working overtime, whether compensation for overtime shall be paid in overtime compensation or by accrual of compensatory time off.
- (d) Compensatory time off accruals is limited to two hundred forty (240) hours.
- (e) The work period will be forty (40) hours and a pay period will still consist of two (2) work periods. For employees assigned an alternate work schedule that includes a regular day off every other Friday, the first work period will end and the second work period will begin in the middle of the work shift on Friday. Four (4) hours will belong to the first work period and the remaining four (4) hours of that day will belong to the second work period. The pay period will still coincide with the current payroll reporting period. For employees assigned to work an alternate work schedule that includes a regular day off other than every other Friday, the work period definition shall be included within the 9/80 Work Schedule Guidelines provided to and signed for by the employee.
- (f) The work period for purposes of overtime for non-exempt employees commences at 12:01 a.m. Saturday and ends at 12:00 a.m. (midnight) the following Friday of each week. The work period for purposes of overtime for exempt employees commences at 12:01 a.m. Saturday and ends at 12:00 a.m. (midnight) the Friday after the following Friday.
- (g) All non-emergency overtime must be approved, in advance, on an "Overtime Authorization Form," signed by the Department Head. All emergency overtime must be approved, the next regular work day, on an "Overtime Authorization Form," signed by the Department Head.

Section 16. Holidays: All regular employees shall be entitled to the following fixed holidays:

January 1
Third Monday in January

Third Monday in February
Last Monday in May
July 4
First Monday in September
November 11
Thanksgiving Day
Day after Thanksgiving
December 24
December 25
December 31

- (a) If a fixed holiday falls on the employee's Friday off, the employee will accrue eight (8) hours of floating holiday time.
- (b) If a fixed holiday falls on the employee's eight (8) hour day, the employee will be credited with eight (8) hours. If a fixed holiday falls on the employee's nine (9) hour day, the employee will be credited with nine (9) hours.
- (c) Employees must actually work a full shift, the last scheduled workday before and the first scheduled workday after a fixed holiday to receive holiday pay, unless the employee is on approved paid leave. A doctor's certificate may be requested by the Department Head for sick leave used in conjunction with a fixed holiday.
- (d) Whenever a fixed holiday falls on a Saturday, the previous Friday will be observed as the fixed holiday except when the preceding Friday is also a fixed holiday, the preceding Thursday will be observed as the fixed holiday. When a fixed holiday falls on a Sunday, the following Monday will be observed as the fixed holiday, except when the following Monday is also a fixed holiday, the following Tuesday will be observed as the fixed holiday.
- (e) When a fixed holiday falls within a vacation period, the holiday time shall not be charged against an employee's vacation accruals.
- (f) The minimum charge against accumulated holiday leave shall be fifteen (15) minutes or multiples thereof.
- (g) If an employee is required to work on any of said holidays, he/she shall receive additional compensation equivalent to one and one-half times his/her regular rate of pay. When a

fixed holiday falls on an employee's regularly scheduled day off, the employee shall accrue the holiday.

- (h) The maximum accrual shall be sixty-four (64) hours. Upon retirement or separation from service, employees shall be compensated for any unused accrued holiday time at the current base rate of pay.

Section 17. Winter Holiday Closure: The City agrees to the closure of normal City operations during the winter holiday periods beginning December 24 through January 1 of each year. (Dates may vary depending day of week the holiday falls.)

In conjunction with the City paid holidays; Christmas Eve, Christmas Day, New Year's Eve and New Year's Day, employees will be required to use their accrued leave time (vacation, compensatory, or floating holiday time) to equal the remainder of their regular work schedule hours/days during the Winter Holiday Closure.

If all of an employee's leave time has been exhausted due to a catastrophic event, and leave without pay would result in an undue hardship, the City agrees to review such situations on an individual basis. Additionally, if an employee is a recent new hire and has no available vacation hours to use during the closure, the City agrees to review this situation. The City may advance vacation hours to cover the needed time and the employee would have their vacation accrual Human Resources office no later than 2 weeks prior to the Winter Holiday Closure for consideration by the City Manager or his designee.

If an employee is ordered to return to duty during the Winter Holiday Closure, the time called back during regular work hours will be deducted from the leave hours being used. Any call back hours may be eligible to be counted as overtime during the Closure only.

Section 18. On Call: Employees may be assigned to twenty-four (24) hour on call duty, requiring the employee to respond to emergency calls. Response to emergency calls within forty-five (45) minutes from the time the employee receives the communication to respond. Response calls may require the employee to report back to work, as provided in Section 17 of this Rule.

- (a) The rate of compensation under this Rule shall be two dollars and fifty cents (\$2.50) per hour. Said compensation is exclusive of any other compensation that may be provided in

Section 15 of this Rule. On-call hours shall not count as hours worked.

Section 19. Call Back: Call back duty occurs when an employee is ordered to return to duty on a non-regularly scheduled work shift. Call back does not occur when an employee is held over from his/her prior shift or is working prior to his/her regularly scheduled shift. An employee called back to duty shall be credited with a minimum of two (2) hours work commencing at the time of the page or contact. Any call back lasting two (2) hours or less shall result in a credit for two hours worked. A subsequent call received during a call back shall not result in an additional two (2) hours minimum call back pay, but shall be paid as actual time worked.

Notwithstanding the provisions of Rule X, Section 14 regarding paid sick leave exclusions in the calculation of overtime, all call back hours shall be considered overtime.

The City and its employees recognize that lengthy call backs during non-regular hours may impact an employee's ability to perform his/her regular duties during normally scheduled work hours. Any time the actual callback hours, in conjunction with the employee's normal work hours, exceeds nine (9) hours, the City has the sole discretion to send such employee(s) home on a no pay status.

An employee subject to call back shall be paid for no less than nine (9) hours of work if he/she is scheduled to work beginning the morning after the callback. By way of example, an employee who works a call back of four (4) hours (which shall be paid at time and one-half) shall receive a minimum of five (5) hours additional straight time hours if he/she is required to work the following morning. If the employee is sent home prior to the completion of the five (5) hours of actual work, the employee will still receive five (5) hours of straight time pay.

Section 20. Standard Tour of Duty: The standard tour of duty represents the time that an employee is regularly scheduled to work. A regularly scheduled tour of duty which commences before midnight and ends the following day shall be reported, for payroll purposes, as time worked for the day in which the tour of duty began.

The City shall establish the actual number of hours, which comprises the standard tour of duty for each position. The City may modify or change the number of hours in a standard tour of duty for each position to meet the needs of the service.

When the City finds it necessary to make such modifications or

changes, it shall notify the affected employee(s), and the SBPEA or CHSA (if applicable), indicating the proposed change prior to its implementation. When such modification or change would affect the standard tour of duty in one or more divisions, and when SBPEA requests to meet and confer, the parties shall expeditiously meet and confer regarding the hours and impact the modification or change would have on an employee.

Section 21. Meal Period: Meal periods are non-paid and nonworking time and shall be 45 minutes for field employees and one (1) hour for all other employees. Every effort will be made to schedule such meal period during the middle of the shift when possible. If a regularly scheduled tour of duty does not include a duty-free meal period, the City shall allow employee a maximum of twenty (20) minutes per shift to eat a meal. Such time shall be considered as work time.

Section 22. Rest Periods: The employee shall be entitled to a rest period in accordance with the schedule contained herein. Rest periods shall be scheduled in accordance with the requirements of the City, but in no instance shall rest periods be scheduled within one hour of the beginning or ending of a tour of duty or meal period, nor shall such time be accumulative nor used to report to work late or leave early.

Rest periods shall be considered as time worked. Employees shall be granted rest periods as listed below:

Rest Periods

Regularly Scheduled Tour of Duty	Number and Limit of Rest Period
After 3 hours through 6 hours	One 15 minute rest period
After 6 hours through 8 hours	Two 15 minute rest periods
After 8 hours through 10 hours	Two 20 minute rest periods
After 10 hours	One 25 minute rest period and one 20 minute rest period

RULE XI PAY ADJUSTMENTS

Section 1. Application of Rates: Employees occupying a position shall be paid a salary or wage within the range established for that positions' class

under the City's authorized compensation plan. The minimum rate for the class generally shall apply to employees upon original appointment.

Section 2. Merit Pay Increases: Original appointments shall be made at the minimum of step "1", or any step at the discretion of the Personnel Officer or if justified by recruitment needs. An employee may be eligible for advancement to the next step within the assigned range of his/her position, after successful completion of his/her probationary period. At this time, the employee may be recommended for a five percent (5%) merit increase. Every year thereafter, an employee shall be considered for a merit increase until the employee is on the top step of his/her assigned salary range. Eligibility for merit increases may be extended for an employee on approved leave without pay, until the employee has completed the appropriate length of service on paid status with the City. Merit increases are based upon having received a "meeting standards" or above rating on a work performance evaluation and the recommendation of the employee's supervisor and approval of the Department Head and Personnel Officer. If the employee receives an overall rating of "needs improvement" or below, the employee's merit increase will not be granted. A withheld merit increase will be reviewed following a sixty (60) day period and will be granted when the employee receives a "meeting standards" or above work performance evaluation rating.

Personnel Action forms will be originated by the Department and sent to Personnel for approval. All merit pay increases must be accompanied by a completed Work Performance Evaluation. The Personnel Officer will have final approval for all increases. Merit increases shall be made at the start of the pay period in which the merit increase becomes effective.

Section 3. Pay Periods: The compensation to all officers and employees of the City shall be paid bi-weekly. Pay Periods begin at 12:00 a.m. on Saturday and conclude the week after the following Friday at 11:59 p.m. Warrants or checks in payment of compensation shall be made available by the City to employees and officers of the City on the second Wednesday following completion of each bi-weekly pay period. In the event that payday falls on a holiday, all warrants or checks in payment of compensation shall be made available to the City employee on the workday preceding the holiday.

Section 4. Bilingual Pay: The City will provide additional compensation in the amount of \$40.00 per pay period for the performance of bilingual skills. To be eligible for bilingual pay, employees must pass a city approved test which is comprised of both speaking and writing. The test will be

administered by a certified agency as determined by the Human Resources office. Current employees receiving bilingual pay must pass the test for both speaking and writing skills to continue receiving bilingual pay. Languages that may be eligible to receive bilingual pay are Spanish Korean, Mandarin, Cantonese, and Japanese. Other languages may be added or deleted as determined by the City Manager. Human Resources will arrange for the testing as required. Employees who pass the test, and are considered certified by the testing agency, shall receive their bilingual pay effective the pay period following certification.

The City Manager will be the final authority to determine the number of employees to receive bilingual pay; each Department head will be able to provide recommendations to the City Manager, the languages needed and total number of staff to provide services to the public

RULE XII CHANGES IN EMPLOYMENT STATUS

- Section 1. Transfer: The City Manager may, at any time, transfer an employee from one position to another position in the same or comparable class. A comparable class is one with essentially the same maximum salary limits, involves the performance of similar duties, and requires substantially the same basic qualifications. Transfer shall not be used to effectuate a promotion, demotion, advancement, or reduction, each of which may be accomplished only as provided in the Personnel Ordinance and in these Rules. No person shall be transferred to a position for which he/she does not possess the minimum qualifications.
- Section 2. Promotion: A promotion is the appointment of an employee from one classification to a classification having a higher base salary range. A promoted employee shall receive the entrance rate of the new range or a minimum of five percent (5%), whichever is greater, provided that no employee is thereby advanced above the E or final step of the higher base salary range. The promotion effective date shall be the first day of the pay period following the approval of the appointment.
- Section 3. Reclassification: An employee whose position has been reclassified from one class to another class, which is higher, shall be placed at the entrance point of the new range or at a step within the range that is not less than 5% and not more than 10% increase in salary. Ensuring merit increases will be due one (1) year from the date of the adopted reclassification. Reclassified employees are not required to serve a probationary period.

Section 4. Demotion: A demotion is the appointment of an employee from one classification to a classification having a lower maximum rate of pay.

- (a) An employee demoted for disciplinary reasons shall be placed on the step within the base salary range of the class to which demoted as provided in the Order of Demotion.
- (b) A promotional probationary employee who is returned to former classification during the probationary period shall be placed on the same step within the base salary range or the former classification that the employee was on at time of promotion. No credit shall be granted for time spent at the promoted level for next step advance due date.
- (c) An employee demoted for non-disciplinary reasons shall be retained at the same salary rate, provided that the salary rate does not exceed the E step of the salary range of the demoted class. With the approval of the Personnel Officer, the employee may be Y-rated in accordance with Rule III of these Rules.
- (d) An employee who voluntarily demotes from one classification to a classification with a lower maximum salary range shall be placed within the new salary range.

Section 4. Suspension: The Personnel Officer may suspend an employee at any time for just cause. Department Heads may suspend a subordinate employee for not more than five working days at any one time, or the equivalent number of shifts where applicable, upon approval from the Personnel Officer.

Section 5. Reinstatement: With the approval of the Personnel Officer, a regular employee who has resigned with a good record may be reinstated within one year to his/her former position, if vacant, or to a vacant position in the same, comparable, or lesser class provided he/she possesses the minimum qualifications for the position.

Reinstated employees do not retain any benefits or rights previously earned by virtue of his/her former employment unless approved by the Personnel Officer. The employee will be appointed as an original employee and serve a six (6) month probationary period.

RULE XIII SEPARATION FROM SERVICE

- Section 1. Automatic Resignation: An employee absent without approved leave for three (3) consecutive working days who fails to notify his/her immediate supervisor or Department Head, and does not provide an acceptable reason for the absence, shall be considered to have automatically resigned as of the last day on which the employee worked.
- Section 2. Resignation: A regular employee who wants to leave City service in good standing shall file a written resignation with the Department Head, at least ten (10) working days before leaving. The resignation shall be forwarded to the Personnel Officer with a statement by the Department Head as to the resigned employee's service performance and other pertinent information concerning the cause for resignation. Failure to comply with this rule shall be entered on the service record of the employee and may be cause for denying future employment by the City.
- Section 3. Dismissal: An employee in the competitive service may be dismissed by the Personnel Officer, as defined in Rule XX.
- Section 4. Layoff: Layoff is the involuntary separation or reduction of a regular status employee to a position in a lower classification without fault of the employee. Layoff applies only to regular positions. At-will employees are excluded from the provisions of this rule.

Causes for Layoff:

- (a) A function is to be discontinued, curtailed, mechanized, or operated by a different method.
- (b) Reorganization.
- (c) Budget reduction.
- (d) Termination or decrease in funds and/or materials for projects or programs.
- (e) The mandatory reinstatement of an employee.
- (f) Any other reason determined necessary by the City Council.

Layoff Policy: Wherever possible, loss of employment for regular

employees shall be avoided by demotion or temporary work assignments.

Notification: Whenever a surplus of employees in regular positions is anticipated, the Department Head shall immediately notify the Personnel Officer. The notification shall include the anticipated number of positions, names of affected employees, and classifications of positions. Employees to be laid off shall be entitled to fifteen (15) calendar days notification prior to layoff.

Order of Layoff:

- (a) Seasonal/Temporary part-time employees performing services similar to classifications affected by layoff shall be terminated before any reduction in the regular work force. Likewise, other grant-funded employees shall be terminated, in affected classifications, in accordance with federal or state rules or guidelines governing such funding programs.
- (b) Employees holding “acting positions” shall revert to their regular classification in the City to determine layoff rights.
- (c) Layoffs among regular employees shall be made on the basis of seniority as established by the layoff procedure. Seniority is determined by the employee’s current beginning day of continuous service in a regular position in the City. For those employees who were employed by the San Bernardino County Special District, which was incorporated into the City in 1991, the date of continuous service with the City shall be the beginning day of continuous service in a regular position with the District.

Layoff Procedure: The procedure for layoff, once the number of positions to remain by classification has been determined, shall be as follows:

- (a) Priority lists shall be established for retained positions in each classification. The lists shall include the names of those employees who, based-on their seniority with the City, qualify to fill the retained positions.
- (b) Regular employees who have had regular status in a lower classification in the City shall be eligible to request a reduction in class in lieu of layoff (bumping). Regular employees may bump into junior positions on the basis of seniority and must have greater seniority than employees in

the junior positions identified. Seniority will be based on the number of hours of service. The junior employee being bumped will be separated or reduced in class according to the same criteria.

- (c) Bumping will begin with the highest classification in the City where employees are so entitled. Bumping will not be allowed to cross-functional categories. For example, clerical personnel can only bump in the clerical category; maintenance personnel can only bump in the maintenance category, etc.
- (d) If an employee is not authorized to bump down due to failure to meet the above criteria, he or she shall be laid off and placed on the reinstatement list.

Reinstatement Procedure: The policy and procedure for reinstatement of employees, once layoff has occurred, shall be as follows:

- (a) Employees who are demoted or who are laid off as a result of the layoff procedure shall have their names placed on the City reinstatement list. The names shall be arranged in order of seniority held with the City and shall remain on said list for a period of two (2) years. Ties in seniority shall be broken by a determination of which employee had higher placement on the eligibility list for the employee's original position with the City. If these records are unavailable or if comparisons are inappropriate, ties shall be broken based on a review of the work performance evaluations.
- (b) When a regular position in the City becomes vacated or is added, all employees on the City reinstatement list shall be notified.
- (c) Laid off or demoted employees who are reinstated to their same position in the City in accordance with this rule shall receive restoration of salary step and attendant benefits, vacation accrual rate, sick leave, unless the employee received payment for unused sick leave in accordance with the City's sick leave policy, and the retirement plan contribution rate, provided the employee complies with the County Retirement Board's procedure for redeposit of funds.
- (d) Laid off employees who are offered reinstatement with the City in a classification lower than which they previously held shall receive a salary step at least equivalent to the highest

salary step held by a current employee in that classification, along with attendant benefits, except that no employee shall thereby receive compensation higher than that which they held prior to layoff. Employees who decline assignment at a lower classification shall not forfeit their right to remain on the reinstatement list.

Employees involuntarily demoted or bumped down as a result of the layoff procedure shall receive salary and attendant benefits in accordance with the provisions of this section. Such demoted employees may be placed on a "Y" step in salary as approved by the Personnel Officer to maintain salary equity within the system and/or to prevent undue hardship or unfairness due to the application of this rule. If an employee is placed on the "Y" step, no further salary increases shall be granted to the employee until the salary range of the position held exceeds the "Y" rate.

Short-Term Layoffs: Layoffs for periods not to exceed fifteen (15) consecutive workdays may be made in order as determined by the Personnel Officer. Short-term layoffs may be caused by those areas listed in Causes for Layoff, above, as they may affect the normal work routine. Reasonable notice shall be given to affected employees, when possible. Such short-term layoffs are exempt from the layoff rules covering seniority and bumping rights.

Exception to Order of Layoff: Whenever the City Manager believes that the best interests of the City requires the retention of employees with special qualifications, characteristics, and fitness for work, the City Manager may order an exception to the order of layoff.

Established Qualifications Requirement: Employees who are demoted to a position not previously held with the City as a result of the layoff process shall be required to meet the established qualifications of that class. In the event that the employee does not meet these qualifications, he/she shall serve a probationary period of up to ninety (90) calendar days, as determined by the Personnel Officer, during which the employee must qualify. Employees failing to meet qualifications after such probationary period may be subject to removal and placed on the reinstatement list.

RULE XIV TRAINING OF EMPLOYEES

- Section 1. Training Requests: All full time employees of the City are eligible to request specialized training such as conferences, seminars, special courses, etc., at the City's expense. Such training programs may include lecture courses, demonstrations, or such other examples for the purpose of improving the effectiveness and increasing the knowledge of municipal employees in the performance of their respective duties. Subject to the Department Head, Human Resources, and City Manager authorization, such costs associated with training payment may include registration, room, transportation, all determined on a case by case basis. Means of transportation will be recommended and approved by the City Manager. The City may adjust an employees work schedule to avoid payment of overtime during the time an employee is in training. Attendance at training schools/facilities, which improves the performance of regular tasks and/or prepares the employee for job advancement, are not compensable for hours in excess of the employee's normal work shift. Any time spent in excess of the normal work shift will not be counted as working time and is not compensable in any manner whatsoever. Time spent studying is not considered compensable. Travel time to and from the training facility outside of an employee's normal work shift is not compensable hours of work. This provision shall not conflict with 29 CFR 553.226 and CFR 785.27 to 785.41, which sets forth the City's obligation for compensating training and travel under the Fair Labor Standards Act.
- Section 2. Responsibility For Training: Responsibility for developing training programs for employees shall be assumed jointly by the City Council, the City Manager, Personnel Office, and Department Heads. All training is subject to City Council fiscal year budget authorization.
- Section 3. Procedure: Employees must complete a Travel & Training Authorization Form and receive approval from their Department Head, Human Resources Office, and the City Manager, prior to attending the specialized training. Departments are responsible for ensuring sufficient funds are available for the training.
- Section 4. Tuition Reimbursement: The Tuition Reimbursement program will be administered on a fiscal year basis (July 1 through June 30). Only courses that are job related or to attain an advanced degree for career advancement will be acceptable. Reimbursement under this section is contingent upon the verification of the attainment of a letter grade of C or better in undergraduate courses, or B or better at the graduate level.

In cases where no letter grade is given, verification of completion of the course with a Pass or Credit grade is required.

- (a) Each employee shall be entitled to reimbursement, including tuition, books, fees required by the college or university, and campus parking permits in the amount of \$2,500 per fiscal year for General Unit employees and \$3,500 for Supervisory Unit employees and regular unrepresented employees. Reimbursement will be encumbered the date of the enrollment of the course.
- (b) Employees must be employed in a regular position and remain employed in a regular position for the duration of the course. An employee who receives reimbursement from any other organization or agency is not eligible under the City's program.
- (c) Employees must complete a Tuition Reimbursement Authorization Form and receive approval from their Department Head, Personnel Office, and the City Manager, prior to attending the course(s).
- (d) Employees must submit course grade certification and a receipt as proof of payment, after completion of the approved course(s), for reimbursement.

RULE XV REPORTS AND RECORDS

Section 1. Personnel File: The Human Resource Office shall maintain a personnel file for each employee in the service of the City showing the name, title of position held, the department to which assigned, salary, changes in employment status, and such other information as may be considered pertinent.

Section 2. Personnel Action Form: A Personnel Action Form will be completed for an appointment, transfer, promotion, demotion, salary rate change, or any other temporary or permanent change in status of employees and shall be approved by the Department Head, Personnel Office, and City Manager. The original Personnel Action Form will be inserted in the employee's personnel file maintained by the Human Resources Office.

Section 3. Inspection of Personnel File: Employees may review the contents of their personnel files. The following limitations apply:

- Inspection only during normal business hours;
- Inspection by appointment only;
- Inspection only upon written request;
- Inspection only under the observation of staff; and
- Inspections limited to once in any six-month period.

RULE XVI VEHICLES

Section 1. Driver's License: All employees who are required to operate a motor vehicle within their position classification must acquire and maintain an appropriate, valid California Driver's License.

Any such employee whose Driver's License is revoked, suspended or restricted, for any reason, must report the change in driving privileges to his/her supervisor immediately.

Section 2. Accidents: All accidents in City vehicles must be reported immediately to the employee's supervisor. If the supervisor is not available, the employee must report the accident to his/her next higher level of supervision or to the City Manager's Office.

Section 3. Use of Vehicles: City owned vehicles, trucks, and equipment are provided for the purpose of conducting official City business only. City vehicles will not be used to travel to and from employee residences, except as recommended by the City Manager and approved by the City Council.

Section 4. Mileage Reimbursement: The City encourages the use of City vehicles whenever possible.

Reimbursement for use of privately owned automobile to conduct City business shall be at the standard rate per mile exempted by the Internal Revenue Service for reporting of income. Reimbursement at this rate shall be considered as full and complete payment for actual necessary expenses for the use of the private automobile, insurance, maintenance, and all other transportation related costs.

Other expense reimbursements shall be handled in a manner consistent with the City's Administrative Policies and Procedures Manual.

RULE XVII WORK PERFORMANCE EVALUATIONS

- Section 1. Purpose: Work Performance Evaluation is the process of evaluating and recording the performance of each employee. The evaluation should be based upon results shown by the employee in carrying out his/her assigned duties and responsibilities. Work performance evaluations are intended to be supportive as well as corrective. They may reveal work insufficiencies that require corrective or disciplinary action or, in some cases, be used to list accomplishments or set goals for future performance. Evaluations of work performance shall be considered for all pertinent personnel actions and shall be reviewed for training, goal setting, and other personnel management needs.
- Section 2. Procedure: The supervisor, together with the Department Head and other supervisors familiar with the employee's work, is responsible for proper preparation of the performance evaluation for each employee in that department. Evaluations for probationary employees will be given after five (5) months and after ten (10) months, prior to completion of probationary period. Evaluations for regular employees will be given at least annually or more frequently as needed to maintain a record of an employee's work performance. The evaluation process shall include the following elements:
- (a) A written record to be reviewed and acknowledged in writing by the employee; no change shall be made after review and acknowledgment except for appeals which are upheld under Section 3 of this Rule.
 - (b) Signature of an evaluator and at least one (1) reviewing official.
 - (c) A discussion between the evaluator and the employee being evaluated on the content of the performance evaluation.
 - (d) A copy for the employee.
 - (e) A provision whereby an employee may submit a written response or file an appeal, which is outlined in Section 3 of these Rules.
- Section 3. Appeal Procedure: An employee may file a written response to a Work Performance Evaluation, regardless of the overall rating, within thirty (30) working days, which will be placed with the evaluation in the employee's personnel file. The written response shall be prepared by the employee on their own time. City time and resources may not be used to prepare the written response.

RULE XVIII POLITICAL ACTIVITIES OF PUBLIC EMPLOYEES

Section 1. The political activities of City employees are governed by the provisions of Government Code Section 3201, et. seq.

In addition and pursuant to Section 3201, City employees are not permitted to participate in any political activity while in the uniform of his/her employment unless on official City business. Further, City employees are not permitted to conduct or engage in any political activity or purpose during those hours that he/she should be discharging the duties of his/her position.

RULE XIX GRIEVANCE PROCEDURE

Section 1. Definition: A grievance is a complaint by an employee or group of employees concerning a violation of the existing Memorandum of Understanding or the Personnel Regulations which have been approved by the City Council. Aggrieved employee(s) may represent themselves or may be represented. This representation may commence at any step in the grievance procedure. An employee organization may not independently submit a formal grievance in the absence of an aggrieved employee.

Section 2. Exclusions: The following are excluded from submission as a grievance under these procedures:

- (a) Work assignments.
- (b) Classification appeals.
- (c) Disagreements or exceptions with respect to work performance evaluations.
- (d) Appeals of disciplinary actions.

Section 3. Steps in the Grievance Process: The procedures outlined herein constitute the informal and formal steps necessary to resolve an employee's grievance. The presentation of an informal grievance is an absolute prerequisite to the institution of a formal grievance.

Step 1: Informal Discussion: The grievance must be submitted within ten (10) working days after the employee knew, or in the exercise of reasonable diligence should have

known, of the events giving rise to the grievance. The employee shall personally discuss the complaint with the immediate supervisor. Within ten (10) working days, the supervisor shall give the decision to the employee orally.

Step 2: First Level of Review: If the grievance is not settled at Step 1, the grievant may submit the grievance in writing to his/her Division Head within ten (10) working days of the receipt of the grievance response at Step 1. The Division Head shall meet with the grievant and a written decision and statement of facts and issues shall be rendered to the grievant and representative, if any, within ten (10) working days from the date of service.

Step 3: Second Level of Review: If the grievance is not settled at Step 2, the grievance will be submitted to the Department Head within five (5) working days of receipt of the Step 2 grievance response. The Department Head shall meet with the grievant and a representative, if any, and a written decision and statement of facts and issues shall be rendered to the grievant and representative, if any, within ten (10) working days from the date of service.

Step 4: Third Level of Review: If the grievance is not settled at Step 3, the grievant may serve written notice of the grievance to the City Manager within five (5) working days following receipt of the grievance response at Step 3. If such notice is served, the City Manager shall meet with the grievant, and representative, if any, and a written decision and statement of facts and issues shall be rendered to the grievant and representative, if any, within ten (10) working days. The City Manager's decision shall be final in all cases.

Section 4. Health and Safety Grievance: The parties agree that it is in their best interest to endeavor to make the work site as free from immediate danger to the life, safety, or health of the employees as the nature of the work permits.

It is understood that references to safety and health conditions of work are not intended to include those hazards and risks which are an ordinary characteristic of the work or are reasonably associated with the performance of an employee's responsibilities and duties.

Nothing in this procedure shall be interpreted as an authorization to fail to follow orders or instructions. City policy requires that orders be

obeyed promptly even where the employee does not personally agree with the order.

It is the intent of this Procedure to ensure a prompt response to employees who feel that a situation exists, which constitutes a danger to their health and/or safety.

When an employee in good faith believes that he/she is being required to work where a clear and present danger exists, he/she will so notify his/her supervisor. The supervisor will immediately assess the situation, direct any necessary corrective action to eliminate any clear and present danger, and either direct the employee to temporarily perform some other task or direct the employee to proceed with his/her assigned duties. If the employee association or the employee still believes the unsafe condition(s) exist(s), the employee association or the employee may file a grievance alleging a violation of this procedure at Step 2 of the grievance procedure as follows:

Step 2:

- (1) If the grievant is not satisfied with the decision rendered by his/her supervisor, the grievant may appeal the decision within five (5) working days after receipt of the decision to the Division Head.
- (2) Within five (5) working days after receipt of the appealed grievance, the Department Head shall respond in writing to the grievance.

Step 3:

- (1) If the grievant is not satisfied with the decision rendered pursuant to Step 2, the grievant may appeal the decision within five (5) working days after the receipt of the decision to the City Manager.
- (2) Within five (5) working days after receipt of the appealed grievance, the City Manager shall respond in writing to the grievance.
- (3) If the grievance is not resolved at Step 3 within thirty (30) calendar days after receipt of the third step response, the employee association shall have the right to appeal to the Chino Hills City Council.

Section 5. Grievance Hearing: The guidelines regarding a Discipline Hearing, as outlined in Rule XX, Section 8 - Conduct of Appeals Hearing with the Hearing Officer, shall be applied to the Grievance Hearing.

Section 6. General Provisions:

- (a) No retribution or prejudice shall be suffered by employees making use of the grievance or complaint procedures by reason of such use.
- (b) Management's failure to any step of this procedure to communicate the decision on the grievance within specified time limits shall permit the aggrieved employee to proceed to the next step.
- (c) Employee's failure to any step of this procedure to appeal a decision on a grievance within specified time limits shall be deemed acceptance of the decision rendered.
- (d) The time limits specified at any step in this procedure may be extended by mutual agreement.
- (e) In order to avoid the necessity of processing numerous similar grievances at one time for a group of employees with the same grievance, a single grievance shall be filed.

RULE XX DISCIPLINE

Section 1. Application of the Discipline Rule: Rule XX shall apply to all suspensions, demotions, reductions in salary step for a specified time period, and dismissal of employees with regular status shall be made in accordance with these Rules. At will employees serve at the pleasure of their appointing authority and are not covered by the provisions of this rule.

Probationary, temporary, contract, and seasonal employees may be dismissed, demoted, reduced in step, or suspended without right to review or appeal unless otherwise required by law. Written reprimands are not subject to appeal. Employees may write a letter of response and have it placed in their personnel file.

Section 2. Standard for Discipline: Disciplinary measures may be taken for any good and sufficient cause. The extent of the disciplinary action taken shall be commensurate with the offense, provided that the prior employment history of the employee may also be considered pertinent. Cause may include violation of the Personnel Ordinance, or of the policies and rules; refusal or inability to comply with the duties of the position occupied by the employee, or any other type of misfeasance,

malfeasance, or nonfeasance relating to the employee's duties, office, or position.

Section 3. Range of Disciplinary Action: The types of disciplinary actions included under this Rule are Verbal Reprimands, Written Reprimands, Suspensions Without Pay, Involuntary Demotion, Reduction in Pay, and Termination. For each type of disciplinary action, certain steps and due process procedures must be followed. A supervisor who is considering a disciplinary action should discuss the circumstances of the situation with the Human Resource Department before taking any action unless the particular situation requires immediate action. A supervisor is not required to take disciplinary actions in sequential order. Depending upon the specific circumstances of the violation, the supervisor should determine which action(s) is (are) appropriate.

Section 4. Progressive Discipline: Disciplinary Action may, but is not required to, be taken in progressive steps as follows:

- (a) Verbal Reprimand: The supervisor holds a Verbal Reprimand meeting with the employee. The purpose of the meeting is to explain the employee's conduct or acts which are in violation of City Rules, policies, or practices and to remind the employee of the behavior that is expected in the future and the consequences of not meeting the performance expectations of the supervisor. The supervisor shall document the meeting by a memorandum, which is initialed by the employee, documenting the meeting and the matters discussed.
- (b) Written Reprimand: The supervisor prepares a Written Reprimand memo. The written reprimand shall constitute notice of the infraction(s) including time and circumstances. The supervisor will hold a Written Reprimand meeting with the employee.

The employee has ten (10) working days from receipt of the written reprimand in which to write a response. The employee's written response, if any, will be placed in his or her Personnel file.

- (c) Suspensions Without Pay: An employee may be suspended Without Pay. When placing an employee on Suspension Without Pay, the Supervisor shall follow all of the steps listed under the Notice of Intent to Impose Discipline (Section 5), Pre-disciplinary Hearing (Section 6), and Appeal Rights (Section 7) sections.
- (d) Involuntary Demotion: An employee may be demoted to a classification which has an overall lower salary range for which the employee is qualified. When demoting an employee, the supervisor shall follow all of the steps listed under Notice of Intent to Impose Discipline (Section 5), Pre-disciplinary Hearing (Section 6), and Appeal Rights (Section 7) sections.
- (e) Reduction in Pay: An employee may be reduced in maximum salary rate of pay. When reducing the maximum salary of an employee, the supervisor shall follow all of the steps listed under Notice of Intent to Impose Discipline (Section 5), Pre-disciplinary Hearing (Section 6), and Appeal Rights (Section 7) sections.
- (f) Termination: When it is necessary to terminate an employee, the Department Head shall follow all procedures for Notice of Intent to Impose Discipline (Section 5), Pre-disciplinary Hearing (Section 6), and Appeal Rights (Section 7) sections.

Section 5. Notice of Intent to Impose Discipline:

- (a) Notice of Intent Required: A Notice of Intent shall be given to the employee whenever the City intends to discipline by Suspension Without Pay, Reduction in Pay, Involuntary Demotion to a classification with a lower salary range, or Termination.
- (b) Content of Notice of Intent: The Notice of Intent shall inform the employee of the disciplinary action intended and the effective date of the intended action. Further, it shall set forth the nature of the infraction(s), any previous disciplinary actions taken, how the employee's conduct has had an adverse impact on the City's or department's operation, all

materials upon which the action is based, and notification that the employee has the right to respond orally and/or in writing to the City Manager within five (5) working days from the date of issuance of the Notice of Intent if personally served or ten (10) calendar days if served by mail.

Whether delivery is made in person or by mail, the Notice of Intent shall contain a "statement of delivery or mailing" indicating the date on which the Notice of Intent was personally delivered or deposited in the United States Mail. Such date of delivery or mailing shall be the "date of issuance" of the Notice of Intent.

Section 6. Response to Notice of Intent:

- (a) **Written Response to Notice:** The employee shall be entitled to respond in writing to the Notice of Intent. Such response must be received by the City Manager, or a designee, within five (5) working days from the date of issuance of the Notice of Intent if personally served and ten (10) calendar days if served by mail.
- (b) **Oral Response:** The employee shall be entitled to respond orally. The request for such a response meeting shall be delivered to the City Manager, or a designee, within five (5) working days of the issuance of the Notice of Intent if personally served and ten (10) calendar days if served by mail. Upon the receipt of a request for a response meeting, the City Manager, or a designee, shall schedule a response meeting to take place within five (5) working days with the employee and supervisor to review the proposed action and allegations.
- (c) **Administrative Leave Pending Determination of Disciplinary Action:** An employee may be placed on a paid administrative leave pending an employee's response to the Notice of Intent and a determination by the City Manager, or a designee, of the disciplinary action.
- (d) **City Manager Determination:**
 - (1) Within five (5) business days following the conclusion of the hearing and/or receipt of the written response, the City Manager, or a designee, shall issue and deliver to the employee a written statement of his or her decision

to uphold, modify, or reject the proposed disciplinary action.

(2) Except for disciplinary actions imposing suspension without pay in excess of three (3) days, demotion, reduction in pay, and termination of employment, the decision of the City Manager shall be binding and final, and shall not be appealable to an independent hearing officer.

(3) No disciplinary actions will be purged from the employee's file.

Section 7. Appeal Rights: Regular employees may appeal disciplinary actions of suspensions without pay of more than three (3) days, reduction of pay, demotions, or termination to an independent hearing officer by filing a written request to the City Manager, or a designee, within ten (10) working days after service of Notice of Disciplinary Action if personally served and fifteen (15) calendar days if served by mail. At a mutually agreeable time, the designated hearing officer shall conduct an evidentiary hearing on the matter and may continue the hearing where appropriate. Within thirty (30) calendar days of the close of the hearing, a written statement of decision shall be issued. All costs of the hearing shall be equally borne by the parties. The decision of the hearing officer shall be final and binding.

Section 8. Conduct of Appeals Hearing with the Hearing Officer:

(a) Both parties shall mutually agree upon a Hearing Officer, to be selected from the list provided by the California State Mediation and Conciliation Service. The list of Hearing Officers may be modified by mutual agreement of the parties.

(b) All hearings shall be closed; however, the employee may request a hearing open to the public, unless a public hearing would violate the confidentiality and privacy rights of any party named in the action.

(c) Charges against an employee appealed to the Hearing Officer shall not be public record or open to public inspection unless an open public hearing has been requested by the employee or his/her representative.

(d) The hearing need not be conducted in accordance with technical rules relating to evidence and witnesses, but

hearings shall be conducted in a manner most conducive to determination of the truth.

- (e) Any relevant evidence may be admitted if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rules which might make improper the admission of such evidence over objection in civil actions.
- (f) Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.
- (g) The rules or privileges shall be effective to the same extent that they now or hereafter may be recognized in civil actions, and immaterial, irrelevant, or unduly repetitious evidence may be excluded at the sole discretion of the Hearing Officer.
- (h) The Hearing Officer shall rule on the admission or exclusion of evidence.
- (i) Decisions made by the Hearing Officer shall not be invalidated by any informality in the proceedings, and the Hearing Officer shall not be bound by technical rules of evidence.
- (j) Each party shall have the right to:
 - (1) Be represented by legal counsel or other person of his/her choice;
 - (2) Receive a witness list from the opposing party thirty (30) days prior to the date of the hearing;
 - (3) Submit a list of witnesses fourteen (14) days prior to the hearing to the City Manager or Personnel Director to allow the City Manager to submit a notice to appear to the employees;
 - (4) Have witnesses present and documents made available through a subpoena initiated by the Hearing Officer;
 - (5) Call and examine witnesses;

- (6) Introduce evidence;
- (7) Cross-examine opposing witnesses on any matter relevant to the issues;
- (8) Impeach any witness, regardless of which party first called him/her to testify; and,
- (9) Rebut the evidence against him/her.

If the employee does not testify on his/her own behalf, he/she may be questioned as if under cross-examination.

- (k) Oral evidence shall be taken only on oath of affirmation. The witness shall raise his/her right hand and the Hearing Officer shall ask the witness "Do you swear/affirm to tell the truth and nothing but the truth?"
- (l) The hearing shall proceed in the following order, unless the Hearing Officer, for special reasons, otherwise directs:
 - (1) Introductions of the parties present;
 - (2) The City, or its representative, shall be permitted to make an opening statement;
 - (3) The employee appealing, or his/her representative, shall be permitted to make an opening statement;
 - (4) The City, or its representative, shall produce the evidence on which the disciplinary action is based;
 - (5) The employee appealing such disciplinary action, or his/her representative, may then open his/her defense and offer his/her evidence in support thereof;
 - (6) Each party may then, in order, respectively offer rebutting evidence only, unless the Hearing Officer, for good reason, permits them to offer evidence upon their original case; and
 - (7) Closing argument shall be permitted.

- (m) The Hearing Officer shall determine relevancy, weight, and credibility of the testimony and evidence, and shall base his/her findings on the preponderance of the evidence.
- (n) During the examination of a witness, all other witnesses, except the parties, shall be excluded from the hearing upon motion of either party.
- (o) No still photographs, videos, moving pictures, or television pictures shall be taken in the hearing room during the hearing, unless the employee has requested that the hearing be made open to the public.
- (p) Mechanical transcription of the proceedings may be made by either party, provided it is not disruptive to the proceedings.
- (q) At their sole discretion, the Hearing Officer, prior to or during a hearing, may grant a continuance for any reason he or she believes to be important in reaching a fair and proper decision.
- (r) Each party to the proceedings shall provide four (4) complete copies of all documents, evidence, and/or photographs to be submitted for the record.
- (s) Appeal hearings may be recorded by a certified shorthand reporter, mutually agreeable to both parties. Compensation for a certified shorthand reporter shall be equally borne by the parties.
- (t) If the employee, or his/her representative, requests a transcript of the hearing, he/she shall request the transcript directly from the certified shorthand reporter.

Section 9. Notice of Decision by Hearing Officer:

- (a) The Hearing Officer shall render his or her written decision to the City Manager as soon after the conclusion of the hearing as possible, and in no event, later than thirty (30) calendar days after completion of the hearing, unless otherwise stipulated by the parties. The Hearing Officer shall set forth his/her decision as to each of the charges and the reasons therefore. The decision of the Hearing Officer shall be final and binding.

- (b) Said decision shall also contain an advisory that the City Council has adopted Chapter 2.50 of the Chino Hills Municipal Code adopting the provisions of Section 1094.6 of the code of Civil Procedure applicable to certain administrative decisions, providing a ninety (90) days time limit on the judicial review of such administrative decisions.
- (c) Employee shall be provided by the City Clerk a copy of the decision rendered by the Hearing Officer, including notice containing the following language:

Please take notice that pursuant to Section 1094.5 of the Code of Civil Procedure and Chapter 2.50 of the Chino Hills Municipal code you only have ninety (90) days to appeal to the Superior Court, County of San Bernardino, the Final and Binding Decision.

- Section 10. Placement in Personnel File: Official disciplinary action documents shall be placed in the employee's personnel file in the Human Resources Office.
- Section 11. Employee Acknowledgment: Whenever a disciplinary action is taken, the employee may be asked to acknowledge the document by signing that it was received. The employee's signature on such a document does not indicate agreement.
- Section 12. Administrative Leave: An employee may be placed on an Administrative Leave with pay to allow his or her supervisor time to fully review the facts of an alleged violation.
- Section 13. Emergency Suspension: An employee may be removed from the workplace effective immediately without pay pending an investigation because of an employee's apparent gross misconduct which has resulted in a potential emergency situation, including, but not limited to, situations which may endanger life or property. Such removal shall not exceed twenty-four (24) hours, at which time the employee shall be given a Notice of Intent to Impose Discipline, or returned to full-pay status. If no discipline is imposed, the employee will be repaid for any time off without pay.
- Section 14. Time Extensions: Any time limitations or requirements as set forth under this policy may be extended or changed by mutual agreement of the parties.
- Section 15. Delivery of Notice: When Notice is required, the notice shall be given to the affected employee either by delivery of the notice to the

employee in person; or if the employee is not available for personal delivery, by placing the Notice of Intent in the United States Mail, first class, postage paid, and by Certified Mail, return receipt requested, in an envelope addressed to the employee's last known home address. It shall be the responsibility of the employee to inform the Human Resources Office, in writing, of his/her current home address and of any change in such address, and the information so provided shall constitute the employee's last known address. Such personal delivery or mailing shall be presumed to provide actual notice to the affected employee.

RULE XXI EMPLOYEE BENEFITS

- Section 1. Flexible Benefits Plan: Full time, regular employees will be provided with a monthly bank of flexible benefits dollars under a Section 125 Cafeteria Plan. The amount of the bank will be established by Memorandum of Understanding for represented employees and by Resolution for unrepresented employees.
- (a) The Section 125 Plan (Cafeteria Plan) is established under Section 125 of the Internal Revenue Code and will be administered by the Human Resource Department of the City.
 - (b) The Cafeteria Plan Year is from January 1 through December 31. Employees will make selections each plan year for health, dental, and vision insurance coverage during the City's annual Open Enrollment period. Selections made by employees must remain in effect during the plan year, until the date of re-enrollment (open enrollment). In no event will changes in selections be permitted except to the extent permitted under IRS regulations. Employees may either select a health insurance plan to cover themselves or "opt out" of carrying insurance for themselves with proof of health insurance from another source. Employees must maintain selected coverage during the plan year unless a change in family status occurs.
 - (c) The City will apply flexible benefit plan dollars toward the employee's selections and any unused dollars will be paid to the employee in taxable cash in twenty-four (24) pay periods per year. All selections made that require payroll adjustments more than the flexible benefit dollar amount will be paid by the employee through a payroll deduction.

- (d) No selection shall affect the amounts of employees' or the City's contributions to the Retirement System. Any such election and payroll deduction shall be made in the manner, time period, and on such forms as are approved by the City's Human Resources Office.
- (e) Eligible employees must maintain a minimum of forty-one (41) hours per pay period to be eligible to receive the benefits of this rule. Employees who are on an approved medical leave of absence, including family care leave, without pay will continue to receive coverage, but will not receive any unused cafeteria benefits in the form of cash back. Employees who are on a leave of absence without pay, other than medical leave, including family care leave, shall not be eligible to receive the benefits of this rule. Employees will be required to pay the City the amount of any pre-tax payroll deductions not paid by the City, when returning from an approved leave of absence.
- (f) Employees who are on an approved Workers Compensation claim shall continue to receive the benefits of the rule. Under no circumstance will benefits be prorated.

Section 2. Life Insurance: Life insurance and accidental death and dismemberment insurance shall be provided to all groups of full time employees by the City. All groups, except Executive Management, will have \$50,000 of coverage; Executive Management will have \$100,000 coverage.

At the employee's discretion, the employee may elect to purchase additional term life insurance through payroll deductions (or with surplus flexible benefits dollars).

Section 3. Retirement: A retirement plan is provided through the San Bernardino County Retirement Association. Under the provisions of the County Employee's Retirement Law of 1937, all employees in regular, authorized positions who are scheduled to work for a minimum of forty (40) hours per pay period shall become members of the San Bernardino County Employees' Association (SBCERA).

Exception: Employees first hired at age sixty (60) or over may choose not to become members of SBCERA at the time of hire. If this election is made, the employee will participate in the City's program for part-time, seasonal employees.

- (a) Tier 1 Members: The City will pick up a portion of the employee's required contribution to the Retirement Association in the amount of eight percent (8%) of the employee's earnable compensation as defined in the San Bernardino County Retirement Board Bylaws. The City will pick up the entire employee contribution for Executive Management and Division Managers.

The employee must choose to have the contributions designated as "all employer" or "all employee" contributions for retirement purposes. If the employee designated the pick up as employer contributions, then on each dollar applied, the employee's retirement obligation shall be satisfied in the amount of the actuarial value of that dollar to the Retirement Association as determined by the Board of Retirement. The employee may not withdraw this contribution from the Retirement Association.

If the employee designates the pick up as employee contributions then for each dollar supplied, the employee's retirement obligation shall be satisfied in the amount of one dollar and upon separation without retirement, an employee may withdraw this contribution from the Retirement Association. Upon retirement or separation, all contributions applied under this section will be considered for tax purposes as employer-paid contributions.

Any dollars which are remaining after all retirement system obligations are fully satisfied shall be paid to the employee in cash.

- (b) Special Provisions: Employees who have thirty (30) years of service credit and no longer make retirement contributions under the provisions of the County Employee's Retirement Law of 1937 shall be paid, in cash, eight percent (8%) of earnable compensation as defined by the bylaws of the Retirement Board.

This rule shall only apply to employees who are members of the Retirement Association and are eligible for participation under Rule XXI. The provisions of this rule shall be applied each pay period.

RULE XXII PART-TIME EMPLOYEES

Section 1. Part-time Employees: A part-time employee may be assigned to work an 8-hour day or 40-hour week on an occasional and/or seasonal basis. The assignment of such a schedule, however, does not qualify the employee for full-time regular status.

- (a) **Regular Part-time Employee**: A part-time employee who has been appointed to a classification described in the City's Classification Plan. This position must be authorized and listed in the City budget as a permanent position.

Regular part-time employees receive the same benefits provided to regular full-time employees. These benefits will be provided on a pro-rated basis, based on the number of hours for which the position has been authorized.

Regular part-time employees must work forty-one (41) hours in each pay period.

Regular part-time employees are covered by the Personnel Rules.

- (b) **Seasonal/Temporary Part-time Employee**: A part-time employee who has been selected to fill a part-time classification for a specifically limited period of time.

Seasonal/Temporary part-time employees will not receive benefits, other than the State of California mandated sick leave benefits. This policy is contained in the Administrative Policy Handbook.

Seasonal/Temporary part-time employees work on an hourly basis.

Seasonal/Temporary part-time employees are employed outside the merit system and are not covered by any of the Personnel Rules unless such coverage is specifically stated.

RULE XXIII EMPLOYEE ACTIVITIES

Section 1. General Consideration: During the employee's work day, he/she is expected to devote his/her full time in the performance of his/her assigned duties as a City employee.

An employee in the competitive service shall not engage in any employment, activity or enterprise which is inconsistent, incompatible or in conflict with his/her duties, functions or responsibilities as a City employee, nor shall he/she engage in any outside activity which will directly or indirectly contribute to the lessening of his/her effectiveness as a City employee.

No employee shall engage in any type of activity relating to an employee organization during such time an employee is on duty, except as expressly provided in these rules and regulations or in the applicable Memorandum of Understanding.

Section 2. Outside Employment: Any regular employee desiring to engage in outside employment shall first obtain approval from his/her Department Head and the Personnel Officer or his/her designee. The employee shall submit a statement to his/her Department Head naming the prospective employer, address and telephone number, and outlining the proposed duties and the hours of work. Approval may be denied if, in the opinion of the Department Head and/or Personnel Officer, such outside employment or professional service is incompatible with the proper discharge of the employee's official duties or creates an actual conflict of interest, or the appearance of a conflict of interest, with City duties, or otherwise adversely affects the employee's ability to perform City duties. The approval of any such request shall be subject to review by the Department Head and/or Personnel Officer on an annual basis, and any such approval may be reconsidered and withdrawn at any time.

Authorization for outside employment is automatically terminated whenever the outside employer and/or nature of outside employment changes from that specified in previous letters of approval. When such a change occurs, employees shall apply for a new approval for outside employment as provided herein.

Section 3. Determination of Inconsistent Activities: In making a determination as to the consistence or inconsistency of outside activities, the appointing authority shall consider, among other pertinent factors, whether the activity:

- (a) Involves receipt or acceptance by the employee of any money or other consideration from anyone other than the City for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of his/her City employment or as a part of his/her duties as a City employee; or,

Provides employment service to entities doing work in Chino Hills whose work would fall under your review or purview.

- (b) Involves the performance of an act in other than his/her capacity as a City employee which act may later be directly or indirectly related to the control, inspection, review, audit or enforcement by such employee or the department by which he/she is employed; or,
- (c) Involves conditions or facts which would probably directly or indirectly lessen the efficiency of the employee in his/her regular City employment, or conditions in which there is a substantial danger of injury or illness to the employee; or,
- (d) Involves the use for private gain or advantage of City time, facilities, equipment and supplies, prestige, influence, or confidential information of one's City office or employment; or,
- (e) Involves the solicitation of future employment with a business doing business with the City over which the employee has some control or influence in his/her official capacity at the time of transaction.

Section 4. Improper Use of City Equipment Prohibited: No City equipment, autos, trucks, instruments, tools, supplies, machines, badge, identification cards, or other items which are the property of the City shall be used by an employee except upon prior written approval of the City Manager.

No employee shall allow any authorized person to rent, borrow or use of any of the items mentioned above unless upon prior written approval of the City Manager.

Section 5. Violations and Penalties: Any violation of this provision respecting such outside employment or activity, or improper use of City equipment, shall constitute grounds for disciplinary action including dismissal of a City employee who commits such violation.