



CITY OF ESCONDIDO PERSONNEL RULES & REGULATIONS

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PERSONNEL RULES AND REGULATIONS
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RULE 1

GENERAL PROVISIONS

SECTION 1. Equal Employment Opportunity: The policy of the City is to provide equal employment opportunity without discrimination based on race, color, sex, age, ancestry, national origin, political affiliation, marital status, religious creed, medical condition, disability, sexual orientation, religion, or denial of Family and Medical Care leave, except where a bonafide occupational qualification so dictates.

SECTION 2. Violation of Rules: Violation of the provisions of these rules may be grounds for disciplinary action.

SECTION 3. Amendment and Revision of Rules: The City Manager or his/her designee may amend and revise the personnel rules as may be necessary. Any amendments and revisions to these rules that affect the wages, hours and working conditions of employees represented by an employee organization or union, will be provided to the affected employee organization or union prior to any proposed amendment or revision being finalized, subject to the provisions of the Meyers-Milias-Brown Act.

SECTION 4. Application: The personnel rules and regulations apply to all employees of the City unless a specific rule or regulation indicates otherwise.

SECTION 5. Effect of Collective Bargaining Agreements: If a provision of the personnel policies is in conflict with a provision of applicable collective bargaining agreement negotiated between the City and a recognized employee organization or union, to the extent of such conflict, the provision of the collective bargaining agreement shall be controlling.

SECTION 6. No Contract Created: The rules do not create any contract of employment, express or implied, or any rights in the nature of a contract.

RULE 2

DEFINITION OF TERMS

The following terms, apply throughout these rules unless the context requires another meaning:

1. “Advancement”: A salary increase within the limits of a pay range established for a class.
2. “Anniversary Date”: The date recurring yearly upon an employee’s most recent regular appointment.
3. “Appointing Authority”: The City Manager, and his/her designee, has the final authority to appoint or remove persons from positions in the City Service.
4. “City Manager”: The City Manager is the chief executive officer of the City and as used herein, includes any assistant, Department Head, or other managerial employee to whom the City Manager may from time to time explicitly or implicitly delegate the authorities conferred by the Municipal Code or these Rules and Regulations.
5. “Class”: All positions sufficiently similar in duties, authority and responsibility, to permit grouping under a common title.
6. “Classification Plan”: Classes of positions defined by title and class specifications.

7. “Classified Service”: All positions of employment in the service of the City, except those specifically excluded as “Unclassified”, or “Grant Funded Personnel”. Classified Service includes those authorized and classified positions to which appointments are made through a competitive process governed by merit system requirements and in which an employee can achieve regular status in the classification.
8. “Compensation Plan”: The schedule of ranges and salary rates which applies to each class in the classification plan.
9. “Days”: Days means working days unless otherwise stated.
10. “Demotion”: The voluntary or involuntary reduction of an employee from a position in one class to a position in another class for which the maximum rate of pay is lower.
11. “Disciplinary Action”: Action taken by the City Manager, or his/her designee, against an employee for disciplinary cause to include any or all of the following: discharge, demotion, suspension, salary reduction, written reprimand.
12. “Eligible”: A person who successfully passed all initial examination requirements and whose name is on an employment list for a period of not more than three months unless the Director of Human Resources at the request of the Department Head extends it to a maximum of two years.

13. “Employment List”:

- (a) Open Employment List: A list of names of persons who have taken an open-competitive examination for a class in the 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 service and have qualified.
- (c) Closed-Competitive List: A list of names of persons who have met the qualifications of the classification and have taken an examination. Admission to the examination is extended to regular, provisional, probationary, temporary full-time and temporary part-time employees, and volunteers. In order to take the examination, employees and volunteers must have a total of 520 paid or unpaid hours of service with the City within the preceding 24 months.
- (d) Lateral Entry List: A list of names of persons who are qualified through a lateral entry examination.

14. “Examination”:

- (a) Open-Competitive Examination: An examination for a particular class or position within a class which is open to all persons meeting the qualifications for the class.
- (b) Promotional Examination: An examination for a particular class or position within a class, admission to the examination being

limited to regular employees in the service who meet the qualifications for the class.

- (c) Continuous Examination: An open recruitment examination which is administered periodically and as a result of which names are placed on an employment list, in order of final scores, and remain on the list for a period of not more than three months, unless the Director of Human Resources or Department Head extends it to a maximum of two years.
 - (d) Closed-Competitive Examination: An examination where admission is extended to regular, provisional, probationary, temporary full-time, and temporary part-time employees, and volunteers who meet the qualifications for the classification. In order to take the examination, employees and volunteers must have a total of 520 paid or unpaid hours of service with the City within the preceding 24 months.
 - (e) Lateral Entry Examination: Employees of other recognized public agencies with regular status and who meet the minimum requirements of the position.
15. “Director of Human Resources”: Head of Human Resources Department and as used herein includes any department employee to whom the Director of Human Resources may explicitly or implicitly delegate authority.

16. “Interim Appointed Employee”: An employee appointed from an appropriate eligibility list to a temporary or temporarily vacated position. Interim appointed employees may be terminated from the position without cause or appeal.
17. “Part-Time Employee”: An employee who works less than a full schedule. Part-time employees are unclassified unless designated as classified by the Director of Human Resources. Part-time unclassified employees are referred to as temporary part-time. Part-time unclassified employees do not acquire regular status and may be terminated without cause or right of appeal.
18. “Position”: A specific office or employment, whether occupied or vacant, carrying certain responsibilities and requiring performance of certain duties by an individual, either full-time or part-time.
19. “Probationary Employee”: An employee in classified service who is in a working test period during which the employee is required to demonstrate their fitness for the duties to which they are appointed by actual performance of the duties of the position. Probationary employees do not have regular status and may be terminated without cause or right of appeal.
20. “Grant Funded Personnel”: Employees who are hired entirely or in part by state or federal government funding. These employees are unclassified and can be removed when the funding source is eliminated or reduced.

21. "Promotion": The movement of an employee from an incumbent position in one class to a position in another class having a higher maximum rate of pay after successfully competing in the examination process when applicable.
22. "Progression": The process by which an employee moves from the entry level position to the higher level position in a tiered classification that is flexibly staffed.
23. "Provisionally Appointed Employee": An employee who possesses the minimum qualifications established for a particular classification and who has been temporarily appointed to a position in that class in the absence of viable candidates on an eligibility list. Provisionally appointed employees may be terminated without cause or right to appeal.
24. "Regular Employee": These positions are authorized by the City Council and may be budgeted as either full or part-time in the classified service and can gain regular status upon successful completion of the required probationary period.
25. "Reinstatement": The reemployment within one year without examination of a former regular employee who has resigned in good standing.
26. "Reemployment": The rehiring of a former regular or probationary employee who was laid off.

27. “Salary Schedule”: The schedule setting forth the pay to be made to an employee based on their meritorious performance and service in the classification.
28. “Suspension”: The temporary separation from the service of an employee without pay, for disciplinary purposes.
29. “Temporary Employment”: The appointment of a provisional, seasonal or interim employee. Temporary employees may be removed from the temporary appointment or employment without cause or right of appeal.
30. “Transfer”: A change of an employee from one position to another position in the same class or in a comparable class.
31. “Unclassified Service”: The unclassified service includes temporary, interim, provisional, seasonal, most part-time employees, grant funded personnel, contract employees, and employees in the classifications designated by City Council resolution. Employees in the unclassified service are at-will and may be removed without cause or right of appeal.
32. “Volunteer”: A person who volunteers their time to the City. Volunteers are not employees of the City. Volunteers do not acquire regular status and may be terminated without cause or right of appeal.
33. “Y-rate”: The salary of an employee whose position is downgraded or reclassified to a classification with a lower salary schedule, and

whose salary rate is above the maximum of the new salary schedule, shall be frozen at their current salary rate until the salary schedule of the new classification is equal to or exceeds the employee's frozen salary, at which time the employee shall be assimilated into the salary schedule of the lower class.

RULE 3

BOARD OF REVIEW

SECTION 1. Composition of the Board of Review: The Board of Review is created by City Ordinance and is comprised of seven members appointed by the City Council. See Escondido Municipal Code Chapter 19. The Board of Review decides appeals brought by regular status employees of the City as set forth more fully in Rule 28.

SECTION 2. Meeting: The Board of Review will hold meetings at the time and place within the City as will be designated by resolution of the Board. By resolution the Board will set forth procedures for adjourning, calling and scheduling regular and special meetings of the Board. A majority of the members of the Board constitutes a quorum for the transaction of business. Meetings shall be conducted in accordance with such rules and procedures as may be adopted by the Board of Review. Rules for disciplinary hearings are set forth in Rule 28.

SECTION 3. Public Hearings: Hearings conducted by the Board of Review shall be public and are subject to the "Ralph M. Brown Act", Government Code §§ 54950, et seq. Hearings involving the discipline of employees shall be private or public at the employee's request. If an employee wants a public hearing, this request must be made in the request for appeal to the Director of Human Resources.

RULE 4

CLASSIFICATION PLAN

SECTION 1. Preparation of Plan: With approval of the City Manager, the Director of Human Resources, after consulting with heads of departments, will prepare and maintain a classification plan for each classification. The classification plan will consist of classes of positions defined by class specification, including the title. Under the classification plan all positions substantially similar with respect to duties, responsibilities, authority, and character of work are included within the same class, and the same schedules of compensation will apply to all positions in the same class.

SECTION 2. Adoption, Amendment, and Revision of Plan: The classification plan may be amended by the Director of Human Resources with the approval of the City Manager.

SECTION 3. Allocation of Positions: The Director of Human Resources will allocate every position in the service to one of the classes established by the plan.

SECTION 4. New Classifications: When a new classification is created, the Director of Human Resources will notify the City Manager. No person shall be appointed or employed to fill any position within the classification until the classification plan has been amended to add the new classification.

SECTION 5. Class Title: The class title will be the title of each position in the class and will be used for personnel records. Working titles may be used within a department and for recruitment purposes.

SECTION 6. Class Specifications: Class specifications are descriptive and not restrictive. Descriptions should not be construed as a declaration that the duties and

responsibilities will not be changed nor that the appointing authority may not temporarily assign different duties and responsibilities.

SECTION 7. Reclassification: The gradual and significant accretion in duties and responsibilities over time such that the classification has changed materially necessitating a reclassification. After a classification analysis has been conducted for the position authorized for an approved study, the Director of Human Resources will allocate the position to a more appropriate class, upon approval of the City Manager. Classification studies can result in the following:

- a. Upgrading: A change in the title of the position accompanied by an assignment of the position to a higher salary range.
- b. Downgrading: A change in the title of the position accompanied by an assignment of the position to a classification with a lower salary range.
- c. Other: Study recommendations may result in the reclassification of the position, though the salary range remains unchanged.

Reclassifications will not be used for the purpose of avoiding restrictions concerning demotions and promotions.

RULE 5

GENERAL COMPENSATION POLICIES

SECTION 1. Compensation Plan: The City Council will adopt a salary schedule which sets forth the salary range of each classification and the steps within the range.

SECTION 2. Salary Upon Initial Hire: A probationary or regular employee will be placed on the first step of the salary range of the classification into which the employee is

hired. An employee may be appointed to a higher step upon recommendation of the Department Head and approval of the City Manager if there was difficulty in filling the position or the employee is exceptionally well qualified.

SECTION 3. Salary Upon Reclassification to a Higher Class: An employee whose position is reclassified from one class to a class with a higher salary range will receive the entrance rate of the new salary range or a minimum of 5%, whichever is greater, provided that no employee is advanced above the final step of the higher base salary range.

Section 4. Salary Upon Reclassification to a Lower Class: An employee whose position is reclassified from one class to a class with a lower salary range will be placed in the range of the lower class at the step equal to or immediately above their current salary rate unless their current salary rate exceeds the maximum salary rate in the lower class. If such is the case, they will remain at their current salary until the maximum salary rate in the lower class is equal to or greater than their current salary, at which time they shall be assimilated into the salary schedule of the lower class (Y-rate).

SECTION 5. Salary Upon Promotion: An employee who is promoted to a higher classification will receive the entrance rate of the new salary range or a minimum of 5%, whichever is greater, provided that no employee is advanced above the final step of the higher base salary range.

Section 6. Salary Upon Demotion: In the event an employee is demoted, the Director of Human Resources will, with the approval of the City Manager, place the employee at a step within the salary range of the class to which they have been demoted.

Section 7. Salary Upon Transfer: An employee transferred from a position in one class to a position in a comparable class with a lower salary will be retained at their

current salary, or “Y” rated, until the rate is equal to or greater than the current salary, at which time the employee will be placed on the salary schedule for the comparable class.

Section 8. Merit Increase: An employee is eligible for a merit increase at the end of six months from hire, at the end of twelve months and annually thereafter until the employee reaches the top salary step in his/her classification. Merit increases will only be given if the employee has satisfactory or better performance on the performance evaluation, is recommended for an increase by the Department Head and the recommendation is approved by the City Manager.

SECTION 9. Progression in Dual Classification: An employee who is in a flexibly staffed classification (levels I and II, or levels I, II and III) will move from a lower level to the next level upon completion of service and qualification of performance as required by the City. Upon progression from a lower level to the next level the employee will move to a step which gives them at least a 5% salary increase.

SECTION 10. Salary of Temporary Employees: Temporary employees will be placed at any salary step within the range for the class, as defined by the Part-time Employees Pay Plan.

Part-time temporary interim, provisional, seasonal employees will be paid hourly and are not eligible for paid benefits except for PARS or PERS Retirement Benefits.

SECTION 11. Special Advancement: The City Manager, at his/her discretion, may grant salary advancement to any step in the salary range not to exceed the salary maximum for that range when warranted by superior performance of the employee.

SECTION 12. Overtime Provisions:

- A. Eligibility: All non exempt employees are entitled to overtime as described below.
- B. Exempt Employees: An exempt employee is an employee whose duties exempt them from overtime as defined by the Fair Labor Standards Act, except as otherwise approved by the City. Specific Management classes are eligible to receive additional compensation as stated below:
 - Fire Battalion Chiefs – Straight time for hours worked in excess of 56 hours (shift) or 80 hours (days) per work period.
 - Police Lieutenants – Time and one-half for hours worked in excess of 40 hours in a 7 day work period. Police Lieutenants do not receive Management leave.
- C. Overtime-Non-Exempt: All eligible employees will be paid overtime at the rate of time and one-half their regular rate of pay, including any special pay which is a part of their regular rate (e.g., shift premium) in accordance with paragraphs D, E, and F below.
- D. Overtime-Hours: Overtime will be paid after eight hours worked in a day, exclusive of meal time, or 40 hours worked in a week, unless the regular workday is in excess of eight hours. In such case, overtime will be paid for all hours worked after the regular work-day hours or after 40 hours in a week. For employees assigned to a 9/80 work schedule, overtime is defined as authorized time worked in excess of

40 hours in seven consecutive 24 hour periods beginning at 12:01 p.m. on Friday and ending at 12:00 p.m. (noon) on the following Friday. Fire safety employees shall be compensated for overtime as specified in their respective Memorandum of Understanding.

- E. Overtime-Hours Worked: Holidays, vacation and sick leave are hours worked for the purpose of computing overtime.
- F. Overtime-Recordkeeping: Overtime will be recorded and paid on the basis of 15 minute increments; for each full 15-minute period worked, the employee will be compensated for one quarter hour of overtime. Overtime shall be rounded to the nearest quarter-hour increments (i.e., 20 minutes of overtime is one-quarter hour and 25 minutes of overtime is one-half hour.)
- G. Overtime-Callback: A minimum of three hours pay (two hours for Fire Safety employees) at the rate of time and one-half shall be paid for each incident of callback overtime for all eligible employees. Non-Management supervisory employees who are otherwise exempt from overtime are eligible for callback overtime. Callback overtime is unscheduled overtime as opposed to early start or extended day. Holidays, Saturdays, and Sundays and/or attendance at regularly scheduled meetings and other activities such as City Council meetings, Planning Commission meetings, etc., are not to be considered callback overtime.

- H. Overtime Authorization: Overtime, other than callback overtime, when worked, will be compensated either by time and one-half off or time and one-half pay as set forth herein. All overtime must be requested by the supervisor and approved by the Department Head, or designee. Overtime worked without authorization is grounds for discipline.
- I. Compensatory Time Off: Overtime may be compensated by time off at the rate of time and one-half the hours worked. The compensatory time off is subject to the needs of the service and may not be taken without prior approval by the employee's supervisor on an approved form, nor shall it be taken in increments of less than one-quarter hour. Compensatory time balances may not exceed 80 hours, but may be maintained on an indefinite basis. When the maximum balance is reached, cash payment for overtime will be automatic.
- J. Overtime-Commission Service: Clerical employees providing secretarial service to City commissions after normal work hours will be compensated at time and one-half their regular rate of pay.
- K. Overtime-Holidays: All employees whose regularly scheduled workday or work shift falls on a holiday and who work such a holiday shall receive compensation as follows:
1. Time and one-half for time worked, and, at the employee's option:

- a. Compensatory time off on a straight-time basis subject to the needs of the service and the prior approval of the employee's supervisor; or
- b. Straight-time pay for time worked.

SECTION 13. Out-of-Class Assignment: An out-of-class assignment is a temporary assignment of a regular employee to an authorized classification at a higher level of pay which requires the employee to perform the duties of the higher classification. Employees directed to continuously perform the duties in a vacant higher level classification shall be entitled to a salary rate increase at five percent (5%) above their regular rate of pay, or the minimum salary of the out-of-class classification, whichever is greater, commencing after five consecutive work days in the out-of-class assignment, and for a period of no longer than six months at any one time. Compensation will be retroactive to the first day of the out-of-class assignment.

Once the initial out-of-class assignment terminates, the five consecutive workday waiting period will be waived for any additional out-of-class assignments that occur within six months provided that the employee is working in the same out-of-class classification regardless of work area assignment.

All out-of-class pay will be approved, provided that:

1. The Department Head shall state in writing to the Human Resources Department that the employee meets the minimum requirements of the higher level position and is held responsible to perform all of the duties normally associated with the higher level position without limitation as to difficulty or complexity of assignments and that the

employee shall be required to meet standards for satisfactory performance normally required at the higher level position. Benefits of the higher classification are not available and the employee will continue to receive the benefits of the employee's regular position.

2. Such assignment shall be temporary and will terminate when the position is filled, when the incumbent employee is returned to work, or when the temporary assignment is discontinued. Duration of the out-of-class assignment shall not exceed six months at any one time, unless an extension is approved by the City Manager.
3. A vacant position is defined as an authorized regular position for which funds have been appropriated and which may be:
 - a. A vacant position due to attrition and for which a recruitment process may be initiated;
 - b. A position from which the incumbent is on extended leave of absence; or
 - c. A new position authorized by the City Council for which the recruitment process may be initiated.

SECTION 14. Temporary Assignment Pay: Temporary Assignment Pay allows for temporary increases in pay beyond an employee's base rate of pay when duties performed by the employee support such additional pay for specific periods of time.

Increases in pay may be granted to recognize the temporary assignment requiring a greater level of skill. "Temporary assignment" shall mean a period of six months or less. Requests for temporary assignment compensation may be initiated by the Department

Head or designee. Employees directed to continuously perform higher level duties shall be entitled to a salary rate increase at 5% above their regular rate of pay. All temporary assignment pay will be approved, provided that:

1. The Department Head shall state in writing to the Human Resources Department that the employee is performing duties requiring a higher level of skill and outside the scope of their current classification.
2. Such assignment shall be temporary and will not exceed six months, unless an extension is approved by the Department Head.
3. Temporary Assignment Pay shall be granted when employees are assigned higher level duties due to position vacancies, special assignments, or when duties performed by the employee support such additional pay.
4. Such increases in pay will not affect an employee's merit increases pursuant to Section 7.

RULE 6

APPLICATIONS AND APPLICANTS

SECTION 1. Announcement: All examinations for positions in the classified service will be publicized by posting announcements in City Hall on official bulletin boards, electronic mail, and by such other methods as the Director of Human Resources deems advisable. The announcements will specify the title and pay of the position for which the examination is announced; the position specifications, including: the nature of the work of the position; the manner of making applications; and other pertinent information, including

a statement that the City is an equal opportunity employer and does not discriminate on the basis of protected status.

SECTION 2. Application Forms: Applications must be made available as prescribed on the examination announcement. All applications must be signed by the person applying.

SECTION 3. Disqualification: The Director of Human Resources will reject any application which indicates on its face that the applicant 1) does not possess the minimum qualifications required for the position; or 2) for any cause which in the judgment of the Director of Human Resources would render the applicant unsuitable for the position, including failing a prior background investigation, a prior termination from City employment, a resignation in lieu of termination from City employment, or significant disciplinary action.

SECTION 4. Nepotism Prohibited: The Director of Human Resources will disqualify any applicant who is applying for a position where the applicant would be supervised by or work in the same department with an officer, (elected or appointed) Department Head or supervisor to whom they are related by blood, marriage or domestic partnership. This rule does not apply to seasonal employment where the applicant is not supervised by an officer, Department Head or supervisor to whom he or she is related by blood, marriage or domestic partnership.

SECTION 5. Rejection of Application: When an application is rejected notice will be sent or delivered to the applicant by the Director of Human Resources, or designee.

SECTION 6. Appeal: If the applicant is rejected the applicant can appeal the rejection to the Director of Human Resources within five (5) working days of the date of

the notice. The Director will affirm the rejection or reinstate the application. If an applicant is disqualified for criminal conduct the applicant may appeal to the Board of Review within ten (10) days of notice as set forth in Municipal Code Section 19-29.

RULE 7

EXAMINATIONS

SECTION 1. Nature and Types of Examinations: The selection techniques used in the examination process for classified positions will be impartial, of a practical nature and relate to those subjects which, in the opinion of the Director of Human Resources measure the relative capabilities of the persons examined to execute the duties and responsibilities of the class to which they seek to be appointed. Examinations may consist of achievement and aptitude tests, 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 Director of Human Resources with the approval of the City Manager, may waive one or more of the tests in the selection process for applicants whose qualifications fulfill the requirements for which that specific test or tests is to be given. The terms and conditions of such waiver shall be clearly stated on the job announcement and waived for all applicants meeting the specified terms and conditions.

SECTION 2. Open-Competitive Examination: Open-competitive examinations will be given for all positions to be filled in the classified service unless the Director of Human Resources and the City Manager determine that an internal promotional examination or closed competitive examination will be given.

SECTION 3. Promotional Examination: Promotional examinations may be conducted whenever, in the opinion of the Director of Human Resources and with the approval of the City Manager, the needs of the classified service require it. Promotional examinations may include any of the selection techniques mentioned in Section 1 of this rule, or any combination of them. Only regular employees who meet the requirements set forth in the promotional examination announcement may compete.

SECTION 4. Continuous Examination: Open-competitive examinations may be administered periodically for a single class in the classified service as the needs of the personnel system require. No person may take this examination, however, more often than every three months from date of examination. Names will be placed on employment lists, and shall remain on such lists for three months, unless a longer period is deemed necessary by the Director of Human Resources but in any event no longer than two years.

SECTION 5. Closed-Competitive: Regular, provisional, probationary, temporary full-time and temporary part-time employees and volunteers who have a total of 520 paid or unpaid hours of service with the City in the preceding 24 months and who meet the requirements set forth in the examination announcement, may compete in closed-competitive examinations.

SECTION 6. Lateral Entry Examination: Lateral entry examinations may be conducted for positions in the classified service when deemed appropriate by the Director of Human Resources and City Manager. These examinations are open to employees of other recognized public agencies with regular status who have performed satisfactory service in a comparable classification. Candidates may also be required to meet specific experience, certification and license requirements. Classifications for which lateral entry

examinations are appropriate shall be limited to those approved by the Director of Human Resources and which have continuous recruitment needs and/or demonstrated recruitment difficulties.

SECTION 7. Conduct of Examination: The City Council may authorize the City Manager to contract with any competent agency or individual for the preparing and/or administering of examinations. In the absence of such a contract, the Director of Human Resources will see that such duties are performed.

SECTION 8. Scoring Examinations and Qualifying Scores: The Human Resources Department will utilize professionally accepted principles and methods in the development of the procedures for scoring, setting passing points, scaling, converting and combining scores, and weighing examination components, as necessary, to ensure that final scores meet acceptable standards of validity and reliability. Veterans' preference points may be added to a candidate's final test score per City policy.

SECTION 9. Notification of Examination Results and Review of Papers: Each candidate in an examination will be given written notice of the results thereof, and if successful, of their rank on the employment list. Candidates will not be told their position on the eligibility lists until the testing selection process is completed.

- A. The candidates must personally meet with the Director of Human Resources or designee to review testing results.
- B. Review of the material must be at a mutually agreeable time and the candidate must make an advance appointment with Human Resources for the review.

- C. All testing materials are confidential property of the City and may not be removed from the Human Resources Office.

SECTION 10. Right of Appeal: Any applicant or candidate who believes that they have been discriminated against because of any non-merit factor in any portion of the examination process, may appeal in writing to the Director of Human Resources. Based upon the appeal submitted, the Director of Human Resources may adjust the status of such applicant or candidate which may affect the relative status of any other applicant or candidate.

SECTION 11. Reasonable Accommodations and Testing: Should an otherwise qualified applicant for a position who is disabled within the definition of the state or federal law request reasonable accommodation for any part of the examination process, the Director of Human Resources may modify the examination process for the applicant.

The request can be made to the employee's supervisor, Department Head or Human Resources. An individual who requests accommodations may be asked to provide a statement from a physician or other health care professional explaining the individual's functional limitations.

A person who is not satisfied with the accommodations provided may seek advice from the City of Escondido's Americans with Disabilities Act Coordinator.

SECTION 12. Examination Process for Unclassified Employees: Unclassified employees will or will not participate in the examination process at the discretion of the Director of Human Resources.

SECTION 13. Background Investigation: Candidates for City employment may be subject to appropriate investigation including but not limited to:

- 1) Employment history and work performance investigation;
- 2) Personal and character investigation including credit history;
- 3) Department of Justice Fingerprinting;
- 4) Search of record of convictions and for some classifications search of record of arrest(s);
- 5) Post offer physical or psychological test including a drug and alcohol screen;
- 6) Verification of education or license if required for the job;
- 7) Post employment proof of citizenship or legal right to work in the United States.

RULE 8

EMPLOYMENT LISTS

SECTION 1. Employment Lists: As soon as possible after the completion of an examination, the Director of Human Resources will prepare and keep available an employment list consisting of the names of candidates who qualified in the examination.

SECTION 2. Duration of Lists: Employment lists, remain in effect for three months and may be abolished or extended at any time by action of the Director of Human Resources or by request of the Department Head. In no event will an employment list remain in effect for more than two years.

Names placed on open-competitive lists created as a result of continuous examinations shall be merged with any others already on the list in order of final scores and shall remain on the list for not more than three months, unless the list is extended.

SECTION 3. Reemployment Lists: The names of probationary and regular employees who have been laid off will be placed on appropriate reemployment lists by class in order of seniority (total continuous cumulative time served in probationary and regular status) and given the first opportunity to return to regular employment. Names remain on the reemployment list for a period of one year, unless sooner reemployed.

When a reemployment list is to be used to fill vacancies, the Director of Human Resources will certify from the top of such list the number of names equal to the number of vacancies to be filled, and the City Manager will appoint such persons to fill the vacancies.

SECTION 4. Removal of Names From List: The name of any person appearing on an employment or reemployment list will be removed by the Director of Human Resources if the eligible requests in writing that their name be removed, if they fail to respond to a notice of certification mailed to their last known address, when the list expires as specified in these rules, or for any cause which in the judgment of the Director of Human Resources would render the individual unsuitable for the position, including failing a prior background investigation, prior termination of City employment for misconduct, or significant disciplinary action. The names of persons on promotional employment lists who resign from the service shall automatically be dropped from such lists.

SECTION 5. Waivers: Eligibles may waive their right to certification or appointment without suffering any loss of status on the employment list by so doing.

Except, however, when a candidate has waived certification three times, their name shall automatically be dropped from the list.

SECTION 6. Abolishing of List: The City Manager may abolish an employment list or reemployment list for any reason of unsuitability of examination. The reason for abolishing a reemployment list shall be specifically set forth in a memorandum to the City Manager from the Director of Human Resources.

RULE 9

METHOD OF FILLING VACANCIES

SECTION 1. Appointment: All vacancies in the classified service shall be filled by transfer, demotion, reemployment, reinstatement, or from eligibles certified by the Director of Human Resources or designee from an appropriate employment list. With the consent of the Department Head and the Director of Human Resources, employment lists for a higher grade class may be used to fill a lower grade class in the same job family, where no employment list exists for the lower grade classification. Direct appointment may be made to vacancies in the unclassified service by the City Manager or appropriate Department Head. This includes appointments of seasonal, interim and provisional employees, as well as temporary part-time employees.

SECTION 2. Notice to Director of Human Resources: Whenever a vacancy in the service is to be filled, notification will be given to the Director of Human Resources. If there is no reemployment list available for the class, the City Manager shall have the right to decide whether to fill the vacancy by reinstatement, transfer, demotion, appointment from a promotional employment list, or appointment from an open employment list or by direct appointment.

SECTION 3. Certification of Eligibles: When a vacancy is to be filled by appointment from a promotional employment list, an open competitive employment list, lateral entry list, or a closed competitive list, the Director of Human Resources or designee shall certify all eligibles in the highest ranks in which eligibles are available, and they will be listed alphabetically (except police sworn and fire safety eligibles will be listed alphabetically in rank order). Rank orders are as follows: 95% to 100% (first rank), 90% to 94.9% (second rank), 85% to 89.9% (third rank), 80% to 84.9% (fourth rank), 75% to 79.9% (fifth. rank), and 70% to 74.9% (sixth rank). Whenever there are less than nine names, plus the number of vacancies to be filled in the rank to be certified, the Department Head may request the next rank to be certified. Whenever there are more than nine names, plus the number of vacancies to be filled in the rank or ranks to be certified, the Department Head may request a list certified down to the highest percentage score within the rank which will provide no less than nine names, plus the number of vacancies to be filled. When a department requests that names be recertified from an existing eligibility list, department staff will be required to reinterview all applicants on a recertified eligibility list only if more than six months has lapsed. Whenever there are fewer than five names of individuals willing to accept appointment on a promotional, closed competitive, lateral entry list, or on an open competitive employment list, the City Manager may make an appointment from among such eligibles or may request the Director of Human Resources to establish a new list. When so requested, the Director of Human Resources will hold a new examination and establish a new employment list. A Department Head may select from a valid certification list for a period of three months, after which recertification is necessary unless the list is extended.

SECTION 4: Selective Certification: Whenever the possession of a skill, knowledge or ability, including bilingual ability, will enhance efficiency or promote better public service, the Director of Human Resources, or designee may restrict certification of eligibles within a specific employment list to those persons who possess such skill, knowledge or ability. The Director of Human Resources or designee shall be responsible for evaluating each request for selective certification. The Department Head will submit written justification for any request for selective certification. Every reasonable effort will be made to ensure that no circumvention of merit system principles of these rules will occur if the request is approved.

SECTION 5: Veterans' Preference: If two or more candidates are identically qualified for a position the City Manager will select the candidate who is a veteran.

SECTION 6. Appointment Process: After interview and investigation, the City Manager will make appointments from among those certified. The persons accepting appointment shall present themselves to the Director of Human Resources or their designated representative, for processing on or before the date of appointment. If the applicant accepts the appointment and presents himself/herself for duty as prescribed, the applicant will be deemed appointed; otherwise, they shall be deemed to have declined the appointment.

SECTION 7. Types of Appointments:

- A. Regular Appointment: A regular appointment may be made by the City Manager from the appropriate employment list. No regular appointment shall be completed until after the candidate has successfully passed the probationary period. A regular employee is

eligible to receive benefits and typically works 80 hours in a pay period.

- B. Provisional Appointment: In the absence of a viable employment list for the classification, a provisional appointment may be made by the City Manager of a person meeting the minimum qualifications for the position. An employment list will be established within six months for any position filled by provisional appointment. The City Manager may extend the period for any provisional appointment for not more than 30 days at a time, not to exceed 12 months, in aggregate. No special credit shall be allowed in meeting any qualifications or in the giving of any test for service rendered under a provisional appointment.
- C. Interim Appointment: An interim appointment from the appropriate employment list may be made to a position which is temporary or which has been vacated temporarily. Such appointment shall not exceed six months except that the City Manager may extend the period of any interim appointment for not more than 30 days by any one action not to exceed in aggregate 12 months.
- D. Appointment Upon Progression In Flexibly Staffed Positions: Progression is the process by which an employee moves from the entry level I to the higher level II in a I/II dual classification, or a I, II and III classification (flexibly staffed). Employees hired at the entry I level of a I/II, or I/II/III flexibly classification progress to the higher level if:

- They meet the minimum requirements of the higher position;
- They successfully complete any special certifications, licenses and/or department criteria set for the higher position;
- In the opinion of the Department Head and the Director of Human Resources, or designee, the employee's performance warrants progression to the higher level.

If a progressive series includes a trainee position in the classification, the trainee will serve in a probationary status and will have twelve to eighteen months to complete the competency test required by the department. If he/she cannot successfully pass the competency test within the maximum eighteen months allowed, employment will be terminated.

- a. If an employee is hired as a trainee, he/she serves twelve to eighteen months as a probationary employee. When he/she is progressed to the I level and further to the II or III level he/she will not serve probation in those positions. If there is no trainee position, the employee serves a normal probation at the I level and does not serve probation again at the II or III level.
- b. In the flexibly staffed positions, a minimum amount of time is required at the lower level before an employee may be progressed to the higher level. They also must meet special

certifications or requirements of the higher level position. If an employee completes all the requirements and has served the required amount of time in the lower position he/she may be progressed.

E. Underfill Appointment: Appointments to regular positions made from an appropriate employment list of a lower classification for either training or budgetary purposes. If such appointment is a trainee underfill, the employee must qualify for the higher classification or be terminated. The employee shall be required to qualify by one or more of the following:

1. Additional experience
2. Additional education
3. Possession of specific certificates or licenses
4. Probationary period progress report
5. Successful completion of an appropriate examination
6. Any other departmental requirements in order to successfully perform the duties of the higher classification

If the appointment is a budgetary underfill, the incumbent shall remain at the lower level classification and shall not be assigned to perform higher level duties.

F. Temporary Part-time Appointment: A temporary appointment from the appropriate employment list to cover needs including, but not limited to, emergency workloads of limited duration to provide employment

relief and coverage. Temporary Part-time employees serve at the pleasure of their appointing authority, do not acquire regular status, and may be terminated without cause or right to appeal.

RULE 10

PROBATIONARY PERIOD

SECTION 1. Objective of Probationary Period: The probationary period is to be regarded as a part of the testing process and will be utilized for closely observing the employee's work and for securing the most effective adjustment of a new classified employee to their position.

SECTION 2. Length:

- A. All employees in the classified service appointed or promoted to a regular position must successfully complete a probationary period.
 1. Any classified employee included in the Supervisory Unit, Administrative/Clerical/Engineering Unit or Maintenance and Operations Unit who is appointed to a probationary position must serve a probationary period of 1,560 actual hours worked, excluding any leave time.
 2. All other employees, except as specified in Section 2B, including experienced Police Officers appointed under the Lateral employment program, Fire Department Safety Personnel, and Public Safety Dispatchers, must serve a 12-month probationary period of actual and continuous service.

- B. Police employees appointed to the position of Police Officer who have not qualified for the lateral employment program must serve a probationary period of 18 months of actual and continuous service.

SECTION 3. Extension of Probationary Period: At the discretion of the City Manager, the probationary period may be extended for up to an additional six months. Such extensions shall be set forth in writing. A copy of this extension notice shall be provided to the employee and to the Human Resources Department no later than five (5) days prior to the initial expiration date.

SECTION 4. Rejection of Probationer: During the probationary period, an employee may be rejected without cause at any time by the City Manager, or designee. Rejection shall not be the result of or influenced in any manner by consideration of race, color, sex, age, ancestry, national origin, political or religious affiliation, disability, marital status, medical condition, sexual orientation, or any other basis protected by federal, state or local law, except where a bona fide occupational qualification so dictates. Notification of rejection in writing will be served on the probationer, and a copy filed with the Director of Human Resources.

SECTION 5. Rejection Following Promotion: Any employee rejected during the probationary period following a promotional appointment, will be reinstated to the position from which they were promoted unless discharged for cause, and they are discharged in conformance with these rules. When reinstated to the former position, the employee cannot displace an employee whose total City service is greater.

SECTION 6. Credit for Interim and Provisional Appointments: Continuous active service under an interim and provisional appointment may be counted toward completion of the probationary period.

SECTION 7. Absence: Periods of absence will extend the probationary period by the number of hours absent from work.

RULE 11

HOURS OF WORK

SECTION 1. Normal Hours of Work: For non-safety employees the normal work week is five consecutive work days with two days off. The normal work day is eight consecutive hours within a 24 hour period. Shift work employees will be granted reasonable advance notice of changes in scheduled shifts. Notwithstanding the above, when public or operational necessity or efficiency of service is deemed by the City to require other than the normal work week, work day or work schedule it will be prescribed by the City. Whenever there is a change in the existing work week, work hours, or work schedule (except regularly scheduled shift changes) the City will advise the affected employee(s) of the reasons therefore. Nothing in this section provides for or implies any additional compensation or benefit for work other than normal work week, work day or work schedule.

SECTION 2. Rest Periods: Non-safety employees will normally be provided rest periods at the rate of 15 minutes for each four hours worked. Except under unusual circumstances, rest periods will not be taken during the first or last hour of the work day. Notwithstanding the above, when public or operational necessity or efficiency of services is deemed by the City to require the employee to work, the employee may not receive a

rest period, or less than a 15 minute rest period. Rest periods are paid time. Nothing in this section provides for or implies any additional compensation or benefit if a rest period is not received.

SECTION 3. Attendance: Except as the City Manager requires to the contrary, all offices of the City shall be open for business from 8:00 a.m. until 5:00 p.m. on all days except Saturdays, Sundays and the designated holidays.

All departments will keep daily attendance records of employees which will be reported to the Payroll Division in the form and on the dates specified.

Full-time employees except as rules or Memorandums of Understanding provide to the contrary, work at least 40 hours per week. An employee shall work according to the schedule set by their supervisor and/or Department Head.

All employees shall be on duty at the times required by the department with respect to hours and days.

RULE 12

HOLIDAYS

SECTION 1. Holidays: Unless an applicable Memorandum of Understanding provides otherwise, all employees, except as modified in Section 2, are entitled to the following fixed holidays:

CONSTITUTED HOLIDAYS

New Year's Day

Martin Luther King, Jr. Day

President's Day

Memorial Day

Independence Day

Labor Day

Veteran's Day

Thanksgiving Day

After Thanksgiving

Christmas Day

When a holiday falls on a Sunday, it is observed on the Monday immediately following. When a holiday falls on a Saturday, it shall be observed on the preceding Friday.

SECTION 2. Eligibility for Holiday Pay: All employees, except seasonal, temporary part-time employees, and 24-hour shift safety employees of the Fire Department, shall be entitled to the constituted holidays as stated in Section 1. To receive holiday pay for a constituted holiday, employees must be in an active status on the date the holiday is observed, and in a paid status during the pay period. Newly hired employees will be eligible for constituted holidays occurring after their date of hire. Employees on an approved reduced work schedule shall have their holiday pay prorated accordingly.

RULE 13

VACATION

SECTION 1. Eligibility for Annual Vacation Leave: All employees other than seasonal and temporary part-time employees are entitled to vacation leave with pay.

SECTION 2. Earned Vacation: Unless an applicable Memorandum of Understanding provides otherwise each eligible employee accrues annual prorated vacation from the date of hire at the rate applicable to their employment status as follows:

0 - 5 years of service = 3.68 hours a pay period for 26.0893 pay periods.

6 - 10 years of service = 5.21 hours a pay period for 26.0893 pay periods.

11 - 15 years of service = 6.75 hours a pay period for 26.0893 pay periods.

16 years & over = 8.280 hours a pay period for 26.0893 pay periods.

Management and unclassified clerical and technical employees also receive 24 hours of vacation each July 1 and 4 hours each October 1. The 24 hours can be cashed out in December and July of each year.

SECTION 3. Vacation Periods: Vacation may be taken the first day following the completion of six months, except safety personnel who may not take vacation until the first day following 12 months of employment. Probationary employees may use vacation hours that have been accrued and reflected on their pay statements with approval from their supervisor. Vacation may never be used in units of less than one hour, except fire safety (56 hour) personnel may never use vacation in units of less than four hours.

- A. Vacation Use: An employee may take vacation as determined by the Department Head with due regard for the wishes of the employee and particular regard for the needs of the City. Prior approval is required except in the case of an emergency. In such circumstances the Department Head or designee must be notified of need for previously unapproved vacation.
- B. Carryover of Vacation: If an employee cannot take all of their accrued vacation within an accrual year, the balance may be carried forward to the next year.

- C. Maximum Accrual: Unless an appropriate Memorandum of Understanding provides otherwise, all employees, except Management, cannot accrue more than two (2) times their annual accrual. Management employees cannot accrue more than three (3) times their annual accrual. When an employee reaches the accrual maximum, the employee ceases accruing vacation.
- D. No legal holiday that falls during an employee's vacation may be charged against the employee as vacation, and the leave shall be extended accordingly.
- E. Employees who terminate will be paid in a lump sum for all accrued vacation leave earned prior to the effective date of termination.
- F. Vacation for part-time regular employees is pro-rated.

RULE 14

SICK LEAVE

SECTION 1. Sick Leave-Use: Sick leave with pay is granted to all employees except seasonal and temporary part-time employees. Sick leave will not be considered as a right which employees may use at their discretion, but shall be allowed only in case of personal or family illness, injury, disability, Maternity/Paternity leave, or Bereavement leave. An employee's annual sick leave accrual may be used for the illness or injury of a parent, child, spouse or domestic partner. In no event shall an employee be granted sick leave time to oversee children who are not ill (baby-sitting).

SECTION 2. Sick Leave Notification: In order to receive compensation while absent on sick leave, the employee must notify their immediate superior or their

Department Head prior to or within two hours after the time set for beginning their daily duties, or as may be specified by the Department Head. If an employee has applied for sick leave use for four or more consecutive scheduled working days, the Department Head may require a physician's certification. The City Manager may, however, require such certification or evidence the City deems necessary regarding sick leave use at any time. "Evidence" as used in the prior sentence includes but is not limited to:

- A. A prognosis from the treating physician as to the convalescent period, if any.
- B. Specific physical restrictions, if any, which bear on the employee's ability to perform his/her usual and customary duties or modified work assignments.
- C. A second opinion on the employee's condition from a physician or physicians of the City's choice (and at City expense) based upon independent medical evaluation(s) and/or review of the employee's physician's report.

SECTION 3. Sick Leave-Accrual Rate: Unless an applicable Memorandum of Understanding provides otherwise, sick leave is granted from the date of hire at the rate of one workday for each calendar month of service. Unused sick leave will be accumulated indefinitely.

SECTION 4. Bereavement Leave: Employees may use all currently benefited annual sick leave accruals for situations when an employee's presence is required elsewhere due to bereavement for members of the employee's immediate family or individuals whose relationship to the employee is that of a dependent or near dependent,

member of the immediate household, domestic partner, or a person who is of significance to the employee. Exceptions to exceed the authorized hours are subject to consideration by the City Manager or a case-by-case basis.

SECTION 5. Sick and Vacation Leave Usage for Industrial Accidents: Any employee absent on account of injury or illness arising out of and occurring in the course of City employment is eligible for the same benefits and on the same basis as non-industrially injured or ill employees as provided under Rule 21, Section 4.

SECTION 6. No Sick Leave Payout on Termination: Employees who terminate for any reason, including retirement, will not receive cash payment for accrued sick leave. If an employee is laid off, sick leave may be restored to the employee in whole or in part by the City Manager upon reemployment.

SECTION 7. Sick Leave-Illness During Authorized Vacation: Employees who are on authorized vacation and become ill, or injured may use sick leave, provided a doctor's certificate is presented to the Director of Human Resources.

SECTION 8. Sick Leave Conversion: Unless an applicable Memorandum of Understanding provides otherwise, once annually classified employees who have 120 hours sick leave accumulated may convert sick leave above that amount to vacation at a ratio of 2 to 1, two hours of sick leave equals one hour of vacation. Employees will be limited to the same maximum accrual rate as regular vacation accrual.

RULE 15

FAMILY MEDICAL LEAVE

SECTION 1. Statement of Policy: To the extent not already provided for under current leave policies and provisions, the City will provide Family and Medical Care Leave

for eligible employees as required by the Family Medical Leave Act and California Family Rights Act.

RULE 16

MILITARY LEAVE

SECTION 1. Military Leave: Military leave will be granted in accordance with the provision of federal and state law. All employees and/or their spouses entitled to military leave must give the City Manager an opportunity within the limits of military regulations to determine when such leave shall be taken.

Upon verification of military orders, employees who are members of the military reserve or National Guard who have been called to active duty during national security, after the standard Military Leave Policy, shall receive the difference between the amount the employee would have received from their regular City gross biweekly wage (not including overtime) and the amount the employee receives from the military.

SECTION 2. Compensation: Every employee ordered to take Military Leave would have been required to work for and be paid by the City at the same time Military Leave is ordered, shall receive their salary or compensation as an employee of the City in accordance with the provisions of federal and state law.

RULE 17

JURY AND WITNESS LEAVE

SECTION 1. Jury Duty: Any employee who is called or required to serve as a trial juror is entitled to be absent from their duties with the City during the period of such service or while necessarily being present in court as a result of such call. The employee, except seasonal and temporary part-time employees will be paid their full salary and any

payment received by them from the court for such duty. Employees must provide to their supervisor the next work day after release from jury duty, their court date and time-stamped attendance card, with a copy of the call to jury duty and/or other documentary evidence of service as required by the City.

- A. Employees are required to notify their supervisor on a daily basis regarding jury duty hours, including jury duty release time. If an employee or officer is released from jury duty with two (2) hours or more remaining in the workday, the employee or officer must contact their supervisor. The supervisor may inform the employee if they are needed to return to work or if they are released for the day. This is based on the needs of the City.
- B. Where Courts have call-in procedures to determine days and hours of service, employees must take advantage of these procedures. If an employee is not told to report or told to call in the next day, the employee must come to work and make the call from the City, unless the employee receives prior approval from the Department Head or designee to call from home.

SECTION. 2. Witness Leave: Any employee, except seasonal and part-time employees, who is subpoenaed or otherwise ordered or required to appear as a witness is entitled to leave with pay unless the employee is a party or an expert witness. The employee will be paid the difference between their full salary and any payment received by them, except travel and subsistence pay. Employees shall provide their supervisor and

the Human Resources Department with a copy of the subpoena and/or other documentary evidence of service as required by the City.

RULE 18

PREGNANCY

SECTION 1. Pregnancy Leave:

1. Any female employee will be entitled to take an unpaid leave on account of pregnancy, child birth or related medical conditions for the period of disability allowed by pregnancy disability, family medical and/or California family rights leaves. The employee will be entitled to utilize any accrued sick leave, vacation time or other authorized accrued paid leave during this period of time. Other benefits are provided as stated under Rule 21, Section 4, or as provided under disability provisions.
2. Any employee who plans to take a leave on account of pregnancy, child birth or related condition should submit in writing to her Department Head a statement of her intent to take leave, including a physician's statement indicating her last advisable or probable date to remain at work and a statement of her intended date to return to work. Notice must be given not less than thirty (30) days prior to the intended commencement date of the leave, if the leave is foreseeable. When the need for leave does not allow for thirty (30) days notice, notice should be given as soon as practicable.

RULE 19

VOTING LEAVE

SECTION 1. Voting Leave: Employees whose work schedule prevents them from voting at a statewide election, may take up to two (2) hours off with pay at the beginning or end of the workday. If the time off is required, the employee must have prior approval from the employee's Department Head at least two (2) days prior to the Statewide election.

RULE 20

ADMINISTRATIVE LEAVE

Section 1. Administrative Leave: Administrative leave is leave with pay provided at the sole discretion of the City. Employees placed on administrative leave will be relieved of their regular duties during the period of leave. Employees placed on administrative leave will remain at their residence or elsewhere at the instruction of the Department Head during their regular work hours. Employees placed on administrative leave will report to their Department Head daily or as otherwise instructed by their Department Head during the period of the leave. Administrative leave is not discipline and does not entitle the employee to any right of appeal.

RULE 21

LEAVE OF ABSENCE WITHOUT PAY

SECTION 1. Eligibility: Other than seasonal or temporary part-time employees the City Manager may grant a leave of absence without pay, seniority, or benefits to an employee not to exceed six months or if for educational purposes related to City employment not to exceed one year.

SECTION 2. Process: The employee will make written request setting forth the reason for the request and the requested dates of leave.

SECTION 3. Reinstatement: The employee will be reinstated in the position held at the time leave was granted. Failure on the part of an employee on leave to report at the expiration of the leave, or within a reasonable time after notice to return to duty, will be cause for discharge.

SECTION 4. Short Term Leave: Employees in good standing may with supervisory permission and five days prior notice, take time off without pay without having to exhaust current leave balances. No employee shall exceed ten working days off without pay, or two shifts without pay for Fire Safety employees, within a calendar month.

Employees on family medical leave for their own serious illness or injury are required to file for disability benefits and abide by the City's family leave certification process.

Employees eligible for disability benefits will continue to accrue vacation, sick leave and holiday pay during the employee's eligible family leave period and for three months thereafter, not to exceed six months from the date of disability. Employees may use accrued leave benefits up to 80% or 100% to supplement their disability benefits.

The City will pay the City's portion of medical, dental, life and dependent life insurances for disabled employees up to a maximum of twelve months upon receipt of written medical certification. During this time, the employee is required to continue to pay his/her share of the benefits. In the event the employee does not pay his/her share of benefits or benefits have exhausted under this Section, the City will extend COBRA benefits in accordance with State and Federal COBRA laws.

SECTION 5. Status Upon Return: When an employee is in a leave of absence without pay status due to having exhausted all accrued sick leave and vacation credit, their revised hire date or date of promotion for purposes of merit increases, sick leave and vacation credit, will be the number of calendar days absent added to their former hire or promotion date, whenever such leave exceeds five consecutive working days.

SECTION 6. Benefits While on Leave: During a leave of absence without pay an employee does not earn or accrue any paid benefits except under the short-term leave stated in Section 4 or as provided within the disability rules. During Maternity/Paternity/Adoption Leave, employees are eligible for leave without pay as provided under the Federal and California State Laws. All employees who meet the qualifying criteria under the laws are eligible for family and medical leave for disability or baby bonding leave. Employees may use accumulated paid leave (floating holiday, vacation, compensation time) and up to the maximum annual accrual (108 hours) of sick leave while off on leave.

In the case of adoption and paternity leave, employees are eligible for up to a maximum of six months leave time.

RULE 22

TRANSFER, PROMOTION, DEMOTION, REINSTATEMENT AND REEMPLOYMENT

SECTION 1. Transfer: No person shall be transferred to a position for which they do not possess the minimum qualifications. An employee may be transferred by the City Manager at any time from one position to another position in a comparable class. For transfer purposes, a comparable class is one which involves the performance of similar duties and requires substantially the same basic qualifications. A comparable class need not have the same maximum salary, however, no employee shall have their salary reduced as a result of a transfer.

If the transfer involves a change from one department to another, both Department Heads must consent to the transfer unless the City Manager orders the transfer for purposes of economy or efficiency. Transfers are not to be used to circumvent a promotion, demotion, advancement or reduction, each of which may be accomplished only as provided in these rules.

SECTION 2. Promotion: All vacancies in the classified service will be filled by open-competitive examination. The Director of Human Resources can determine that a promotional or closed-competitive examination should be given.

SECTION 3. Demotion: The City Manager may demote an employee for disciplinary reasons as part of a reduction in force or upon request of the employee. If there is a reduction in force a classified employee shall have the right to be demoted to a position formerly held with regular status if the demotion does not require the layoff or demotion of any employee in the lower class whose seniority is greater than the demoted employee. Upon request of the employee, and with the consent of the City Manager,

demotion may be made to a vacant position. No employee will be demoted to a position for which they do not possess the minimum qualifications. Written notice of the demotion shall be given the employee before or within three days after the effective date of the demotion, and a copy filed with the Director of Human Resources.

SECTION 4. Reinstatement: With the approval of the City Manager, an employee other than seasonal or temporary part-time employees who resigned with a good record may be reinstated within one year of the effective date of resignation to a vacant position in the same or comparable class. Upon reinstatement, the former employee is considered as an original applicant and, therefore, will be subject to the requirements of the position, specifically including a pre-employment medical and/or psychological examination. A former employee need not participate in qualifying examinations for the position unless the Director of Human Resources with the approval of the City Manager, deems it advisable. Employees reinstated will begin seniority and benefits at the time of reinstatement equal to a new employee. Employees may also be reinstated to the same salary step of the same class they had at the time of their separation.

SECTION 5. Reemployment: Regular status employees who are laid off pursuant to a reduction in force shall be entitled to reemployment in the inverse order of layoff within one year of layoff if the City Manager certifies that their prior service was satisfactory. Sick leave balances prior to separation may be restored to employees, in whole or in part, by the City Manager upon reemployment.

SECTION 6. Implementation: Transfer, promotion, demotion, reinstatement, and reemployment shall be done with the prior approval of the Director of Human Resources and will be implemented by the Human Resources Department.

RULE 23

SEPARATION

SECTION 1. Discharge: Employees may be discharged at any time by the City Manager. Department Heads or the City Manager may discharge any probationary employee over whom they exercise authority and direction without cause. The Director of Human Resources shall be notified prior to any termination. Any regular classified employee who has been discharged is entitled to the rights set forth in Rule 27.

SECTION 2. Layoff: The City Manager may lay off an employee in the classified service whenever such action is advisable in the interest of economy or because the necessity for such position no longer exists. Ten (10) working days before the effective date of layoff, the City Manager must notify the Director of Human Resources of the intended action with reasons therefore.

- A. Order of Layoff: Unless an applicable Memorandum of Understanding provides otherwise, layoffs will then be done in the following order: (1) Employees with provisional status; (2) Employees with probationary status; (3) Employees with regular status, in inverse order of seniority.
- B. Seniority Defined: Seniority is continuous service as a regular employee to the City minus all leaves of absence without pay. If the seniority of two or more employees is equal, the decision to lay off will be based on the last performance rating, provided such rating has been on file at least thirty (30) days and no more than twelve (12) months prior to lay off.

- C. Transfer as a Result of Layoff: If as a result of layoff an employee with more seniority is transferred to another department, the employee must satisfactorily perform the duties of the new department or be subject to discipline.
- D. Demotion in Lieu of Layoff: Upon request of the employee, an employee may be allowed to demote to a lower position if he/she previously held regular status in the City position. The employee cannot displace an employee with higher seniority. All employees who are demoted under this paragraph will be paid at the rate of pay for the lower position.

SECTION 3. Resignation: An employee wishing to leave the Classified Service in good standing must file with the Department Head a written resignation stating the effective date and reasons for leaving at least two weeks before leaving, unless such time limit is waived by the Department Head and approved by the City Manager. A statement as to the resigned employee's service performance and other pertinent information shall be forwarded to the Director of Human Resources. Failure to give notice as required by this rule shall be cause for denying future employment by the City. A resignation is final when received by the Department Head and may not be rescinded.

SECTION 4. Job Abandonment: An employee is deemed to have resigned if the employee is absent for five (5) consecutive workdays without prior authorization and without notification during the period of absence. On the third working day of unauthorized absence, the supervisor shall send a certified overnight letter to the employee's last known address informing the employee that if the employee fails to report

to work within two (2) workdays, or receive authorization for such absence, the employee will be deemed to have resigned. Employees separated from employment for job abandonment will be reinstated with such charge removed from the employee's record upon presentation of justification for absence such as severe accident, severe illness, false arrest, or mental or physical impairment which prevented notification. Employees have no right to appeal if deemed to have resigned as a result of job abandonment.

RULE 24

EMPLOYEE PERFORMANCE EVALUATION

SECTION 1. Performance Evaluation: Performance evaluation is continuously required in order that ongoing evaluation may be made of an employee's work performance. Evaluations are helpful not only to supervisors, Department Heads and the City Manager in constantly reviewing an employee's productivity, their attitude, work relationships, and their growth on the job, but also to the employees who, in striving to do their best, should know if in fact they are doing a satisfactory job or what corrective actions they should take to do a good job.

Reports of performance evaluation should be prepared at least annually, based on the employee's anniversary date.

If departmental or divisional evaluation of an employee's performance falls below established City standards for recommending the merit step increment, the employee will be provided reasonable advance notice by his/her Department Head that he/she is not scheduled for a pay adjustment. A regular full-time employee or regular part-time employee who is failing to meet the established performance standards will be counseled by department/division head and given three (3) months to improve performance before

the merit increase is due. A record of the counseling will be retained, one copy sent to Human Resources and a copy presented to the employee.

Reports of performance evaluation shall be signed by the employee, appropriate supervisor and Department Head or division head, with a copy to be retained by the employee. The second copy shall be retained by the department concerned. The original will be filed with the Human Resources Department to become a permanent part of the employee's file. Special performance evaluations may be prepared at any time at the discretion of the Department Head.

Formal performance evaluations may be appealed by an employee to the Department Head without prejudice. Review of the performance evaluation is not subject to the complaint or grievance procedure.

RULE 25

PERSONNEL RECORDS

SECTION 1. General: The City maintains a personnel file for each employee. An employee's personnel file should contain only material that is necessary and relevant to the administration of the City's personnel program. Personnel files are the property of the City and access to the information they contain is restricted.

SECTION 2. Notifying City of Changes in Personnel Information: Each employee is responsible to promptly notify the Director of Human Resources or Department Head of any changes in relevant personnel information including:

1. Mailing address;
2. Telephone number;
3. Persons to be contacted in case of emergency; and

4. Number and names of dependants.

SECTION 3. Medical Information:

- A. Separate Confidential Files: All medical information about an employee or applicant is kept separately and is treated as confidential, in accordance with the law.
- B. Information in Medical Files: The City will not obtain medical information about an employee or applicant except in compliance with the law. To enable the City to obtain certain medical information, the employee or the applicant may need to sign an Authorization for Release of Employee Medical Information.
- C. Access to Medical Information: Access to employee or applicant medical information will be strictly limited to only those with a legitimate need to have such information for City business reasons. In the case of an employee with a disability, Managers and Supervisors may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations.

SECTION 4. References and Release of Information in Personnel Files:

- A. Public Information: Upon request, the City will release to the public information about its employees as required by the California Public Records Act or other applicable laws. The City will not disclose personnel information that it considers would constitute an unwarranted invasion of personal privacy unless pursuant to a court order or lawful subpoena.

B. Reference Checks: All requests from outside the City for reference checks or verification of employment concerning any current or former employee must be referred to the Director of Human Resources. Information will be released only if the employee signs an Authorization for Release of Employment Information on the form provided by the Director of Human Resources. Without such authorization, the following limited information will be verified:

1. Date of employment;
2. Classification; and
3. Salary upon departure.

Managers and Supervisors should not provide information in response to requests for reference checks or verification of employment, unless specifically approved by the Director of Human Resources or the City Attorney.

C. Employee Access to Personnel File:

1. Inspection of File: An employee may inspect his or her own personnel file at reasonable times and at reasonable intervals. An employee who wishes to review his or her file should contact the Human Resources Department to arrange an appointment. The review must be done in the presence of an employee who maintains the personnel file.
2. Copies: Upon request an employee is entitled to receive a copy of any employment - related document he or she has

signed. An employee who wishes to receive such a copy should contact the Human Resources Department.

RULE 26

DISCIPLINARY ACTION

SECTION 1. Kinds of Disciplinary Action: The following disciplinary action may be taken against any regular full-time or regular part-time employee by the appointing authority.

- A. Written Reprimand: Written statement of employee misconduct or performance problem.
- B. Suspension: An involuntary absence without pay.
- C. Salary Reduction: A reduction in pay from the employee's current step within a pay range to any lower step within that same range.
- D. Demotion: Reduction from a position in one classification to a position in another classification having a lower salary range. (Demotions resulting from employee's inability to perform required duties in a promotional position during the probationary period, organizational changes, and demotions in lieu of layoff, are not disciplinary.)
- E. Dismissal: Discharge from the City Service.

SECTION 2. Cause for Disciplinary Action: The following is a nonexclusive list of the more common causes for disciplinary action.

- 1. Any action inconsistent with City rules or regulations.
- 2. Inefficiency, incompetence, or neglect in the performance of duty.

3. Willful or negligent disobedience or insubordination, or failure to obey any lawful order or direction given by the employee's supervisor.
4. Dishonesty, deception, intentional misrepresentation, or theft.
5. Possessing, using or being under the influence of prescribed medication or non-prescribed drugs or alcohol while on duty or being impaired by prescribed medication or non-prescribed drugs or alcohol while on duty.
6. Falsification of an employment application, or other City document, or fraud in securing an appointment.
7. Outside employment inconsistent or in conflict with the employee's duties as a City employee.
8. Disorderly or immoral conduct.
9. Discourteous treatment of the public, the supervisor or fellow employees.
10. Conviction of a crime related to the position held.
11. Absence without approved leave.
12. Abuse of sick leave.
13. Excessive tardiness or absenteeism.
14. Improper or unauthorized use of City property or damage or waste of public property or funds through negligent or willful misconduct.
15. Actions incompatible with or inimical to the public service.
16. Failure to follow safe working practices or failure to report an injury promptly.

17. Improper political activity, campaigning while on duty or in a City uniform on or off duty, or use of City resources.
18. Working overtime without authorization.
19. Possession of weapons on City property unless authorized.
20. Mental or physical impairment which renders the employee unable to perform the essential functions of the job, with or without reasonable accommodation, or which presents a direct threat to the health or safety of self or others.

RULE 27

DISCIPLINARY ACTION PROCEDURES

SECTION 1. Application: The procedure set forth applies to regular full-time and regular part-time employees in the classified service.

SECTION 2. Written Reprimand: An employee who receives a written reprimand may respond in writing within ten (10) days. The employee's response will be attached to the written reprimand when it is placed in the employee's personnel file. This is the only remedy available to an employee who receives a written reprimand unless the employee is protected by the Public Safety Officer's Procedural Bill of Rights Act, Govt. Code Section 3300, et seq., or the Firefighters Procedural Bill of Rights Act, Govt. Code Section 3250, et seq. Those specified employees are entitled to an administrative appeal to the Department Head.

SECTION 3. Pre-Disciplinary Action Procedures: Suspension, Salary Reduction, Demotion or Discharge:

- A. Notice of Proposed Disciplinary Action: A proposed notice of disciplinary action for a suspension, salary reduction, demotion or discharge against a full-time or part-time employee with regular status shall contain the following information:
1. The disciplinary action intended;
 2. The specific charges upon which the action is based;
 3. A factual summary of the acts or omissions which support the charge;
 4. A copy of all written materials, reports or documents upon which the discipline is based;
 5. Notice of the employee's right to respond to the charge either orally or in writing to the appropriate manager;
 6. The date, time and person before whom the employee may respond to in no less than five (5) working days; and
 7. Notice that failure to respond in the time specified shall constitute a waiver of the right to respond prior to final discipline being imposed.
- B. Response by Employee: The employee shall have the right to respond to the Department Head or designee orally or in writing. The employee shall have a right to be represented at any meeting set by the Department Head or designee to hear the employee's response. The employee's response will be considered before final action is taken.

- C. Final Notice: After the response or the expiration of the employee's time to respond to the notice of proposed disciplinary action, the designated authority shall: (1) dismiss the notice and take no disciplinary action against the employee or (2) modify the intended disciplinary action or (3) uphold the intended disciplinary action.

The designated authority shall prepare and serve upon the employee a final notice of disciplinary action. The final notice of disciplinary action shall include the following:

1. The disciplinary action taken;
2. The effective date of the disciplinary action taken;
3. Specific charges upon which the action is based;
4. A facture summary of the facts upon which the charges are based;
5. The written materials report and documents upon which the disciplinary action is based; and
6. The employee's right to an administrative review or appeal.

SECTION 4. Emergency Suspension: If an employee's conduct presents an immediate threat to the health and safety of the employee or others, or the operations of the City, the employee may be suspended without compliance with the provisions of Section 3. However, as soon as possible after suspension, the employee will be given notice as set forth therein.

RULE 28

ADMINISTRATIVE REVIEW AND APPEAL

SECTION 1. Administrative Review: Any Regular Employee (“Employee”) has a right to an administrative review of a suspension, salary reduction, demotion, or discharge.

The administrative review set forth in this Rule, shall be conducted by the City Manager or designee prior to the effective date of the disciplinary action, unless unusual circumstances justify an effective date which makes prior review infeasible. In this event, the review shall be conducted within a reasonable period of time after the effective date of the disciplinary action. The City Manager shall designate the respective Department Head when an Employee protected by the Public Safety Officers’ or Firefighters’ Procedural Bill of Rights requests an administrative review.

The administrative review is an informal proceeding where the Employee will be given an opportunity to present his or her case. It does not involve the examination or cross examination of witnesses. It occurs prior to the imposition of discipline. The decision of the City Manager or designee completes the Administrative Review and the discipline is imposed, if appropriate. An Administrative Review shall not affect any appeal rights the Employee may have to a hearing before an Administrative Law Judge (“ALJ”) or under provisions of the Complaint and Grievance Procedure.

SECTION 2. Right of Appeal: Any Employee shall have the right to an appeal hearing conducted by an ALJ for any of the following disciplinary actions after notification of final disciplinary action:

- A. Suspension in excess of five working days

- B. Salary Reduction
- C. Demotion
- D. Dismissal

Employees protected by the Public Safety Officers' or Firefighters' Procedural Bill of Rights shall also have the right to an appeal hearing conducted by the City Manager or designee for written reprimands and suspensions of three days or less or by an ALJ for suspensions greater than three (3) working days. The City shall also make reasonable and good faith efforts to assure attendance of witnesses who are current City employees.

SECTION 3. Method of Appeal: An Employee may appeal a decision by serving a written Notice of Appeal with the City Clerk within ten (10) working days from receipt of final action. For service to be effective, the Notice of Appeal shall be received by the City Clerk prior to the expiration of the ten (10) day period. A complete Notice of Appeal shall set forth the grounds of the appeal, a statement of the action desired by the Employee, and whether or not the Employee wants an open or closed hearing. The formality of a legal pleading is not required.

Upon receipt of a complete Notice of Appeal, the City will promptly file a request to set a hearing with the State of California Office of Administrative Hearings. The City shall promptly reject and return an incomplete Notice of Appeal.

SECTION 4. Schedule of Hearing: An appeal hearing before an ALJ shall be scheduled within thirty (30) working days from the date of service of the Notice of Appeal. An extension may be granted if mutually agreed upon by both parties. The City shall file the following documents with the Office of Administrative Hearings at the time it files the written request to set a hearing date, (or as soon thereafter as the documents become

available); the City's initial pleading; the notice of intent to take disciplinary action; the final notice of disciplinary action; the Employee's Notice of Appeal, the proof of service on all parties; and the pertinent sections of the City's Personnel Rules and Regulations.

SECTION 5. Pre-Hearing Procedure:

- A. Administrative Procedures Act: An appeal hearing conducted by an ALJ shall follow the administrative hearing procedures provided in the Administrative Procedures Act ("APA") codified at Government Code Chapters 4.5 and 5 of Title 2, Division 2 (Gov. Code § 11400 et seq.) and the General APA Hearing Procedures codified at California Code of Regulations, Chapter 1 of Title 1, Division 2 (1 CCR § 1000 et seq.); the Escondido Municipal Code and these Rules. In the event of a conflict between the APA and these Rules, the procedures of the Escondido Municipal Code and these Rules shall govern.
- B. Subpoenas: Subpoenas may be issued in the manner proscribed by the General APA Hearing Procedures, California Code of Regulations Section 1024.
- C. Exhibits and Witness Lists: Five (5) working days prior to the date set for the hearing, each party shall serve upon the other party a list of all witnesses and a list and copy of all exhibits. Copies of the exhibits shall be presented to the other party and the ALJ assigned to the hearing in three (3) hole-punched notebooks with tabs down the side. City exhibits shall be designated by number, and Employee exhibits shall be designated by alphabetical letter. Neither party will be

permitted to call during the hearing, a witness not identified pursuant to this section nor use any exhibit not provided pursuant to this section unless that party can show that they could not reasonably have anticipated the prior need for such witness or such exhibit.

SECTION 6. Hearing:

- A. Record of Proceedings and Costs: All disciplinary appeal hearings may, at the discretion of either party, be recorded by a court reporter. Any hearing, which does not utilize a court reporter, will be electronically recorded. If a court reporter is requested by either party, that party shall pay the cost of the court reporter.
- B. Conduct of the Hearing:
 - 1. 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.
 - 2. Any relevant evidence may be admitted if it is the type of evidence on 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.
 - 3. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence that shall not

be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.

4. The rules dealing with privileges shall be effective to the same extent that they are now or hereafter may be recognized in civil actions.
5. Irrelevant and unduly repetitious evidence may be excluded.
6. The hearing officer shall determine relevancy, weight and credibility of testimony and evidence. Decisions made by the hearing officer shall not be invalidated by any informality in the proceedings.
7. During examination of a witness, all other witnesses, except the parties, shall be excluded from the hearing upon motion of either party.

C. Burden of Proof: In a disciplinary appeal the City has the burden of proof by preponderance of the evidence.

D. Proceed with Hearing or Request for Continuance: Each side should be asked if it is ready to proceed. If either side is not ready and wishes a continuance, good cause must be stated.

E. Testimony under Oath: All witnesses shall be sworn in for the record prior to offering testimony at the hearing.

F. Presentation of the Case: The hearing shall proceed in the following order, unless the hearing officer directs otherwise:

1. The City shall be permitted to make an opening statement.

2. The Employee shall be permitted to make an opening statement.
 3. The City shall produce their evidence.
 4. The Employee may then offer their evidence.
 5. The City, followed by the Employee may offer rebutting evidence.
- G. Closing Arguments: Closing arguments shall be permitted at the discretion of the hearing officer. The City shall have the right to go first and to close the hearing by making the last argument. The hearing officer may place a time limit on closing arguments. The hearing officer or the parties may request the submission of written briefs. The hearing officer will determine whether to allow the parties to submit written briefs and determine the number of pages of said briefs.
- H. Right to Control Proceedings: While the parties are generally free to present their case in the order that they prefer, the hearing officer shall control the proceedings, including, but not limited to, altering the order of witnesses, limiting redundant or irrelevant testimony, or by the direct questioning of witnesses.
- I. Deliberation Upon the Case: The hearing officer should consider all oral and documentary evidence, the credibility of witnesses, and other appropriate factors in reaching a decision.

- J. Written Findings, Conclusion and Order: The hearing officer shall render findings, conclusions and recommendations as soon after the conclusion of the hearing as possible, and in no event, later than twenty (20) working days after concluding the hearing, unless otherwise stipulated to by the parties. A finding must be made by the hearing officer on each material issue.

The hearing officer may recommend the sustaining or rejecting of any or all of the charges filed against the Employee and may recommend sustaining, rejecting or modifying the disciplinary action invoked against the Employee.

SECTION 7. Post Hearing Procedure:

- A. The decision of the hearing officer shall be final twenty (20) working days after issuance of its decision, unless reviewed by the City Council in accordance with the following procedures:
1. The City Council, upon its own motion made within twenty (20) working days of issuance of the decision by the hearing officer, may review the decision. In such case, the expense of the transcript of the hearing before the hearing officer shall be borne by the City.
 2. Either party may appeal the decision of the hearing officer to the City Council within ten (10) working days of issuance of the decision by the hearing officer. Such appeal shall be in writing and delivered in person or by United States Postal Service to

the City Clerk of the City of Escondido. In the event of such appeal, the cost of the transcript shall be borne by the party making the appeal. If both parties appeal, each party shall pay one-half of the cost of the transcript.

- B. Notwithstanding the provisions of paragraph (A) of this section, the City Council may, after the receipt of an appeal from either party, in its sole discretion and by majority vote, decline to review the decision of the hearing officer. In that event the decision of the hearing officer shall be final.
- C. The City Council shall review the matter based upon the transcript and documentary evidence, or to conduct a new hearing, at the Council's discretion. In the event of City Council review of a hearing officer's decision, the City Council shall consider the matter within thirty (30) days of receipt of the transcript. The City Council may continue such consideration from time to time, but in any event shall take action to approve, modify or disapprove the findings and decision of the hearing officer within sixty (60) days of a party's appeal or Council motion to review. The City Council shall not reverse any decision of the hearing officer without specific written findings identifying the reason for any change. The time limits for City Council consideration of the matter may be waived by agreement of the parties.
- D. The decision of the City Council shall be final.

SECTION 8. Judicial Review:

- A. Petition for Writ of Mandate: Judicial review of any final decision of the City Council may be had pursuant to Section 1094.5 of the California Code of Civil Procedure only if the petition for writ of mandate pursuant to such section is filed within the time limits specified in this section.
- B. 90 Days from Final Decision: Pursuant to Code of Civil Procedure Section 1094.6, any such petition shall be filed not later than the ninetieth (90th) day following the date on which a final decision is issued.

RULE 29

TRAINING AND ORIENTATION OF EMPLOYEES

SECTION 1. Responsibility for Training: Responsibility for developing training programs for employees shall be assumed jointly by the Director of Human Resources and Department Heads. Such training programs may include, demonstrations, assignments of reading matter or improve the effectiveness and broaden the knowledge of municipal officers and employees in the performance of their respective duties. Every employee should be given an opportunity to participate in and complete training courses. Training courses should be work-related. The courses of instruction will be made available periodically to all City employees requesting such training, when the applicants have presented basic qualifications or proven aptitude for the course of instruction.

SECTION 2. Credit for Training: Participation in and successful completion of special training courses may be considered by Department Heads in ranking

recommendations for employee advancements and promotions. Certificates of completion may be filed in the personnel file of each employee.

SECTION 3. Orientation of Employees: The Human Resources Department will advise new employees at time of hire of departmental and City policies, procedures and benefits. It will be the responsibility of each employee to be familiar with the Personnel Rules and Regulations. Copies of said rules are distributed to each new employee during the orientation process and maintained by each department.

RULE 30

COMPLAINT AND GRIEVANCE PROCEDURE

SECTION 1. Complaint and Grievance Procedures - Purpose: The purpose of this procedure is to provide a just and equitable method for the resolution of grievances or complaints without prejudice, coercion or reprisal.

SECTION 2. Definitions:

- A. A complaint is defined as an allegation by an employee that has been treated improperly.
- B. A grievance is an allegation, submitted on the City grievance form, by an employee that the City has violated, misinterpreted or misapplied a specific provision of written City personnel rules and regulations or administrative directives for which there is no other specific method of review provided by City rules. Exclusions from the grievance procedures are as follows:

Grievance Procedure Exclusion:

1. The procedure is not to be used for the purpose of resolving complaints, requests or changes in wages, hours and working conditions.
 2. The procedure is not to be used to challenge the content of employee evaluations or performance reviews.
 3. The procedure is not to be used to challenge the decision to reclassify, layoff, deny reinstatement, or deny a step or merit increase to an employee.
 4. This procedure is not to be used in cases of oral reprimand, written reprimand, reduction in pay, demotion, suspension, or termination.
 5. This procedure is not to be used to challenge violation of law or past practice.
 6. This procedure is not to be used to challenge examinations or appointment to positions.
- C. An employee includes any employee in the classified service.
- D. The day shall mean calendar days.
- E. Representative is a person who, at the request of the employee or Management, is invited to participate in grievance conferences.
- F. Organizational grievance is defined as an expressed written claim by the employee organization that the City has violated, misinterpreted or misapplied a provision in a current memorandum of understanding

which concerns items or procedures relating to the relationship of the City and the employee organization as a corporate body and not the City and employee or groups of employees.

SECTION 3. General Provisions:

- A. No retribution or prejudice shall be suffered by employees making use of the grievance or complaint procedures; provided, however, no act or behavior which would otherwise subject an employee to discipline shall exclude the employee from discipline simply on the basis that a complaint or grievance is filed pertaining to that act or behavior.
- B. The time limits established herein must be strictly followed. However, they may be extended by mutual written agreement.
- C. If Management, at any step of the procedure, fails to respond within the prescribed time limit specified, the employee may process their grievance or complaint to the next step.
- D. If the employee, at any step of the procedure, fails to appeal the decision on a grievance or complaint within the prescribed time limit specified, such decision shall be deemed accepted and will not be subject to further appeal or consideration.
- E. By mutual written agreement, a grievance may revert to a prior level for reconsideration.
- F. The employee shall be present at all steps of the grievance or complaint procedure or the grievance will be deemed withdrawn.

- G. All communications, notices and papers required to be in writing will be served personally or by the United States Postal Service.
- H. Management shall inform an employee of any limitation on the authority of the Management representative to fully resolve the grievance.

SECTION 4. Representation Rights:

- A. The employee has the right to the assistance of a union/association representative of their choice in the investigation, preparation and presentation of a grievance.
 - 1. Representation may occur at any stage of the grievance procedure; provided, however, that prior to calling for representation at step one of the procedure the employee shall discuss their grievance with the supervisor. Upon conclusion of the discussion, the employee may request a continuation, of the informal grievance process (step one), to a mutually agreeable time within five days, to have the assistance of a union/association representative.
 - 2. If the employee elects another employee as their union/association representative, such representative shall not be released during working hours without the approval of their supervisor.

3. The supervisor will grant a reasonable amount of time off, provided such would not unreasonably interfere with or delay City work.
- B Grievance conferences between Management and the employee will normally be conducted during regular working hours at a mutually convenient time.
- C. The investigation of a grievance during working hours by an employee and their representative, if any, will be in accordance with the following:
1. Prior to entering any job site; the representative shall obtain the approval of the job site supervisor.
 2. There shall be no solicitation of grievances or employee organization membership.
 3. The investigation shall be conducted in a reasonable amount of time and expeditiously with due regard for the work requirements of the City.
 4. Where the investigation commences prior to the end of the regular workday and continues beyond the close of the regular workday, time spent after the close of the regular workday will be on the employee(s) own time.
 5. Entry will not be permitted if it would unreasonably interfere with or delay City work.

6. All safety regulations relating to the presence or conduct of persons at the job site will be complied with.

D. The name of the representative of the employee or Management shall be given to the other party not less than 48 hours prior to any grievance conference.

SECTION 5. Complaint Procedure:

A. Step One:

1. The employee shall inform their supervisor of their complaint within ten (10) days after the employee knew, or in the exercise of reasonable diligence should have known, of the events giving rise to the complaint. Failure to complete this procedure will bar further consideration of the complaint.

2. The supervisor shall, within five (5) days after receipt of the complaint, have a discussion with the employee concerning the complaint.

3. The supervisor shall, within five (5) days of the discussion, render a verbal, decision to the employee.

B. Step Two:

1. Within five (5) days from receipt of the verbal decision from the supervisor, the employee, if they wish to appeal the decision, shall notify the Department Head of their intent to appeal the decision. Failure to complete this procedure will bar further consideration of the complaint.

2. The Department Head or their designated representative shall, within five (5) days of the notification as required above, have a discussion with the employee concerning the complaint.
3. The Department Head or their designated representative shall, within five (5) days of the discussion, render a verbal decision to the employee.

C. Step Three:

1. Within five (5) days from the receipt of the verbal decision from the Department Head, the employee, if they wish to appeal the decision, shall notify the City Manager of their intent to appeal the decision. Failure to complete this procedure will bar further consideration of the complaint.
2. The City Manager or his/her designated representative shall, within five (5) days of the notification as required above, have a discussion with the employee concerning the complaint.
3. The City Manager or his/her designated representative shall, within five (5) days of the discussion, render a verbal decision to the employee.

- D. Nothing in this section shall prohibit more expeditious handling of the complaint.

SECTION 6. Grievance Procedure:

A. Step One – Informal Grievance:

1. The employee shall inform their supervisor of their grievance within ten (10) days after the employee knew, or in the exercise of reasonable diligence should have known, of the events giving rise to the grievance. Failure to complete this procedure will bar further consideration of the grievance.
2. The supervisor shall, within five (5) days after receipt of the grievance, have a discussion with the employee concerning the grievance.
3. The supervisor shall, within five (5) days of the discussion render a verbal decision to the employee.

B. Step Two – Formal Grievance:

1. Within ten (10) days from the receipt of the verbal decision from the supervisor, the employee, if they wish to appeal the decision shall submit a formal written grievance to their supervisor. The grievance shall be submitted on forms provided by the City's Human Resources Department. Failure to complete this procedure will bar further consideration of the grievance.
2. The supervisor shall, within five (5) days of receipt of the grievance, schedule a grievance conference at, a mutually agreeable time. A representative of the employee and/or

Management may attend this conference in accordance with Section 4 of this procedure.

3. The supervisor shall, within five (5) days of the grievance conference, render a written decision to the employee with a copy of the original grievance.

C. Step Three – Appeal:

1. Within five (5) days from receipt of the written decision from the supervisor, the employee, if they wish to appeal the decision, shall submit an appeal to the Department Head. The appeal shall be submitted on forms provided by the City's Human Resources Department and include the supervisor's response, if any. Failure to complete this procedure will bar further consideration of the grievance.
2. The Department Head or their designee shall, within five (5) days of receipt of the appeal, schedule a grievance conference at a mutually agreeable time. A representative of the employee and/or Management may attend this conference in accordance with Section 4 of this procedure.
3. The Department Head or their designee shall, within five (5) days of the grievance conference, render a written decision to the employee with a copy of the appeals documents.

D. Step Four – Administrative Appeal:

1. Within five (5) days from receipt of the written decision from the Department Head or their designee, the employee, if he/she wishes to appeal the decision, shall submit an appeal to the City Manager. The appeal shall be submitted on forms provided by the City's Human Resources Department and include the original grievance and Management's responses, if any. Failure to complete this procedure will bar further consideration of the grievance.
2. The City Manager or his/her designee shall, within seven (7) days of receipt of the appeal, schedule a grievance conference at a mutually agreeable time. A representative of the employee and/or Management may attend this conference in accordance with Section 4 of this procedure.
3. The City Manager or his/her designee shall, within seven (7) days of the grievance conference, render a written decision to the employee with a copy of all appeal documents.
4. The City Manager may, at his/her option, render a written decision based on the documents submitted for their review without the grievance conference and within the time frame set forth above. If they do so, the employee may discuss this decision with the City Manager at a mutually convenient time,

provided they request such meeting within seven (7) days of receipt of the City Manager's decision.

5. The decision of the City Manager shall be final.

E. Nothing in this section shall prohibit more expeditious handling of the grievance.

SECTION 7. Organizational Grievances:

A. In order to provide an effective mechanism whereby disagreements between the employee organization and Management concerning items or procedures relating to the relationship between the City and the employee organization may be effectively resolved, the following general grievance procedure is hereby established.

Where the employee organization has reason to believe that Management is not correctly interpreting or applying a provision of a current Memorandum of Understanding regarding an organizational issue, the employee organization may file a grievance by requesting in writing that a meeting be held with the authorized representatives of the City who have authority to make effective recommendations for the resolution of the matter. The written request must set forth in detail the facts giving rise to the general grievance and the proposed resolution sought. Within fifteen (15) days of receipt of the grievance, Management will schedule a meeting at a mutually agreeable time for the purpose of discussing and attempting to resolve the disagreement.

- B. Within fifteen (15) days of this meeting, Management will submit its decision in writing to the employee organization.
- C. If the employee organization is not satisfied with the decision, they may submit a request for hearing before the City Council. Such request for hearing must be submitted within fifteen (15) days of receipt of Management's decision and shall include in detail the facts giving rise to the grievance and all supporting documentation necessary for City Council consideration.
- D. Management will calendar the grievance within thirty (30) days on the City Council Agenda.
- E. The City Council may:
 - 1. Refuse to hear the appeal in which case the prior written decision becomes final;
 - 2. Make a decision on the documentation submitted; or,
 - 3. Hold a hearing after which they shall make a decision.
- F. The decision of the City Council shall be final.

RULE 31

MISCELLANEOUS PROVISIONS

SECTION 1. Membership Fees and Licenses: The City will pay the fees for any employee required to secure or maintain a certification, registration, or license for continuance of their position; except for Class C California Motor Vehicle Operator's Licenses and the initial fee of a required certification, registration or license when a condition of employment.

SECTION 2. Work Equipment and Articles: The City shall provide all tools, safety devices and equipment, and supplies and equipment necessary for the performance of job functions and duties without cost to the employee.

SECTION 3. Safety Employees – Police and Fire Service: Uniform and Safety Shoe Allowance: The City will provide a uniform and/or safety shoe allowance for employees as provided in the Memorandum of Understanding applicable to them.

SECTION 4. Health Insurance Committee: There shall continue to be a Health Insurance Committee which shall be advisory to the City Manager and City Council. The Committee shall be comprised of representatives from each employee association and an equal number of Management representatives. Management representatives shall be appointed at the discretion of the City Manager. Association representative members shall be nominated by their respective employee organizations and appointed or not appointed at the discretion of the City Manager. If a nominee(s) is/are not appointed, the nominating employee organization may resubmit additional nominees. All members of the committee may be removed by the City Manager at his/her discretion. Association representative members may be removed by the Association at their discretion. There is no fixed term of membership on the Committee.