

personnel rules and regulations

The City's Personnel Rules and Regulations are set forth in the City's Municipal Code as follows:

Chapter 2.36 PERSONNEL RULES AND REGULATIONS

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2.36.010 Title.

This chapter shall be known as the “Personnel Regulations” of the city. (Prior code § 2700)

2.36.020 Purpose.

This chapter is adopted in order to establish an equitable and uniform procedure for dealing with personnel matters, to attract and retain competent personnel, and to assure that appointments and promotions of employees will be based on merit and fitness. (Prior code § 2700.1)

2.36.030 Personnel department created.

There is created the department of personnel for the city. The personnel department shall be headed by the personnel director, who shall be appointed by the city administrative officer. (Prior code § 2700.2)

2.36.040 Personnel director - Duties.

The personnel director shall:

- A. Administer all provisions of this chapter not specifically reserved to the council;
 - B. Recommend any revisions and amendments to this chapter and the employer-employee relations resolution;
 - C. Prepare and maintain a job classification plan, including job descriptions, and make periodic revisions of the plan as needed;
 - D. Provide for the administration of the recruitment and selection process as outlined in this chapter,
 - E. Supervise and coordinate employee training programs;
 - F. Conduct employee meet-and-confer sessions and related labor relations functions as directed by the city administrative officer;
 - G. Administer the compensation plan of the city;
 - H. Administer an affirmative action program and promote equal opportunity employment in all city departments;
 - I. Perform other work as assigned by the city administrative officer or designated representative.
- (Prior code § 2700.3)

2.36.050 Unclassified service.

A. The following positions and types of employment shall be termed the unclassified service:

1. Elective officials;
2. Members of appointive boards, commissions and committees;
3. City administrative officer;
4. City clerk;
5. City treasurer,
6. City attorney;
7. Department heads;
8. Persons engaged under contract to supply expert professional, technical or other special services;
9. Volunteer personnel;
10. Temporary appointments as defined by this chapter;
11. Persons employed under federal, state or county funded programs.

B. Appointments to the unclassified service shall be made on the basis of merit and fitness. The procedures outlined for filling classified service positions may be used in filling vacancies in the unclassified service.

C. Persons employed under contract shall perform work not normally a part of regular city business, usually without supervision, and for a specified amount rather than by a time rate. Such contract employment shall be approved by the personnel director and persons so employed shall complete a written contract with the city. (Prior code § 2700.4)

2.36.060 Classified service - Applicability of provisions.

The provisions of this chapter shall apply to all offices, positions and employment in the service of the city not listed in Section 2.36.050 which shall be known as the classified service. (Prior code § 2700.5)

2.36.070 Equal opportunity employment.

A. All persons seeking employment with the city and all city employees shall be treated equally and without discrimination which is prohibited by federal, state or local law. This commitment also applies to job assignment, promotion, demotion, transfer, termination and disciplinary actions.

B. The city is committed to the development of positive measures to help eliminate barriers to the recognition of individual merit in personnel practices.

C. Employees shall not be discriminated against because of the exercise of their rights under Section 3502 of the California Government Code or under the city's employer-employee relations resolution. (Prior code § 2700.6)

2.36.080 Employment of relatives.

The policy of the council shall be as prescribed in Section 707 of the City Charter covering nepotism. The city administrative officer may establish additional guidelines where considered to be in the best interests of the city. Such guidelines shall be on file in the personnel department. (Prior code § 2700.7)

2.36.090 Definitions.

The terms used in this chapter shall be defined as follows:

A. "Appointment authority" means each employee empowered by the city administrative officer to have substantial influence over appointments and other personnel actions. This includes department heads and in some cases division heads.

- B. "Benefit date" means the date which determines eligibility for salary step and fringe-benefit increases. If the date of hire or promotion occurs on or between the first and fifteenth day of the month, the benefit date is the first of that month. If the date of hire or promotion is after the fifteenth of the month, the benefit date is the first of the following month.
- C. "Business days" means calendar days exclusive of Saturdays, Sundays and legal holidays.
- D. "Certification" means the submission to an appointing authority of the eligible list from which a selection to fill a vacant position shall be made.
- E. "Classification" means all positions sufficiently similar in duties, authority, and responsibility to permit grouping under a common title in the application with equity of common standards of selection, transfer, demotion and salary.
- F. "Days" means calendar days unless specified otherwise.
- G. "Demotion" means the movement of an employee from one class to another class having a lower maximum rate of pay.
- H. "Eligible list" means a list of qualified candidates eligible for employment with the city under specific conditions as a result of open or promotional examination for a job classification.
- I. "Examination" means any selection instrument, process or procedure used to measure the ability of a person applying for a position within the city service to perform successfully in that position.
- J. "Line-item position" means a position which is specifically itemized in the city budget, requiring forty hours or more per week. Such a position is eligible to accumulate fringe benefits.
- K. "Normal work week" means the number of an employee's regularly scheduled paid hours of work averaged over the fiscal year.
- L. "Probationary employee" means an employee appointed from an eligible list filling a line-item position in the classified service who has not completed the probationary period.
- M. "Promotion" means the advancement of an employee from one job classification to another having a higher maximum base rate of pay.
- N. "Reclassification" means the change in classification of an individual position by raising it to a higher, reducing it to a lower, or allocating to another classification at the same pay range, on the basis of significant and substantive changes in the kind or difficulty of duties and responsibilities in that position.
- O. "Regular employee" means an employee filling a line-item position who has successfully completed the probationary period and has been retained as hereafter provided in this chapter.
- P. "Reinstatement" means the reemployment without examination of a former regular or probationary employee following separation of service with the city within the time limits prescribed in this chapter.
- Q. "Suspension" means the temporary separation of an employee from the city service for disciplinary reasons with loss of pay.
- R. "Temporary appointment" means the placement of a person in a line-item position on an interim basis while an eligible list is being prepared for the appointment of a probationary employee.
- S. "Temporary position" means a position not specifically itemized in the budget, either full or part time, requiring less than an average of forty hours per week for the calendar year. Such a position is not eligible to accumulate fringe benefits and is paid on a straight hourly basis for all hours worked, with the exception of retirement benefits which are accrued and partially paid for by employees who work an average of twenty hours a week or more during a calendar year.
- T. "Temporary promotion" means the advancement of a regular or probationary employee from one line-item position to another on an interim basis.

U. "Transfer" means a change of an employee from one position to another position in the same classification or in a comparable classification having the same pay range, requiring substantially the same basic qualifications and involving the performance of similar duties. (Prior code § 2701)

2.36.100 Classification plan - Purpose.

The classification plan is, in effect, an occupational inventory of the positions of the city service. It is a fundamental tool of personnel administration, since it makes possible standardization of class titles for purposes of personnel recordkeeping, examining, pay administration and related personnel administrative objectives. (Prior code § 2702)

2.36.110 Classification plan - Summary.

The classification plan may be summarized as follows:

A. A grouping of positions involving substantially the same duties and responsibilities, which require similar levels of education, experience, knowledge, skills and abilities and are of such character that the same tests of fitness may be used to select qualified employees;

B. A list showing the classification titles of all positions in the city service, together with the allocation of each position to its appropriate class, including the number of such positions currently authorized and budgeted;

C. Written job descriptions containing at least the following elements:

1. A brief descriptive title;

2. A concise definition of the job's general scope and function;

3. The series of duties most commonly performed by the position;

4. The minimum qualifications for the position listed in terms of knowledge, abilities and specialized education, experience and/or licenses essential for satisfactory performance of the job.

A job description should clearly show those features which distinguish it from other descriptions with similar duties. Classification definitions do not restrict the assignment of duties to an employee in any way. However, assignment of substantial volume of higher grade or lower grade duties to an employee over a period of time may result in raising the question of a reclassification of the employee's position. (Prior code § 2702.1)

2.36.120 Classification plan - Maintenance.

A. The classification plan shall be so maintained that all positions substantially similar with respect to duties, responsibilities, authority and character of work are included within the same class, and that the same schedules of compensation may be made to apply with equity under like working conditions to all positions in the same class.

B. The classification plan shall be adopted by resolution of the council and may be amended from time to time in accordance with the following procedure:

1. Upon the request of a department head to create a new position or reevaluate a current position's job classification, the personnel director shall classify or reclassify each such position on the basis of the duties and responsibilities of that position. The classification action of the personnel director will become final when approved by the city administrative officer.

2. An employee may request consideration of a change in the classification of his/her position during January and February of any year. Such requests shall be in writing, and shall set forth supporting reasons. The personnel director shall make a study of the position and shall submit a written report by May 1st to the city administrative officer, whose decision shall be in writing and shall be final. The decision, including supporting data, shall be submitted to the employee by May 15th. Such decision shall be made before adoption of the city budget for the next fiscal year. Upon the adoption of such a reclassification, the affected employee shall be placed in the new

classification without competitive examination, in the first step of the new classification whose salary is at least five percent above that step last held in the former position. In no case, however, shall the new step number be higher than the step held in the previous salary range. Reclassification shall have no effect on an employee's anniversary date or probationary status. (Prior code § 2702.2)

2.36.130 Compensation plan - Purpose.

The compensation plan is based upon the classification plan and is designed to establish levels of pay and benefits which reflect on appropriate relationships among classifications in the city service. The plan should be maintained consistent with the goals of adequately compensating city employees for their work and attracting and retaining qualified applicants. (Prior code § 2702.3)

2.36.140 Compensation plan - Adoption - Rules governing step increases for line-item employees.

A. The compensation plan shall be adopted by resolution of the council covering classified and unclassified city employees.

B. The following rules shall govern step increases for line-item employees:

1. The first step is the minimum rate and shall normally be the hiring rate for the class.
2. In cases where it is difficult to secure qualified personnel, or if a person of unusual qualifications is considered for hire, the city administrative officer may authorize hiring at any step.
3. Rules for advancement shall be outlined in the salary resolution. (Prior code § 2703.1)

2.36.150 Staffing - Generally.

The staffing function comprises recruitment, examinations, eligible lists, selection, appointment, probation, performance evaluation and related activities. (Prior code § 2704)

2.36.160 Staffing - Recruitment.

A. When necessary to establish an eligible list, the personnel director shall prepare a job announcement which shall specify the position title, nature of duties, minimum qualifications, rate of compensation, application procedure and other pertinent information. Suitable and effective methods of distributing and publicizing information relative to job openings shall be practiced to secure qualified candidates. All applicants shall fill out the application forms prepared by the personnel director and obtainable in the personnel department.

B. The personnel director shall reject any application for any of the following reasons which indicate unfitness of the applicant for the position:

1. Failure of the applicant to meet the minimum qualifications stated on the job announcement;
2. False statements by the applicant on the application;
3. Any fraudulent practice by the applicant in connection with any phase of the recruitment and selection process;
4. Unsatisfactory criminal or driving conviction records if the applicant. Driving records will only be considered for those positions requiring a driver's license unless a felony conviction is involved.

Except as otherwise provided in this chapter, conviction (including pleas of guilty and nolo contendere) of a felony or a misdemeanor involving moral turpitude shall be prima facie disqualification of an applicant for employment by the city; provided, however, that the personnel director may disregard such conviction if it is found and determined that mitigating circumstances exist. In making such a determination, the personnel director shall consider the following factors:

- a. The classification, including its sensitivity, to which the person is applying or being certified and whether the classification is unrelated to the conviction;
- b. The nature and seriousness of the offense;
- c. The circumstances surrounding the conviction;
- d. The length of time elapsed since the conviction;
- e. The age of the person at the time of conviction;
- f. The presence or absence of rehabilitation or efforts at rehabilitation;
- g. Contributing social or environmental conditions.

The personnel director shall give written notice of disqualification to an applicant disqualified under this provision.

Notwithstanding the foregoing provisions of this subdivision, an applicant for a peace officer position shall be disqualified, without right of appeal, from employment, if the applicant shall have been convicted of a felony or misdemeanor involving moral turpitude;

5. Any other reason which would indicate unfitness of the applicant for the position, upon determination of the personnel director.

C. The personnel director shall notify in writing those persons whose applications have been rejected with statement of reason. Accepted applications shall be notified in writing of the time and place of examination. (Prior code § 2704.1)

2.36.170 Staffing - Examinations.

A. The examination process shall be impartial and related to those subjects which, in the opinion of the personnel director, measure the relative abilities of the person examined to execute the duties and responsibilities of the job. The identity of applicants shall be concealed in written examinations until after they have been graded and the pass point established.

B. In examining persons for positions in the classified service, promotional and/or open examinations may be used as determined by the personnel director. Candidates for promotional examination must be employed by the city at the time of the examination and must possess the minimum requirements for the position.

C. Examinations shall consist of selection techniques which will test the qualifications of candidates such as, but not necessarily limited to, achievement, aptitude and other written tests; personal interviews, performance tests, physical agility tests, evaluation of daily work performance, work samples, medical and/or psychological, polygraph or similar tests, successful completion of prescribed training, or any combination of these or other tests. The personnel director may establish a lateral transfer policy, permitting candidates meeting minimum education and experience requirements to be placed on an eligible list based on a limited examination process.

D. Oral board members will be selected from individuals who can fairly and impartially evaluate candidates on the basis of merit. Every effort will be made to utilize raters who have no preconceived opinions or prejudices regarding one or more of the candidates to be examined.

E. The personnel director shall establish the minimum qualifying score on individual tests or the entire examination in accord with the needs of the service. The personnel director may, at his/her discretion, include, as part of the examination, tests which are qualifying only.

F. Each candidate in an examination shall be given written notice of the results thereof, and if successful, the final earned score and/or rank on the eligible list. (Prior code § 2704.2)

2.36.180 Staffing - Eligible lists.

A. Establishment of Lists. After completion of an examination, the personnel director shall prepare and keep available an eligible list consisting of the names of candidates who qualified in the examination, arranged in order of final scores, from the highest to the lowest qualifying score.

B. Duration of Lists. Eligible lists shall remain in effect for one year, unless sooner exhausted or abolished by the personnel director upon the recommendation of a department head or other appointing authority. Such lists may be extended for up to one additional year by the personnel director.

C. Reemployment Lists.

1. The names of probationary and regular employees who have been laid off for budgetary reasons shall be placed on appropriate reemployment lists for the positions from which they were laid off for consideration for future vacancies.

2. When a reemployment list is to be used to fill vacancies, the personnel director shall certify all of the names on the list for consideration by the appointing authority as meeting minimum qualifications for the position.

D. Removal From List. The name of any person may be removed from an eligible list by the personnel director upon written request of the candidate, failure to respond to notice mailed to the last known address within ten days, resignation of employee whose name is on promotional eligible list, or for any of the reasons specified in Section 2.36.160 covering disqualifications. (Prior code § 2704.3)

2.36.190 Staffing - Certification and appointment.

A. Notice to Personnel Director. If a vacant position in the city service is to be filled, the appointing authority shall notify the personnel director in the manner prescribed. If there is no reemployment list available for the class, the personnel director and department head shall determine whether to fill the vacancy by transfer, demotion, appointment from a promotional or open eligible list or reinstatement.

B. Certification. If a position vacancy in the competitive service cannot be filled by transfer, demotion or from a reemployment list, certification shall be made from a promotional and/or open eligible list, provided eligibles are available and willing to accept appointment.

C. Appointments.

1. All vacancies in the competitive service shall be filled at the discretion of management by transfer, demotion, promotion, reinstatement or utilization of an appropriate eligible list.

2. After interview and investigation, the appointing authority shall recommend appointments from among those certified. Such appointments shall be approved by the personnel director. The person accepting appointment shall present himself/herself to the personnel director, or a designated representative, at a specified time before the date of appointment for processing. Otherwise he/she shall be deemed to have declined the appointment.

D. Temporary Appointments.

1. In the absence of the appropriate eligible lists, the appointing authority, upon approval of the personnel director, may make a temporary appointment to a vacant line-item position of a person meeting the minimum qualifications for the position. The personnel director shall immediately commence the recruitment process and establish an eligible list from which a probationary employee shall be appointed. Such temporary appointment to a line-item position shall be for a period not to exceed six months and the temporary employee shall not accumulate fringe benefits.

2. In the event of a serious emergency, such as extraordinary fire, flood or earthquake, a department head, with the approval of the city administrative officer, may make temporary appointments on an emergency basis. Such appointments shall only last until either the council or city administrative officer declares the end of such emergency.

3. A temporary employee may be removed at any time without the right of appeal or hearing.

E. Reinstatement.

1. A regular or probationary employee who has completed at least six months of probationary service and who has resigned with a good record may be reinstated within one year of the effective date of resignation to a vacant position in the same classification, subject to the approval of the department head and personnel director and a favorable report from the city medical examiner. Upon reinstatement, the employee shall be subject to the one-year probationary period.

2. No credit for former employment with the city may be granted in computing salary, vacation, sick leave or other benefits except on specific recommendations of the appointing authority and approval of the personnel director at the time of reinstatement. (Prior code § 2704.4)

2.36.200 Staffing - Probationary period.

All appointments in line-item positions in the classified service, including promotional appointments, shall be subject to a probationary period of one year. The probationary period may be extended or reinstated if further employee evaluation is deemed necessary for up to six months upon the written recommendation of the department head and the written approval of the personnel director. (Prior code § 2704.5)

2.36.210 Staffing - Medical examination.

Each appointment to the classified service shall be subject to a medical examination conducted by the city's medical examiner. Appointments to the unclassified service may be subject to a medical examination at the discretion of the personnel director, based primarily on the nature and duration of the position. (Prior code § 2704.6)

2.36.220 Staffing - Fingerprints.

Fingerprints shall be taken of all new employees filling line-item positions and police record checks will be made to verify conviction record information submitted on the application for employment. Any omissions may be grounds for rejection of the application, removal of name from the eligible list or dismissal from position. New temporary employees may also be fingerprinted at the discretion of the personnel director. (Prior code § 2704.7)

2.36.230 Staffing - Performance evaluation.

Written performance rating reports shall be completed on forms devised by the personnel director at least annually for all department heads and employees in the classified service and at least quarterly for all employees serving their probationary period. Supervisors shall review each report form with the employee concerned and the employee shall sign the form acknowledging that this review has taken place. Employee's signature does not necessarily constitute agreement with supervisor's rating. The personnel director shall maintain a record of each employee's ratings. The rating reports may be used as measures of an employee's fitness to advance in pay and to determine the order for layoffs as outlined in Section 2.36.280. (Prior code § 2704.8)

2.36.240 Staffing - Transfer, promotion, demotion, temporary assignment.

A. Transfer.

1. Upon proper notice and concurrence by the city administrative officer, an employee may be transferred by the appointing authority from one position to another in the same pay range provided he/she possesses the minimum qualifications as determined by the personnel director.

2. If the transfer involves a change from one department to another, both department heads must consent thereto unless the city administrative officer orders the transfer for purposes of economy and efficiency.

B. Promotion.

1. Insofar as consistent with the best interests of the city, all vacancies in the classified service shall be filled by promotion from within the classified service.

2. If, in the opinion of the personnel director and department head, a vacancy could be filled better by an open-competitive examination, then arrangements will be made for the preparation and certification of an open-competitive eligible list.

3. A temporary promotion to a higher grade may be made for one hundred twenty days or less without competitive promotion procedures. Temporary promotions for more than one hundred twenty days must be made under competitive promotion procedures.

4. When an employee is promoted, the employee shall be paid at the first step in the salary range for the new position whose salary is at least five percent above that step last held in the former position. In no case, however, shall the new step be higher than the fifth step in the salary range. If the promotion is to a supervisory position, the promoted employee shall receive no less than the next higher rate above the highest rate being paid to his/her subordinates. If the employee returns to his/her regular position, the pay rate will be the same as if no temporary promotion had occurred.

C. Demotion. An employee who performs his/her duties in an unsatisfactory manner may be demoted in accordance with Section 2.36.320 if the employee gives evidence of the ability to perform work satisfactory in a lower classification where a vacancy exists. A demoted employee shall be placed in a salary step in the new classification which is the same as or lower than the salary rate held prior to demotion.

D. Temporary Assignment. An appointing authority may temporarily assign an employee to a different position for a specific period of time, after which the employee returns to his/her regular duties and position from which he/she was detailed. Such action shall have the prior approval of the personnel director. (Prior code § 2704.9)

2.36.250 Separation - Generally.

In the normal course of events, each employee becomes separated from the city service.

Separation may occur due to resignation, termination, layoff, removal, retirement or medical reasons. (Prior code § 2705)

2.36.260 Separation - Resignation.

A. An employee wishing to leave the city service in good standing shall file with the appointing authority a written resignation stating the effective date and reason(s) for leaving at least two weeks before leaving the service. A statement from the department head as to the resigning employee's service performance and other pertinent information shall accompany the written resignation and shall be forwarded to the personnel department.

B. The personnel director shall hold an exit interview with each regular line-item employee leaving the city service when possible. The results shall be filed in the employee's personnel folder. (Prior code § 2705.1)

2.36.270 Separation - Termination of probationers.

During the probationary period, an employee may be terminated at any time by the appointing authority without the right of appeal or hearing. (Prior code § 2705.2)

2.36.280 Separation - Layoff.

A. Any city employee may be laid off for an indefinite period of time whenever the city council determines there is a lack of work or funds for the position or that the necessity for the position no longer exists. No regular or probationary employee shall be laid off while a temporary employee is serving in the same classification in that department.

B. Temporary employees within a deleted position within a particular department shall be the first subject to layoff, followed by probationary employees, the order being determined by seniority, the last hired being laid off first. For regular employee, layoffs shall be governed by job performance and seniority in service within a particular department and job classification; that is, a regular employee being laid off shall be that employee with the least seniority in the particular job classification concerned and in the department involved who is in the lowest job performance category based on the overall performance rating on the last evaluation form due prior to the effective date of the layoff(s). In other words, the regular employee in the lowest job performance category having the least seniority within the job classification to be deleted from a department will be the first to be laid off.

C. The names of regular and probationary employees laid off shall be placed upon reemployment lists for one year for those classes requiring substantially the same basic (minimal) qualifications, duties and responsibilities of the class from which the layoff was made. (Prior code § 2705.3)

2.36.290 Separation - Removal.

Any employee may be removed from the city service for just and proper cause as outlined in Section 2.36.320. (Prior code § 2705.4)

2.36.300 Separation - Retirement.

A. The council is empowered to enter into a contract with the board of administration of the Public Employees' Retirement System of California (PERS), as it now exists or may hereafter be amended, making the appointed officials and employees of the city members of PERS.

B. It is provided, however, that the council may terminate this contract only upon authority granted by an ordinance adopted by a majority vote of the electors of the city voting on such a proposition at an election at which such proposal is presented. (Prior code § 2705.5)

2.36.310 Separation - Medical.

An employee may be separated for medical reasons when a chronic or frequently recurring mental or physical condition renders the employee inefficient or incapable of performing the duties of this position. At the request of the appointing authority, the personnel director may require an employee to submit to an examination by one or more medical examiners. If the results of the examination indicate that the employee is incapacitated for performance of required duties, the employee shall be placed on sick leave as a preliminary to restoration of adequate mental or physical fitness or disability retirement or disability separation. (Prior code § 2705.6)

2.36.320 Disciplinary action - Authority.

Each appointing authority shall have the right to discipline any employee subject to his/her jurisdiction for misconduct, incompetency, inefficiency, insubordination, failure to perform duties, falsifying an oath, failure to observe the personnel rules or the rules of the individual department or a related serious offense. Such discipline may include but not be limited to reprimand, demotion, removal, reduction in compensation, or suspension without pay for up to thirty calendar days in any fiscal year. The appointing authority shall consult with the personnel director before suspending for more than five days, demoting or removing a regular employee in the

classified service and, prior to imposition thereof, the city administrative officer shall act to affirm, modify or disallow such actions. Suspensions of five days or less shall be approved by the department head and personnel director prior to their imposition. The provisions of this chapter shall not apply to reductions in pay which are a part of a fiscal emergency calling for a reduction in salaries, wages, hours of work or positions. (Prior code § 2706)

2.36.330 Disciplinary action - Charges, response, final action.

A. Removal, Demotion, Reduction in Compensation, Suspension of More Than Five Days. In the case of employees declared exempt from the overtime provisions of the Fair Labor Standards Act (FLSA), such employees may be terminated, demoted, suspended for more than one work week or reduced in compensation for any of the grounds set forth above. Such employees may also be suspended for less than one work week for a violation of city safety rules of major significance. Employees not exempt from the overtime requirements of the FLSA may be removed, reduced in compensation, demoted or suspended for more than five days. In any disciplinary matter wherein it is proposed that a regular employee in the classified service shall be removed, reduced in compensation, demoted, or suspended for more than five days or the shift equivalent, the procedures for notifications, response and final action shall be as follows:

1. Charges. The employee against whom the disciplinary action is proposed shall be provided with written notice stating any and all reasons, specifically and in detail, for the proposed action prior to the effective date thereof. The material on which the notice is based, including, but not limited to, statements of witnesses, documents, and investigative reports or extracts therefrom, shall be assembled and either provided to the employee or made available to the employee for review. Any materials not so provided or made available shall not be used to support the reasons in the notice.

2. Response Period.

a. The employee may respond to the notice of proposed disciplinary action within five business days, unless the appointing authority authorizes a longer time, following delivery of the notice to the employee. The employee may respond through a designated representative, personally in writing or any combination thereof. The right to answer personally includes the right to answer orally in person by being given an opportunity to make any representations which the employee believes are pertinent to the matter. When the employee requests an opportunity to answer personally, the appointing authority shall personally hear the answer.

b. Irrespective of the manner of response, the employee may submit any material or evidence which is pertinent to the matter. The appointing authority shall consider any representations, statements, materials, or any other evidence submitted by the employee with or as his/her response.

3. Employee Status After Notice. The employee shall be retained in active status during the response period. Provided, however, when in the opinion of the appointing authority circumstances are such that the retention of the employee in an active status during the response period may result in damage to city property, may be detrimental to the interests of the city, or may be injurious to the employee, fellow workers or the public, the appointing authority may temporarily assign the employee to duties in which these conditions do not exist, or may place the employee on paid suspension during the response period.

4. Final Action.

a. Within three business days following the response of the employee to the notice of the proposed disciplinary action or, if no response is received within three business days following the expiration of the response period, the appointing authority shall deliver a notice of final decision to the employee. If discipline is imposed a notice of decision shall be delivered to the employee personally or by mail to the address of record in the employee's personnel file. The notice shall be

dated and shall inform the employee of his/her right to appeal the notice of decision pursuant to the provisions of Section 2.36.340. Disciplinary action shall be effective upon the personal delivery or mailing of the notice.

b. If no discipline is to be imposed, the notice of decision shall so indicate and the personnel director shall be directed to delete from the employee's personnel file all references to the matter.

B. Suspension of Five Days or Less. In any disciplinary action wherein it is proposed that a regular employee in the classified service who is not exempt from the provisions of FLSA be suspended for five days or less, the procedures shall be as provided under subsection A of this section. In a disciplinary action for a major safety rule violation, wherein it is proposed that a regular exempt employees in the classified service be suspended for five days or less, the procedures shall be as provided under subsection A of this section. Provided however, that in the alternative the appointing authority may impose immediate final discipline without prior notice and right to respond in which event the procedures subsequent to imposition of discipline shall be as follows:

1. Materials. Within five business days following the imposition of discipline a written notice stating any and all reasons specifically and in detail for the proposed action, materials on which the disciplinary action is based and investigative reports or extracts therefrom shall be assembled and either provided to the employee or made available to the employee for review.

2. Response.

a. The employee may respond to the appointing authority concerning the imposed disciplinary action and the materials in support thereof within five business days of receipt of the materials. The employee may respond through a designated representative or personally, or in writing or any combination thereof.

b. The right to answer personally includes the right to answer orally in person by being given an opportunity to make any representations which the employee believes are pertinent to the matter. When the employee requests an opportunity to answer personally, the appointing authority shall personally hear the answer.

c. Irrespective of the manner of response, the employee may submit any material or evidence which is pertinent to the matter. The appointing authority shall consider any representations, statements, materials or any other evidence submitted by the employee with or as his/her response.

3. Appointing Authority Action. Within three business days following the response, if any, of the employee, the appointing authority shall either confirm or rescind the imposed disciplinary action, and shall give written notice to the employee of the decision to confirm or rescind. If the discipline is rescinded, appropriate action, including credit for back pay in case of suspension, shall be taken and the personnel director shall be directed to delete from the employee's personnel file all references to the matter. If the discipline is confirmed the notice to confirm shall inform the employee of his/her right to appeal: the effective date of the disciplinary action for the purpose of appeal shall be the date of delivery or mailing of the notice to confirm.

C. Reprimands. In any disciplinary action wherein it is proposed that a regular employee in the classified service receive a written reprimand, the procedures shall be as provided in the alternate method in subsection B of this section, with the following exceptions:

1. A reprimand need not include statements of witnesses or other supporting documents, but shall set forth the circumstances in sufficient detail to permit the employee to understand the nature and basis of the action.

2. Reprimands shall not be placed in the employee's personnel file unless approved by the appointing authority. In such cases, the employee shall have the right to submit a written response

to the reprimand and such response shall be placed in the employee's personnel file. (Prior code § 2706.1; Ord. 1313 § 1, 1996)

2.36.340 Disciplinary action - Right of appeal.

A. Any employee (except employees represented by the police officers' [SLOPOA] or firefighters' [SLOFA] associations) demoted, suspended for more than five days or the shift equivalent, reduced in pay, or removed under the provisions of Section 2.36.330 shall have the right to appeal such disciplinary action to the personnel board. The appeal shall be in writing and shall be filed with the personnel director within fifteen business days following the effective date of the notice of decision on disciplinary action.

B. Any employee represented by SLOPOA or SLOFA who is demoted, suspended for four days or more or the shift equivalent, reduced in pay, or removed under the provisions of Section 2.36.330 of the personnel rules and regulations shall have the right to appeal such disciplinary action to a hearing officer. The appeal shall be in writing and shall be filed with the personnel director within fifteen business days following the effective date of the notice of decision on disciplinary action.

C. Any employee suspended for five days or less (less than four days for employees represented by SLOPOA or SLOFA) under the provisions of Section 2.36.330 shall have the right to appeal such disciplinary action to the city administrative officer. The appeal shall be in writing and shall be filed with the city administrative officer within fifteen business days following the effective date of the notice of decision on disciplinary action. The city administrative officer shall meet with the disciplined employee if requested by the employee and conduct such investigations as he deems necessary. His written decision shall be final and shall be delivered or mailed to the employee within twenty business days of the filing of the appeal.

D. There shall be no right for any employee to appeal a reprimand or for a probationary employee to appeal any disciplinary action. (Ord. 1147 § 1 (part), 1989; prior code § 2706.2)

2.36.350 Disciplinary action - Hearings.

A. Date. Within five business days of receipt of an employee appeal (except an employee represented by the police officers' [SLOPOA] or firefighters' [SLOFA] associations) under Section 2.36.340A, the personnel director, following consultation with the chairperson of the personnel board, shall set a date and time for a hearing before the personnel board.

B. Date. Within five business days of receipt of an employee appeal from an employee represented by SLOPOA or SLOFA under Section 2.36.340B, the personnel director shall obtain from the State Mediation and Conciliation Service a list of five potential hearing officers. Following a random determination of which party begins, the parties (city and appellant) shall alternately strike one name from the list until only one remains. The personnel director shall then set a date and time for a hearing before the hearing officer.

C. Notification. When a hearing on any disciplinary action is to be heard, the personnel director shall notify the employee requesting the hearing and the appointing authority from whose action the appeal is being taken, of the date, time and place of the hearing.

D. Public or Closed Hearing. The hearing may be public or closed, at the employee's option.

E. Appearance, Representation, Witnesses, Conduct of Hearing.

1. The employee requesting the hearing shall not be required to appear at the hearing; provided, however, that the city shall have the right to call as a witness and examine the employee requesting the hearing as if under cross-examination.

2. The employee may be represented by any person, including a representative of a recognized employee association.

3. Unless otherwise mutually agreed upon by the employee and the city's representative, during the hearing any witnesses to be called by either the employee or the city shall be excluded from the hearing room unless actually testifying. Provided, that the employee and city each may designate a person, who shall not be subject to exclusion who has investigated the matter at issue in the hearing and whose assistance during the hearing is necessary to the efficient conduct of the hearing.

4. The hearing shall be presided over by the chairperson of the personnel board or the chairperson's designated representative on the board (hearing officer for employees represented by SLOPOA or SLOFA).

5. The hearing need not be conducted in accordance with technical rules relating to evidence and witnesses, but the hearing shall be conducted in a manner most conducive to determination of the truth. Any relevant evidence shall be admitted if it is the sort of evidence which responsible persons are accustomed to rely on in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions, and irrelevant and unduly repetitious evidence shall be excluded. Decisions made by the personnel board or hearing officer shall not be invalidated by any informality in the proceedings, and the personnel board shall not be bound by technical rules of evidence.

6. The personnel board or hearing officer shall rule on the admission or exclusion of evidence and application of other rules of law with the assistance of its legal advisor.

7. The hearing shall proceed in the following order unless the personnel board otherwise directs:

a. City's representative and the employee may make opening statements;

b. City's representative shall present evidence in support of city's position; employee may cross-examine city's witnesses;

c. The employee may present evidence in his/her own behalf; city's representative may cross-examine the employee's witnesses;

d. Both the city's representative and the employee may then present rebuttal evidence, unless the personnel board or hearing officer for good reason permits additional evidence upon the original cases;

e. City's representative and the employee may make closing arguments.

8. Each party may impeach any witness regardless of which party first called the witness.

9. No still or moving photography or pictures of any kind shall be taken in the hearing room during the hearing.

10. Prior to or during a hearing the personnel board or hearing officer may grant a continuance for any reason it believes to be important to its reaching a fair and proper decision.

11. Upon conclusion of the hearing the personnel board may deliberate its decision in executive session. No persons other than members of the personnel board shall participate in the deliberations; provided, that the board may request the attendance of its legal advisor for the sole purpose of rendering legal advice.

F. Action.

1. No later than twenty calendar days following conclusion of the hearing, the personnel board or hearing officer shall prepare findings and recommendations for submission to the council.

2. At a minimum, the personnel board or hearing officer shall find whether the city has substantiated the charges in support of the disciplinary action. It shall base its findings on the preponderance of the evidence. Findings shall be made as to each charge. If the personnel board

or hearing officer finds that none of the charges are supported by the evidence presented, the recommendation shall be that no disciplinary action be taken. If the personnel board or hearing officer finds that any or all of the charges are supported, it shall either:

- a. Recommend that the imposed disciplinary action be carried out;
- b. Recommend such other disciplinary action deemed appropriate under the circumstances; or
- c. Recommend that no disciplinary action be taken.

3. The personnel board or hearing officer findings and recommendations shall be filed as a permanent record with the personnel director. The personnel director shall deliver a copy of the findings and recommendations to the council, the employee, the city clerk, the city administrative officer, and to the appointing authority from whose action the appeal was taken.

G. Council Action.

1. The council shall review the findings and recommendations and the record of the hearing. The council shall then determine whether the disciplinary action imposed by the appointing authority is proper, and shall make appropriate findings. If it is determined by the council that the action of the appointing authority is proper or that other action is proper, the employee shall be notified in writing of the findings and order, and no further action shall be necessary. If it is determined that no discipline shall be imposed the action shall be rescinded and the employee's records and pay shall be appropriately adjusted.

2. The council's findings and order shall be filed with the city clerk.

3. The action of the council shall be final. (Ord. 1147 § 1 (part), 1989; prior code § 2706.3)

2.36.360 Grievance procedure.

A. A grievance is an alleged violation, misinterpretation or misapplication of the employer-employee resolution, the personnel rules and regulations, any memorandum of agreement with an employee association or any existing written policy or procedure relating to wages, hours or other terms and conditions of employment excluding disciplinary matters.

B. Any employee may file and process a grievance by providing the time, place and circumstances of the action prompting the grievance. Employees may be accompanied by a representative at each step of the process. If a specific action to be grieved affects several employees, those employees may consolidate their grievances and be represented.

C. Each grievance shall be handled in the following manner:

1. The employee who is dissatisfied with the response of the immediate supervisor shall discuss the grievance with the supervisor's immediate superior. If the matter can be resolved at that level to the satisfaction of the employee, the grievance shall be considered terminated.

2. If still dissatisfied, the employee may immediately submit the grievance in writing to the department head for consideration, stating the facts on which it was based, including the provision of the rules, regulations or agreement said to be violated, and the proposed remedy. This action must take place within fifteen business days of the occurrence of the grievance. The department head shall promptly consider the grievance and render a decision in writing within fifteen business days of receiving the written grievance. If the employee accepts the department head's decision, the grievance shall be considered terminated.

D. If the employee is dissatisfied with the department head's decision, the employee may immediately submit the grievance in writing to the personnel director within five business days of receiving the department head's decision. The personnel director shall confer with the employee and the department head and any other interested parties, and shall conduct such other investigations as may be advisable.

E. The results or findings of such conferences and investigations shall be submitted to the city administrative officer in writing within fifteen business days of receiving the employee's written

request. The city administrative officer will meet with the employee if the employee so desires before rendering a decision with respect to the complaint. The city administrative officer's decision shall be in writing and given to the employee within fifteen business days of receiving the personnel director's results and findings. Such decision shall be final unless employee desires a review of the decision.

F. If the employee desires a review of the decision the procedure is as follows

1. Personnel board (for all except employees represented by police officers' [SLOPOA] or firefighters' [SLOFA] associations): the employee will have five business days following receipt of the city administrative officer's decision to submit a written request to the personnel board through the personnel director for review of the decision. The personnel board within thirty business days shall review the record and either (1) issue an advisory opinion to the city administrative officer, or (2) conduct a hearing on the matter. If a hearing is held, an advisory opinion shall be rendered by the board within ten business days of the close of such hearing. If an opinion signed by at least three members of the personnel board recommends overruling or modifying the city administrative officer's decision, the city administrative officer shall comply or appeal this recommendation to the council. Such appeal shall be filed with the city clerk within three business days of the board's action. If appealed, the council shall review the case on the record and render a final decision within fifteen business days of submittal.

2. Hearing officer (for employees represented by SLOPOA or SLOFA):

a. The employee will have five business days following receipt of the city administrative officer's decision to submit a written request to the personnel director for review of the decision. The personnel director will obtain a list of five potential hearing officers from the State Mediation and Conciliation Service. Then following a random determination of which party (city or appellant) begins, parties shall alternatively strike one name from the list until only one remains.

b. Within thirty business days the hearing officer shall review the record and conduct a hearing on the matter. Within ten business days the hearing officer shall render a decision which shall be final.

c. Any dispute regarding the eligibility of an issue for the grievance process may be appealed through the process ultimately to the hearing officer who shall decide on the eligibility prior to ruling on the merits.

d. Any fees or expenses of the hearing officer shall be payable one-half by the city and one-half by the appellant. All other expenses shall be borne by the party incurring the expense.

e. The city reserves the right to make the hearing officer's opinion advisory or to replace the hearing officer position in the grievance process with the personnel board for an employee organization after July 1993, provided that:

i. The hearing officer has ruled on at least five separate grievances filed by the members of the employee organization; and

ii. The city has been sustained in at least sixty-five percent of the determinations on grievances filed by members of the employee organization. (Ord. 1147 § 1 (part), 1989: prior code § 2707)

2.36.370 Employee responsibilities and benefits - Generally.

City employment provides employees with many responsibilities and benefits. They include those responsibilities and benefits set out in Sections 2.36.380 through 2.36.480. (Prior code § 2708)

2.36.380 Employee responsibilities benefits - Code of ethics.

A. An official or employee of the city shall not engage in conduct which would tend to discredit or dishonor his/her position with the city. Such elected or appointed officials and employees must avoid conflicts of private interests with public duties and responsibilities and shall not do indirectly what may not be done directly.

B. Disciplinary action generally does not follow an occasional error in judgment which occurs in good faith and is unintentional. However, misconduct, dishonesty and fraud shall be the basis for severe disciplinary action, including removal for cause.

C. Officials and employees occupying designated positions are required to file an annual statement of financial interests with the city clerk as prescribed by the Conflict of Interest Code as adopted by the city.

D. Each new employee must be informed of the obligation to submit a statement of financial interests if he/she falls within the listed designated position categories.

E. Any employee whose job performance is adversely affected by the taking of alcohol, drugs, or other stimulants shall be subject to disciplinary action.

F. Each employee is required to be familiar with city standards and statutory provisions relating to ethical and other standards of conduct. Each employee is expected to secure the advice of his/her superior or the personnel director or other appropriate officials, when in doubt about the meaning or application of any conduct requirement applying to his/her particular situation.

G. The political activities of city employees shall conform to pertinent provisions of state and federal laws. (Prior code § 2708.1)

2.36.390 Employee responsibilities and benefits - Outside employment.

A. City employees filling line-item positions may engage in part-time or occasional outside employment outside of their regular working hours if such employment is approved in advance by the city administrative officer or delegated representative, or in the case of council appointees, by the council. The city administrative officer may establish a minimum time period worked on such outside employment and a minimum number of hours of outside work per week before requiring advance written approval.

B. "Incompatible employment" includes, but is not limited to:

1. Work which tends to impair mental or physical capacity to perform city duties efficiently and effectively;
2. Work which takes the employee's time and attention during his/her official working hours;
3. Activities which create a conflict of responsibility or duty between the employee's city work responsibility and the proposed outside employment. This includes work which would, by its nature, tend to reduce the ability of the employee to exercise completely independent and unfettered judgment with respect to effectively discharging city work responsibility;
4. Employment in another city department for full-time city employees.

C. Any employee who engages in employment outside regular working hours shall be subject to perform regular city duties first. (Prior code § 2708.2)

2.36.400 Employee and benefits - Safety.

It is the policy of the city to maintain a safe and healthful work environment for its employees.

The personnel director shall convene a safety committee of appropriate managerial, supervisory and other employees on a regular basis to evaluate occupational safety problems and discuss and institute appropriate remedies where unsafe working conditions are discovered. (Prior code § 2708.3)

2.36.410 Employee responsibilities and benefits - Training.

A. It is the policy of the city to develop maximum efficiency in the performance of official duties by city employees by providing for a training program to assist them in fulfillment of their duties and responsibilities.

B. The personnel director shall supervise and coordinate training programs for city personnel. The department head, with the approval of the personnel director, may authorize participation in approved training courses and attendance at meetings of professional organizations and other groups where such attendance will benefit the city. Employees attending such training sessions shall submit a written summary of the session to the personnel department. (Prior code § 2708.4)

2.36.420 Employee responsibilities and benefits - Sick leave.

A. Sick Leave Defined. "Sick leave" shall be defined as follows:

1. Absence from duty because of illness or off the job injury, or exposure to contagious diseases as evidenced by certification from an accepted medical authority;
2. At each employee's option, absence from duty due to the death of a member of the "employee's immediate family," meaning spouse, child, brother, sister, parent, parent-in-law step-parent, step-brother, step-sister, or any other relative living in the same household, provided such leave as defined in this subsection shall not exceed five working days from each incident. The employee may be required to submit proof of relative's death before being granted sick leave pay;
3. An employee whose memorandum of understanding incorporates a provision for "family leave" may use sick leave not to exceed three days per year if required to be away from his/her job to personally care for a member of the employee's immediate family as defined in this subsection.

B. Rules Governing Sick Leave.

1. Each incumbent of a line-item position shall accrue sick leave with pay at the rate of twelve days or the shift equivalent per year of continuous service since the benefit date.
2. Sick leave may be used after the completion of the month of service in which it was earned.
3. Sick leave shall begin with the first day of illness.
4. Department heads shall be responsible to the city administrative officer for the uses of sick leave in their departments.
5. A department head shall require written proof of illness from an authorized medical authority at the employee's expense for sick leave use in excess of five consecutive working days by personnel in his/her department. Such proof may be required for periods of less than five consecutive working days where there exists indication of abuse.
6. Any employee who is absent because of sickness or other physical disability shall notify his/her immediate supervisor or department head as soon as possible but in any event during the first day of absence. Any employee who fails to comply with this provision without having a valid reason will be placed on leave of absence without pay during the unexcused absence and be subject to disciplinary action in accordance with procedures established by this chapter.
7. Any employee absent for an extended illness or other physical disability may be required by the personnel director to have an examination by the city's medical examiner at city expense prior to reinstatement to the city service.
8. An appointing authority, subject to approval of the personnel director, may require any employee to be medically examined where reasonable cause exists to believe that an employee has a medical condition which impairs his/her job effectiveness or may endanger the health, safety or welfare of the employee, other employees or the public. Employees who are judged to be physically incapable of meeting normal requirements of their positions may be placed in a classification of work for which they are suitable when a vacancy exists, or may be separated for physical disability.
9. In the event that an employee's sick leave benefits become exhausted due to illness or exposure to contagious disease, the employee shall revert to a status of leave of absence without pay and be subject to the provisions of Section 2.36.460.

10. The right to benefits under the sick leave plan shall continue only during the period that the employee is employed by the city. This plan shall not give any employee the right to be retained in the services of the city, or any right of claim to sickness disability benefits after separation from the service of the city. When an employee receives compensation under the Worker's Compensation Act of California, such compensation received shall be considered part of the salary to be paid to the employee eligible for such payments as required by state law. The amount paid by the city shall be the difference between the amount received by the employee from the city's compensation insurance coverage and the eligible employee's regular rate of pay.

11. Notwithstanding anything contained in this section, no employee shall be entitled to receive any payment or other compensation from the city while absent from duty by reason of injuries or disability received as a result of engaging in employment other than employment by the city for monetary gain or other compensation, or by reason of engaging in business or activity for monetary or other compensation other than business or activity connected with his/her city employment.

12. A public safety employee shall not receive sick leave payments while receiving Worker's Compensation payments.

13. Accumulation of sick leave days shall be unlimited. (Prior code § 2708.5)

2.36.430 Employee responsibilities and benefits - Worker's compensation.

Employees are insured by the city, under the State Worker's Compensation Act, against injury occurring in the course of employment. Department heads shall be required to obtain a report of any injury sustained by an employee on duty and shall forward such reports to the personnel director for review and to the city's compensation insurance administrator for adjustment and investigation. (Prior code § 2708.6)

2.36.440 Employee responsibilities and benefits - Vacation leave.

A. Each incumbent of a forty-hour-a-week line-item position shall accrue vacation leave with pay at the rate of twelve days per year of continuance service since the benefit date for the first five years, fifteen days per year upon completion of five years, eighteen days per year upon completion of ten years, and twenty days upon completion of twenty years. Employees scheduled for more than forty hours a week shall receive the equivalent number of vacation days prorated to the number of regularly scheduled work hours.

B. An incumbent is not eligible to use accrued vacation leave until after the completion of the twelfth calendar month of service since the benefit date.

C. A regular employee who leaves the city service shall receive payment for any unused vacation leave. Probationary employees with less than twelve months of continuous service shall not be eligible for such payment.

D. Department heads shall be responsible for arranging a vacation schedule, first with the needs of the city as the determining factor, second, insofar as possible, with the wishes of the employee.

E. Any employee who is on approved vacation leave and becomes eligible for sick leave as defined in Section 2.36.420A may have such time credited as sick leave under the following conditions:

1. A physician's statement certifying that illness, injury or exposure to contagious disease has occurred is presented to the supervisor upon returning to work;

2. The vacation leave immediately ends and the employee reports to work following the end of sick leave usage. (Prior code § 2708.7)

2.36.450 Employee responsibilities and benefits - Retirement.

All employees who are members of the Public Employees' Retirement System shall be retired at the age designated in the city's current agreement with the retirement system. Upon application by the city or by a member employee, the employee may be separated for disability retirement upon determination of the board of administration of the Public Employees' Retirement System. Benefits are paid in accordance with the Retirement System's current schedule of benefits. (Prior code § 2708.8)

2.36.460 Employee responsibilities and benefits - Leave of absence without pay.
A regular full-time employee may be granted a leave of absence without pay upon written application approved by his/her department head and the city administrative officer. Such leave may not exceed six months' time. Such leave shall be granted only in those cases where an employee's record of service makes it desirable for the city to retain his/her services even at the cost of some inconvenience to the city or when an employee's application for disability retirement is pending and no other leave is available. An employee on such an approved leave shall not accrue seniority or other benefits during the leave period. Failure of an employee to report promptly at the expiration of the leave, or within a reasonable time after notice to return to duty, shall be cause for dismissal. The mailing by U.S. mail of a first class letter postage paid, addressed to the employee's last known address, shall be reasonable notice. (Prior code § 2708.9)

2.36.470 Employee responsibilities and benefits - Military leave.
Any line-item employee shall receive normal salary and fringe benefits during the first thirty days of any period of temporary military leave. Such compensation shall not exceed thirty calendar days in any one fiscal year. Any temporary military leave in excess of thirty days in one fiscal year shall be taken as vacation leave or leave of absence without pay. (Prior code § 2708.10)

2.36.480 Employee responsibilities and benefits - Jury duty.
Any regular or probationary city employee, when duly called to serve on any jury, and when not excluded therefrom, or when subpoenaed to appear as a witness at any trial, shall be compensated for the time required to be spent under the jurisdiction of the court by an amount equal to the difference between the pay he/she received as a juror and his/her regular daily rate received from the city. The difference between the time required to be spent on jury duty and the normal work day of the employee shall be spent performing the employee's regular job assignments unless the department head, upon approval of the personnel director, determines this not to be practical. (Prior code § 2708.11)

2.36.490 Reports and records required.
A. The personnel department shall maintain a service record for each employee, showing the original date of employment, and the original job classification and pay rate, together with a record of subsequent changes in the status of the employee in the course of employment with the city. In addition, a personnel file shall be maintained for each employee in which is placed copies of forms and other records affecting the personnel status of the employee as determined by the personnel director.
B. Every appointment, transfer, promotion, demotion, change of salary rate, and any other temporary or permanent change in status of employees shall be reported on a personnel action form to and approved by the personnel director before taking effect. The personnel director shall advise the finance director of each of these changes.

C. Each department shall keep daily attendance records of all employees on time cards prepared by the finance director. Such other information as may be required to be maintained about city employees by federal or state requirement shall be kept in the manner prescribed.

D. At the time of separation from service, a employee's service record will be placed in the personnel file and kept on inactive status for at least five years.

E. Employment applications and examination materials shall be kept on file for two years from the date the eligible list was established.

F. "Public records," as defined in the Government Code, are open to inspection during regular office hours under the supervision of the custodian of such records. Each city employee may inspect his/her personnel file under the supervision of the personnel director. The city administrative officer shall justify withholding any record by demonstrating that the record in question is exempt under the Government Code or that on the facts of the particular case the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record. (Prior code § 2709)

2.36.500 Departmental rules.

Each department head shall have the right to adopt such rules and regulations for his or her department provided they do not conflict with the City Charter, with these rules and regulations, or with applicable state or federal law or regulation. Such rules shall be reviewed by the personnel director prior to adoption. (Prior code § 2710)

2.36.540 Personnel board - Established - Membership - Term of office - Duties.

A. Established.

1. There is established pursuant to Section 1 102 of the City Charter a personnel board. The personnel board shall have five members who shall be qualified to serve under the terms of Section 1202 of the City Charter.

2. Term of Office. Members of the personnel board shall be appointed for terms of four years and shall serve at the pleasure of the council; provided, that initial appointment shall be as follows:

a. The terms of two members shall expire June 30, 1981;

b. The terms of three members shall expire June 30, 1983.

3. Three members of the personnel board shall constitute a quorum for the transaction of business; provided, however, that for the purpose of a hearing on appeal of a disciplinary action, no board member may vote on a decision if absent from part of a hearing, unless such member certifies that he/she listened to a recording of or read the transcript of the entire hearing.

4. Filling Vacancies on Personnel Board. Any vacancy shall be filled for the unexpired term of the person replaced.

B. Functions.

1. The duties of the personnel board shall be advisory only.

2. The personnel board shall hear employee appeals from disciplinary actions taken pursuant to Section 2.36.340.

3. The personnel board shall review grievances pursuant to Section 2.36.360.

4. In connection with such hearings, the personnel board shall administer oaths to all witnesses appearing before it. Any regular officer or employee of the city who fails to take the oath or fails to testify truthfully under oath at a hearing shall be subject to disciplinary action.

5. In connection with such hearings, the personnel board shall have the authority to subpoena witnesses and to require the production of books, papers and any other materials pertinent to the investigation or hearing. It is unlawful for any person to disobey such a subpoena or order to produce. Subpoenas shall be issued at the request of either party prior to the commencement of

such hearing, and after the commencement of such hearings only in the discretion of the personnel board.

6. The personnel board shall perform such other duties as the council may require pertaining to personnel administration. (Prior code § 2711)