

CITY OF GUADALUPE

PERSONNEL POLICY MANUAL

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ARTICLE I

PURPOSE, GENERAL PROVISIONS AND DEFINITIONS

SECTION 1. PURPOSE

- A. Content: This manual contains statements of personnel policies. It is designed to be an official working document for supervisory and staff personnel in the day-to-day administration of the City's personnel program. These written policies should increase understanding, eliminate the need for personal decisions on matters of City-wide policy and help to assure uniformity throughout the organization. This manual may also be used as an employee handbook.
- B. Responsibility: It is the responsibility of each and every supervisor, official and administrator to administer these policies in a consistent and impartial manner. Each supervisor shall assist in keeping the personnel program up-to-date by notifying the Personnel Officer whenever problems are encountered or improvements can be made in the administration of our personnel policies.
- C. Memorandum of Understanding: The City and the Police Officer's Association are required to meet and confer in good faith (California Government Code 3500-3510) to reach an agreement on matters pertaining to wages, hours and other working conditions. The terms of this agreement are then put into a document called a "Memorandum of Understanding" (MOU). This MOU specifies salary, benefits and working conditions for the term of the agreement.

SECTION 2. GENERAL PROVISIONS

- A. Authority: The authority for establishing and revising personnel policies rests with the City Council and administration of the personnel system is delegated to the City Administrator (Ordinance No. 179).
- B. Distribution: The Personnel Policy Manual is distributed to all positions which entail supervisory responsibilities of any magnitude. Please notice that the manual is assigned to the position and not the incumbent of the position, and shall remain with the position if the incumbent moves on. The contents of the manual are not considered confidential and may be reviewed by any employee of the City. Other requests for policy information shall be referred to the Personnel Department.
- C. Supplements: From time to time, supervisors will receive additional supplements to the Personnel Policy Manual. These new supplements will update and revise present policy whenever deemed necessary. All supervisors shall study the revised supplements carefully prior to placing them in the Personnel Policy Manual.
- D. Amendment and Revision: Recommendation for amendment and revision of these policies and procedures may be made, through the chain of command, to the City Administrator by any employee of the City, or by any employee group.

Such recommendation shall be in writing. Upon receipt of such suggested changes, the City Administrator shall investigate if appropriate and make a written report to the City Council. The City Council may amend these policies from time to time, and any amendments or revisions shall be effective upon adoption by the Council.

- E. Departmental Rules and Regulations: Certain departments require special rules and regulations peculiar to their functions. In such cases, departmental rules and regulations, established and promulgated by the department head, and approved by the City Administrator, shall govern the employees of such departments, and shall be interpreted as approved and adopted as part of these policies. Such rules and regulations shall not be in conflict with the policies contained herein. A copy of all rules and regulations shall be furnished to supervisory employees at the discretion of the department head of the respective departments and the City Administrator, and copies of said rules and regulations shall be maintained in the office of the Personnel Officer.
- F. Violations: Violation of the policies set forth in this manual shall be grounds for reprimand, dismissal, demotion or suspension. The City may also send warning notices to employees with a copy placed in the employee's file.

SECTION 3. DEFINITIONS

In utilizing the contents of this Personnel Policy Manual, the following definitions shall apply:

ADMINISTRATIVE DETERMINATION: The specific application of the policies as determined by the City Administrator on a case-by-case basis.

AFFIRMATIVE ACTION: A program designed to work toward the elimination of discrimination by:

1. Breaking down those barriers which prevent the recognition of individual merit.
2. Adopting a management system sensitive to the cultural differences of minorities and women seeking to ensure equal employment opportunities for all individuals.

AFFIRMATIVE ACTION OFFICER: An official appointed by the City Administrator to implement all the provisions of the Affirmative Action Program.

ALLOCATION: The assignment of a position to its proper class.

APPOINTING AUTHORITY: Those City officials authorized by resolution or ordinance to fill a position.

CITY: The City of Guadalupe.

CLASS: A group of positions with similar characteristics to which the same schedule of compensation can be equally applied.

CONFLICT OF INTEREST: A situation in which certain employees have a financial interest which could be affected by a decision they are participating in.

CONTRACT EMPLOYEES: An employee who works for the City, under a contract which specifies the duration and compensation for his/her services.

CONTINUOUS SERVICE: On going employment without interruption except for approved leaves of absence for military service.

DEMOTION: A change in employment status from one position to another having a lower rate of pay.

DISCIPLINARY ACTION: The suspension, demotion, or penalty of an employee for violation of City policies.

DISMISSAL: Discharge of an employee for a valid reason.

EMERGENCY APPOINTMENT: The appointment of a person to serve the City during an emergency situation which threatens public life or property.

EMPLOYEE PERFORMANCE RATING: Periodic progress reports on all employees.

EMPLOYER/EMPLOYEE RELATIONS: The relationship between the City administration and employees or employee organizations.

EMPLOYMENT LIST: A list of all those qualified for employment on the basis of examination results.

EQUAL EMPLOYMENT OPPORTUNITY (EEO): The provision of equal access to employment and advancement without any form of discrimination.

EXAMINATIONS: The process of evaluating an applicant's job-related qualifications.

FULL-TIME EMPLOYEE: An employee who works the full forty (40) hour work week.

HOURLY RATE: The rate of pay based on a forty (40) hour work week.

LATERAL ENTRY: A transfer from one public agency to another without going through the normal application process. Usually involves job classifications which are interchangeable and have standard qualifications, such as Police Officers.

LAY-OFF: Termination of employment because of the economy or lack of work or funds.

MEMORANDUM OF UNDERSTANDING: A signed agreement between the City and a recognized employee representation organization on matters pertaining to wages, hours, and conditions of employment.

MERIT INCREASE: A salary increase based on satisfactory performance.

MINIMUM QUALIFICATIONS: The knowledge, skills, abilities, education level and experience listed as minimum qualifications on a class specification or included in a job announcement.

PART-TIME EMPLOYEE: An employee who works less than twenty (20) hours per week. Police Reserve Officers shall be considered part-time employees, as per Article VIII, Section 3-D of this policy manual.

PERMANENT EMPLOYEE: A full-time employee who has successfully completed the probation period and has been retained for employment.

PERSONNEL OFFICER: The City Administrator or designated representative.

POLICY: A rule or regulation of the City.

POSITION: Any office or employment involving the performance of certain duties.

PROBATIONARY PERIOD: A working test period during which an employee is required to demonstrate ability to perform the duties of the position to which appointed.

PROMOTION LIST: A list of qualified applicants who are current employees of the City and are applying for promotion.

RECLASSIFICATION: A change in the allocation of a position by raising it to a higher class, lowering it, or moving it to another class on the same level.

REDUCTION: A salary decrease within the limits of the pay range for a particular class.

RE-EMPLOYMENT LIST: A list of permanent or probationary employees who have either resigned or were laid off and who are eligible for reinstatement on the basis of their competency and seniority.

REINSTATEMENT: The re-employment of a former permanent or probationary employee without loss of accrued benefits or salary.

REJECTION: The termination of an employee from a position during the probationary period.

RESIGNATION: An employee's voluntary termination of employment with the City.

SALARY: The amount of money or credit received for actual services rendered, exclusive of all necessary expenses and allowances.

SALARY ADVANCEMENT: A salary increase within the pay range limits of a class.

SEASONAL EMPLOYEE: A non-permanent recurrent employee who works during certain periods of the year.

WORK DAY: The normal scheduled hours of work as designated by ordinance.

ARTICLE II

CODE OF ETHICS

SECTION 1. RESPONSIBILITY AND PURPOSE

- A. Responsibility: City employees shall be responsible to all of the people of the City and not to any favored segment or group. City business and affairs must be conducted in an impartial manner. City employees must avoid all situations where prejudice, bias or opportunity for personal gain could influence their decisions. They must equally avoid circumstances suggesting that favoritism or personal gain is the motivating force in the conduct of City government.
- B. Purpose: The minimum ethical standards to be followed by all employees of the City are intended not only to require employees to avoid activities that might result in using a public office or employment for private gain or the giving of favored treatment to any organization or person, but also to maintain public confidence in the City by prohibiting activities that might permit opportunity for personal gain or personal preference to influence decisions. The objectives are to maintain an impartial administration of the City government and to maintain public confidence in government.

SECTION 2. SPECIFIC PROHIBITIONS

No employment, activity or enterprise shall be engaged in by any employee of the City which might result in, or create the appearance of resulting in, any of the following:

- A. Using improperly the prestige or influence of a City office or employment for the officer's or employee's private gain or advantage, or the private gain or advantage of another.
- B. Using improperly City time, facilities, equipment, or supplies for the officer's or employee's private gain or advantage, or the private gain or advantage of another.
- C. Using confidential information acquired by virtue of City employment for the officer's or employee's private gain or advantage, or the private gain or advantage of another.
- D. Receiving or accepting money or any other consideration from anyone other than the City for the performance of an act which the employee would be required or expected to render in the regular course of hours of their City employment or as a part of their duties as a City employee.
- E. Performance of an act in other than the employee's capacity as a City employee knowing that such act may later be subject, directly or indirectly, to control, inspection, review, audit or enforcement by the employee or by the department in which employed.
- F. Receiving or accepting, directly or indirectly, any gift, including money, any service, gratuity, favor, entertainment, hospitality, loan,

or any other thing of value, from anyone who is doing or is seeking to do business of any kind with the City or whose activities are regulated or controlled in any way by the City, under circumstances from which it reasonably could be inferred that the gift was intended to influence official duties or was intended as a reward for any official action.

ARTICLE III

PARTICIPATION IN POLITICAL ACTIVITY

SECTION 1. PROHIBITED POLITICAL ACTIVITY

- A. Except as otherwise provided in these rules, no restriction shall be placed on the political activities of any employee of the City.
- B. No one who holds, or who is seeking election or appointment to, any office or employment in the City shall, directly or indirectly, use, promise, threaten or attempt to use, any office, authority or influence, whether then possessed or merely anticipated to confer upon or secure for any person, or to aid or obstruct any person in securing, or to prevent any person from securing, any position, nomination, confirmation, promotion, change in compensation or position within the City, upon consideration or condition that the vote or political influence or action of such person or another shall be given or used in behalf of, or withheld from, any candidate, officer or party, or upon any other corrupt condition or consideration. This shall also apply to urging or discouraging individual employees' action.

SECTION 2. SPECIFIC PROHIBITIONS

An employee shall not:

- A. Participate in political activities of any kind during working hours or while the employee is in uniform.
- B. Directly or indirectly, solicit or receive political funds or contributions, knowingly, from other officers or employees of the City or from persons on the Employment Lists of the City while on duty.
- C. Permit the entry into any place under the employee's control, occupied and used for the governmental purposes of the City, or any person, for the purpose of making, or giving notice of any political assessment, subscription or contribution.
- D. Knowingly permit a person to enter or remain in any such place described in subsection B of this section for the purpose of making, demanding or giving notice of any political assessment, subscription or contribution.

This section shall not apply to any auditorium or other place used for the conduct of public or political rallies or similar events, nor to any park, street, public land or other place not being used for the governmental purposes of the City.

SECTION 3. PERMITTED POLITICAL ACTIVITY

Article III, Section 2 shall not prevent any employee from:

- A. Becoming or continuing to be a member of a political club or organization.
- B. Attending any political meeting.

- C. Enjoying entire freedom from all interference in casting a vote.
- D. Seeking or accepting election or appointment to any public office, but upon acceptance of said office, if the duties of said office are incompatible with the assigned duties as an employee of the City, the employee shall terminate employment with the City.
- E. Obtaining signatures to any initiative or referendum petitions directly affecting the employee's rate of pay, hours of work, retirement, merit system or other working conditions, if the activity is not carried on during working hours or when dressed in the uniform required by any department of the City government.
- F. Distributing publications, pamphlets or handbills or participating in any campaign in connection with a petition if the activity is not carried on during working hours or when dressed in the uniform required by any department of the City government.

SECTION 4. DISCIPLINARY ACTION FOR WILLFUL VIOLATION

Any willful violation of the above sections, including a violation through culpable negligence, shall be sufficient grounds to authorize the dismissal of any employee; provided, however, no employee nor any person seeking a position, shall be employed, promoted, demoted, suspended or dismissed or in any way favored or discriminated against because of opinions or affiliations, or because of race, creed, color, religion, sex, age, national origin, physical or mental handicap or veterans' status.

ARTICLE IV

CONFLICT OF INTEREST

SECTION 1. PROHIBITIONS

Public officials and employees shall not influence a governmental decision in which they have a financial interest.

SECTION 2. RESPONSIBILITY

If an employee is in a possible position of conflict of interest, the employee shall contact the employee's direct supervisor immediately and refrain from further action until the City Administrator (or designee) advises the employee further.

ARTICLE V

AFFIRMATIVE ACTION PROGRAM

SECTION 1. AFFIRMATIVE ACTION POLICY

The City shall offer equal employment to all persons without regard to race, creed, color, sex, age, national origin, religion, physical or mental handicap or veterans' status. No applicant is to be discriminated against or given preference because of these factors. This policy is intended to apply to recruiting, hiring, promotions, upgrading, lay-offs, compensation, benefits, termination and all other privileges, terms and conditions of employment.

SECTION 2. AFFIRMATIVE ACTION PLAN

To implement this policy, the City Administrator shall develop an Affirmative Action Plan which sets forth methods which are intended to assure equal opportunity by recognizing individual merit and creating a management system sensitive to the cultural differences of the employees. The Affirmative Action Officer, named by the City Administrator, is responsible to see that the provisions of this Plan are carried out.

SECTION 3. AFFIRMATIVE ACTION APPEAL

If an employee believes that discrimination has occurred, the employee should discuss the matter with the Affirmative Action Officer. If the employee wishes to file an appeal, the procedure shall be as follows:

- A. The appeal must be stated in writing and submitted to the Affirmative Action Officer within five (5) working days after the alleged discrimination occurred.
- B. The Affirmative Action Officer must investigate the claim and submit a reply to the employee within ten (10) working days stating the reason for the action taken and making any recommendations deemed appropriate. The City Administrator shall be advised of the action recommended.
- C. Within seven (7) working days after receiving the written response from the Affirmative Action Officer, the employee shall be entitled to appeal the matter to the City Administrator.
- D. The City Administrator shall review the matter with the employee and the department head and shall either uphold, modify or revoke the action.

ARTICLE VI

HARASSMENT POLICY

SECTION 1. POLICY

Harassment of an applicant or employee by a supervisor, management employee or co-worker on the basis of race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, sex or age will not be tolerated.

Disciplinary action up to and including termination will be instituted for behavior described in the following definition of harassment.

SECTION 2. DEFINITION

Harassment includes, but is not limited to verbal harassment, physical harassment, written and graphic forms of harassment or sexual favors.

SECTION 3. PRE-GRIEVANCE PROCESS

An employee who has been harassed on the job should inform the employer, its agents or supervisors of the aggrievement. To accommodate the unique nature of harassment complaints, a pre-grievance process is provided for the primary purpose of resolution of a complaint at the earliest possible date.

The City's Personnel Officer will be available to receive harassment complaints, and will counsel the employee and outline the options available, and may obtain a factual written statement of the complaint for the affected department head.

The Department Head or Personnel Officer may investigate the complaint, review factual information collected to determine whether the alleged conduct constitutes harassment, giving consideration to the record as a whole and the totality of circumstances. The City Administrator shall take appropriate action.

An effort will be made to protect the privacy of parties involved in a complaint. Files pertaining to complaints handled under the pre-grievance process will not be made available to the general public.

SECTION 4. FORMAL GRIEVANCE PROCESS

Formal grievance procedures of the City are available for resolution of complaints alleging harassment if the complaint is not adjusted to the satisfaction of the employee in the pre-grievance process.

- A. Extension of Time Requirements: Time limits specified in the formal grievance procedures shall be extended if pre-grievance procedures for a harassment complaint were initiated within the applicable time limits for filing a formal complaint.
- B. Waiver of Informal Step: Preliminary informal steps to resolve a grievance may, depending on circumstances of the complaint, be waived and the formal grievance initiated at an appropriate higher step in the process.

SECTION 5. VIOLATION OF POLICY

- A. Harassment, as defined in Section 2, violates Title VII of the Civil Rights Act of 1964, the California Government Code, and regulatory guidelines of the Equal Employment Opportunity Commission, and the California Fair Employment and Housing Commission.
- B. Violation of this policy shall generally constitute just and reasonable cause for discipline, up to and including termination.
- C. Given the nature of the type of discrimination, the City also recognizes that false accusations of sexual harassment can have serious effects on innocent men and women. Therefore, false accusations will result in the same severe disciplinary action applicable to one found guilty of sexual harassment.

PURPOSE:

The City prohibits harassment by employees at all levels of the organization against other employees and/or job applicants. This policy establishes procedures for employees who feel they have been subjected to harassment, to pursue the complaints. An employee who is determined to have harassed another person while pursuing a City activity, either on or off duty, may be subject to disciplinary action. An employee found to be retaliating against a complaining employee may be subject to disciplinary action. An employee found to have submitted a capricious or malicious complaint may be subject to disciplinary action.

HARASSMENT DEFINED:

1. Verbal Harassment. Includes, but is not limited to, derogatory comments communicated to the employee on the basis of race, religions creed, color, national origin, ancestry, physical handicap, medical condition, marital status, sex or age.
2. Physical Harassment. Includes, but is not limited to, assaulting, impeding or blocking movement, or any physical interference with normal work or movement of the employee when directed at the employee on the basis of race, religions creed, color, national origin, ancestry, physical handicap, medical condition, marital status, sex or age.
3. Visual Forms of Harassment. Includes, but is not limited to, derogatory posters, notices, bulletins, cartoons, drawings or any pictorial or written depiction based upon employee's race, religions, creed, color, national origin, ancestry, physical handicap, medical condition, marital status, sex or age.
4. Sexual Harassment. Includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature directed at an employee, which is presented as a condition upon an employment benefit, unreasonably interferes with an individual's work performance or creates a work environment that is offensive.

OUTSIDE SCOPE OF EMPLOYMENT

Any employee committing harassment, as defined in this policy, will be deemed by the City to be acting outside the scope of his or her employment.

MANAGEMENT RESPONSIBILITIES

All management personnel shall:

1. Inform all subordinates that it is clear that harassment is against the law, and it is one form of employment discrimination. The City of Guadalupe may be held responsible if any City employee is found guilty of harassment. This is equally true for other types of discrimination.
2. Ensure that supervisory staff receive the appropriate training and demonstrate an understanding of this subject matter.
3. Establish and communicate the expectation that all staff will adhere to a standard of conduct which is respectful and courteous to other employees and which creates a work environment free of harassment.
4. Be responsive to and take immediate steps to investigate complaints of harassment in a professional manner. Notify Administration/Personnel immediately if a complaint is filed. Resolve the complaint to the best of your ability, as quickly as possible. Consult with the Administrative/Personnel Office immediately should any questions arise.
5. Inform all employees of the City's Harassment Complaint Procedure.

POLICY VIOLATIONS

Violations of this policy shall generally constitute just and reasonable cause for discipline, up to and including termination, in accordance with the City's Disciplinary Rules, as elaborated in the City of Guadalupe Personnel Policy Manual. All department directors, managers, and supervisors are responsible for implementing and monitoring compliance with this policy.

CONFIDENTIALITY

All personnel shall maintain confidentiality about complaints in order to protect the parties involved, and information shall not be disclosed, other than to assist those conducting an official City investigation.

PROCEDURES FOR FILING A COMPLAINT

Informal Complaint Process:

Ideally, if the employee is comfortable doing so, s/he may process the complaint informally, through the normal departmental chain-of-command.

Nothing shall prohibit an employee from bypassing the informal complaint process and filing a formal complaint. The informal complaint process should be bypassed if the Department Head may be responsible for, or a significant witness to, the harassment.

Typically, an employee who feels s/he has a harassment complaint should immediately discuss the matter with her/his immediate supervisor. If the immediate supervisor may be responsible for the alleged harassment, discussion of the complaint should begin with the Department Head. Management personnel, upon being notified of an harassment complaint, are responsible to notify Administration/Personnel that a complaint has been filed, investigate as soon as possible upon receiving the complaint, and take the steps necessary to resolve the complaint.

If, at any time after the discussion with the immediate supervisor or Department Head, the employee does not believe the problem has been satisfactorily resolved and/or is not comfortable with proceeding through the chain-of-command, the employee should present the complaint to the Affirmative Action Officer, who is the Assistant City Administrator. The Affirmative Action Officer will:

1. Counsel the employee and outline the options available, and
2. Assist the employee in bringing the matter to the attention of the appropriate departmental official to resolve the complaint at the earliest possible date.

If the employee does not agree with the proposed resolution of the complaint, s/he may then file a formal complaint.

Formal Complaint Process

An employee who feels s/he has been harassed, in violation of the City's Harassment Policy, may file a formal complaint with 1) the department head, or 2) the Affirmative Action Officer. The employee shall file the formal complaint with the Affirmative Action Officer if the department head is named as a person responsible for, or is a significant witness to, the alleged harassment.

This initial report may be oral or written. However, a written and signed statement of the complaint must be submitted to one of the two officials named above, by the complaining employee, to initiate a formal investigation into the matter.

Copies of the signed statement shall be made available to the department head and the Affirmative Action Officer. In the case of an oral report, the Affirmative Action Officer or his/her designee may gather the pertinent information concerning the allegation and prepare a written statement constituting the complaint, for the approval and signature of the complainant.

Within ten (10) working days of receipt of the signed, written complaint, the individual conducting the investigation shall proceed as follows:

1. The investigator shall contact the person(s) who allegedly engaged in harassment and inform him or her of the basis for the complaint and give the individual an opportunity to respond. The investigating individual, upon direction from the Affirmative Action Officer, shall also have the ability to conduct an independent investigation prior to contacting the individual who allegedly engaged in harassment.
2. That person shall have five (5) working days to respond to the complaint orally, in writing, or both. The response shall be directed to the complaint investigator. In the case of an oral response, the investigator may prepare a written statement for the approval and signature of the person who allegedly engaged in harassment.
3. Upon receipt of the response, the investigator will again review, research and investigate, as necessary, to determine whether harassment has occurred. The investigation may be expanded to include interviews with witnesses and supervisors, as appropriate. The investigation shall be completed, if at all possible, within fifteen (15) working days of receipt of the response.
4. Within five (5) working days of completion of the investigation, the department head and the Affirmative Action Officer shall meet to review the findings and consider the appropriate action to be taken. Actions may include discipline, up to and including termination as prescribed in the City of Guadalupe Personnel Policy Manual. The Affirmative Action Officer represents the final level of investigation and complaint resolution.

The authority to recommend what action to take shall rest with the Administration/Personnel Office, after consultation with the Affirmative Action Officer and Department Head. The recommendation shall be submitted in writing to the City Administrator, who shall act.

The City Administrator shall have the ability to effect temporary transfers or administrative leave with pay for any employee involved in any aspect of the harassment complaint, until the complaint is resolved and/or all levels of appeal have been exhausted. The City Administrator shall also have the authority to impose reasonable and lawful requirements upon employees, regarding workplace behaviors, while a harassment complaint is being investigated and resolved. Such actions will insure that employees conduct themselves appropriately and in a manner to be reasonably expected in the work environment. These provisions are intended to encourage the continuation of a harmonious work environment while a harassment complaint is being investigated and resolved.

Benny Gonzales

srs

ARTICLE VII
EMPLOYEE RELATIONS

SECTION 1. EMPLOYEE REPRESENTATION

- A. The majority of full-time employees of the Police Department are represented by an association which maintains good relations with the City in order to mutually agree upon wages, hours and other working conditions.
- B. The City and the employee association may carry on labor relations throughout the year by informally meeting and consulting on various matters which affect their members.

SECTION 2. EMPLOYEE COMMUNICATIONS

The Personnel Officer shall have the responsibility to communicate as necessary, items directly affecting employees, employee associations or personnel programs, policies and actions. Applicable laws, rules and regulations shall be posted as necessary on centrally located bulletin boards. The Personnel Officer shall take responsibility for the overall communications program with employees.

SECTION 3. PERSONNEL RECORDS

- A. Responsibility: The Personnel Department shall maintain a personnel file for each employee. This includes salary history, promotions, performance ratings, leaves of absence, address and other information concerning an employee's status.

The City relies on the employee and the supervisor for information on changes in address, marital status or number of dependents. Any changes must be reported by the employee or the supervisor to the Personnel Department so that records remain current.

- B. Content: Every appointment, transfer, promotion, demotion, change in salary rate and/or any other temporary or permanent change in status of the employee shall be reported to the Personnel Officer in the manner prescribed.
- C. Record Inspection and Appeal: Any employee has the right to inspect the personnel file designated for that employee. If the file contains information that the employee does not agree with, the employee may appeal to the Personnel Officer to have it removed or corrected. An employee who wishes to inspect the personnel file should call the Personnel Officer for an appointment, allowing at least one day's notice.
- D. Confidentiality and Retention: The personnel record of any person employed by the City shall be otherwise confidential and kept indefinitely. All records relating to potential employees of the City may be destroyed after one year.

SECTION 4. PERFORMANCE RATING

- A. Responsibility: Each officer, supervisor or department head having immediate charge of an employee or group of employees shall make, or cause to be made, on forms provided by the Personnel Officer, performance rating reports for all subordinates.

The employee performance rating shall be completed by the employee's immediate supervisor, and shall be signed and dated by the supervisor, department head and employee. The original form shall be filed in the employee's official personnel file and a copy shall be handed to the employee for retention. An employee may examine the employee's own performance rating on file in the Personnel Office during normal working hours by appointment.

- B. Timeliness: The employee performance rating shall be prepared within fifteen (15) days preceding the conclusion of six (6) months of service after regular appointment from an Employment List, and after any change in status of any employee. An employee performance rating shall be prepared within fifteen (15) days preceding the conclusion of twelve (12) months service, and annually thereafter. Performance rating reports may be considered in promotional examinations and action relating to transfer, demotion, removal or other changes affecting the status of an employee.

SECTION 5. DISCIPLINARY ACTION

- A. Definition: A disciplinary action is an action taken by an appointing authority, and approved by the City Administrator, resulting in suspension, demotion or the imposition of a penalty on an employee for an infraction of the policies and procedures hereinafter set forth.

Disciplinary action against employed peace officers, as defined under P.C. 830.1, shall comply with Section 3300 of the Government Code, the Police Officers Procedural Bill of Rights.

- B. Types of Disciplinary Action: Disciplinary actions include reprimands, suspensions, demotions and dismissal as defined below:
1. Reprimand: An oral or written statement from a supervisor to a subordinate of an action which meets any of the grounds for disciplinary action listed in these policies.
 2. Suspension: The temporary separation of an employee from service, with or without pay, for disciplinary purposes.

An employee may be suspended with pay by the City Administrator for a period not to exceed the employee's accumulated vacation and monies earned, in certain instances wherein the City Administrator is investigating the validity of certain charges against such employee. An employee found guilty of such charges may be dismissed or otherwise disciplined in accordance with the provisions of these policies, and the amount paid such employee while under suspension will be deducted from terminal monies due the employee.

A department head, with immediate notification to the City Administrator, may suspend an employee at any time for the good of the City for disciplinary purposes or other just cause. Suspension without pay shall not exceed fifteen (15) days without approval of the City Council, nor shall any employee be suspended for more than thirty (30) days in one fiscal year unless dismissal charges are filed against such employee.

3. Demotion (Mandated): A change in employment status from one position to another having a lower rate of pay and/or a change in duties which are allocated to a class having a lower maximum rate of pay.

The City Administrator may demote any employee whose work falls below the standards required for satisfactory performance, or for disciplinary purposes.

No employee shall be demoted to a position for which the employee does not possess the minimum qualifications.

4. Dismissal: The discharge of an employee by the appointing authority for cause.

An employee may be discharged at any time by the City Administrator, for cause as provided for and contemplated under these policies.

- C. Reasons for Disciplinary Action: Disciplinary action of an employee may occur for any infraction of any policy or procedure herein contained or for one or more of the following:

1. Insubordination which shall consist of violation of any official policy, procedure or order or failure to obey any proper directions made and given by a superior officer in the course of employment.
2. Incompetency, inability or failure to perform the duties required by the position, as well as willful neglect of official duty.
3. Gross carelessness in the discharge of assigned duties.
4. Notorious conduct of a disgraceful and scandalous nature.
5. Habitual intemperance, consumption of alcoholic beverages during working hours or reporting to work in a state of intoxication.
6. Malfeasance in office or employment.
7. Inability to operate a motor vehicle upon the public highways of the State of California when the duties of such employee require the operation of such a vehicle, whether such inability results from physical or mental incapacity or the suspension or revocation of the privilege of such employee to operate such vehicle.
8. One or more days of unexcused absence.

9. Repeated tardiness.
10. Failure to establish and maintain proper working relationships with fellow officers and employees or with the public.
11. Gambling for money or articles of value during the working day.
12. Absence during working hours without permission.
13. Unauthorized use of City tools or equipment for private or personal purposes.
14. Abuse or gross neglect in the care and operation of City tools and equipment.
15. Using obscene language directed at another person.
16. Obtaining sick leave falsely.
17. Accepting bribes of money or other valuable articles or any personal fee for performance of a City service.
18. Engaging in improper political activity as hereinafter set forth in these policies and procedures.
19. Divulging privileged communication or confidential information received by reason of employment with the City to persons not authorized to receive such communication or information.
20. Refusing to report on official call in an emergency.
21. Willfully making false statements, certificates or reports or in any manner committing or attempting to commit fraud.
22. Violation of departmental rules and regulations duly adopted.
23. Addiction to or use of narcotics or drugs except as prescribed by a licensed physician.

D. Notice of Disciplinary Action: When a permanent employee is to be suspended, demoted or dismissed, a preliminary written notice of the proposed action shall be given to the employee. This written notice shall include:

1. The date the action will be effective.
2. The reasons for the action, including the specific grounds and particular facts upon which the action is taken.
3. Copies of all materials supporting the proposed action.
4. A statement advising that before the proposed disciplinary action takes effect the employee has a right to respond in writing within five (5) working days from receipt of the notice to the supervisor.

All charges filed against a permanent employee shall be documented in clear and concise language. The notice shall be hand delivered to the employee or to the last known address of the employee by registered or certified mail.

All charges against a permanent employee shall be filed within fourteen (14) days after the department head and/or supervisor completes an investigation of any infractions of duly adopted policies, procedures, rules or regulations.

- E. Hearings for Disciplinary Action: All permanent employees subject to disciplinary action shall be accorded such prior hearings as are prescribed by state and federal law.

Any employee or department head who has been suspended, discharged or otherwise disciplined shall have the right of appeal as provided in these policies and procedures or in an applicable MOU.

ARTICLE VIII

EMPLOYMENT

SECTION 1. EQUAL EMPLOYMENT OPPORTUNITY

- A. Policy: The employment policy of the City shall provide for its employees the equality of opportunity regardless of race, creed, color, sex, national origin, religion, physical or mental handicap or veterans' status, and shall not show partiality or grant any special favors to any employee or group of employees.
- B. Applicant Qualifications: Candidates for job openings will be selected on the basis of merit, ability, competence, experience, satisfactory character and employment references, without regard to race, creed, color, sex, national origin, religion, physical or mental handicap or veterans' status.
- C. Standards: Employment standards shall be established for each job and shall include minimally, the special training, abilities, knowledges and skills required to perform the duties of the job in a satisfactory manner.

SECTION 2. FAIR EMPLOYMENT POLICY

- A. Policy: No question in any test, or in any application process, and no appointment or removal from a position shall be affected or influenced in any manner by any consideration of race, color, sex, age, ancestry, national origin, political or religious affiliation or a non-job related disability, except where a bonafide occupational qualification dictates.
- B. Disability
 - 1. Bonafide Occupational Qualification (BFOQ): All applicants and employees shall meet BFOQ's for positions applied for or held. A BFOQ shall be so job-related that all persons excluded are unable to perform the job safely and efficiently, and if employed would undermine the essence of the organization's operation.
 - 2. Reasonable Accommodation: The City shall consider all means of reasonable accommodation to enable the person to perform the job safely and efficiently.

If, after reasonable accommodation, the person cannot perform the essential job functions in a manner which would not endanger the health and safety of the person or of others to a greater extent than if a non-handicapped person performed the job, based upon an imminent and substantial degree of risk, then the person shall be refused employment or discharged.
- C. Misconduct and the Handicapped Employee

Handicapped employees shall be governed by the same rules as other employees with respect to misconduct.

- D. Alcohol and Drug Abuse: Alcohol or drug abuse causing job related misconduct shall result in disciplinary action as with any other employee.

When the City becomes aware of misconduct that is drug or alcohol related, it shall determine, based upon the nature and severity of the misconduct, whether reasonable accommodation should be offered as an alternative to discipline.

Reasonable accommodation shall include consideration of rehabilitation and recovery programs. If a rehabilitation program is agreed upon and is not completed, the City may reinstitute the original discipline. Employees engaged in such rehabilitation programs shall be entitled to use sick leave, vacation, or other accrued time to attend.

SECTION 3. EMPLOYMENT STATUS

The status for employment with the City shall include:

- A. Full-time: An employee whose position requires the minimum number of total hours prescribed for normal employment in the class or position. Upon satisfactory completion of the probationary period, the employee shall be given permanent status and employee benefits in accordance with the eligibility requirements of each benefit.
- B. Probation: The probationary period for new employees is one (1) year. During this period, the employee shall have an opportunity to demonstrate proper attitudes and abilities for the position for which employed. The employee may be dismissed without prior notice or obligation during this period.
- C. Permanent: A full-time employee who has successfully completed the probationary period and has been certified as meeting the qualifications for the position occupied shall be considered a permanent employee.
- D. Part-time: Anyone employed less than twenty (20) hours per week shall be considered part-time. A part-time employee shall not be eligible for employee benefits.
- E. Temporary: Anyone who meets the minimum qualifications for the position, who is employed for a specific period (such as casual or seasonal employees) or for a specific purpose (to replace a sick employee) shall be considered temporary. A temporary employee shall not be eligible for employee benefits. Such appointments shall be for no longer than six (6) months in any one (1) fiscal year.
- F. Emergency: Emergency employees may be employed, as approved by the City Council, for the duration of the emergency and shall terminate thereafter. Emergency employees shall receive no employee benefits.

SECTION 4. RE-EMPLOYMENT AND REINSTATEMENT

- A. With the approval of the City Administrator, an employee who has resigned with a good record and in good standing may be reinstated to

the former position, if vacant, or to a vacant position in the same or a comparable class within one (1) year from the date of resignation.

- B. An employee who has been suspended, discharged or demoted may be reinstated by the City Council.

SECTION 5. HIRING RELATIVES

The hiring of relatives of City employees shall be permitted. However, in no case, after adoption of these rules, shall an appointment be made that allows one relative to directly supervise another. The same rules shall apply to part-time and temporary persons. Relatives may work within the same department with approval of the department head, but may not report directly to another relative. Relatives of employees shall neither be given preference nor discriminated against.

SECTION 6. RESIDENCY

No employee of the City shall be required to be a resident of the City at the time of employment or at any time thereafter. Certain MOUs or department policy may make further provisions.

ARTICLE IX

RECRUITMENT AND SELECTION

SECTION 1. REQUISITION AND RECRUITMENT

- A. The department head for a position which is, or will become, vacant shall notify the Personnel Officer regarding the vacant position.
- B. The personnel Officer shall accept responsibility for recruiting for the vacant position in accordance with the policies of the City. The Personnel Officer shall also review requisitions in terms of authorized budgeted positions for each department and recruit only for authorized positions.

SECTION 2. ANNOUNCEMENT OF JOB OPENINGS

City employment shall be publicized by posting announcements in such places as the Personnel Officers deems advisable, which may include a brief announcement in at least one newspaper of general circulation in the City. The announcement shall specify the title and pay range of the position for which the examination is announced; the nature of the work to be performed; preparation desirable for performance of the work of that class; the date, time, place and manner of making application; and other pertinent information.

SECTION 3. APPLICATION

- A. Forms: Applications shall be made on forms provided by the Personnel Officer. Such forms shall require information covering training, experience and educational background, and other information deemed pertinent by the appointing authority. All applications must be signed and dated by the person applying.
- B. Filing of Application: Applications shall not be accepted until an opening has been announced, except in the case of persons employed on an emergency or temporary basis in accordance with the provisions of these policies and procedures. The time for filing applications may be extended or re-opened by the Personnel Officer as needs require, provided posted notice is given.
- C. Rejection of Application: The Personnel Officer may reject any applicant who:
 - 1. Does not possess the established minimum qualifications for the advertised position.
 - 2. Is so disabled as to be unable to perform the duties of the position.
 - 3. Is addicted to the use of intoxicating beverages to excess or the use of narcotics.
 - 4. Failure to reply, within a reasonable time, to communication concerning their application or availability for employment.

4. Has been convicted of a felony or criminal offense involving moral turpitude. (The word "convicted" shall be construed to mean convicted in any manner referred to in Section 689 and 1016 of the Penal Code of the State of California. The words "moral turpitude" shall be construed to mean any act of baseness, foulness or depravity, or an act done contrary to justice, honesty, modesty, or good morals, or any act done with deception or through corrupt motives).
5. Has been guilty of immoral, infamous or disgraceful conduct.
6. Has used or attempted to use any personal or political influence to further eligibility or appointment.
7. Has made a false statement concerning any material fact, or has practiced or attempted practice of any deception or fraud in the application or examination, or in securing eligibility for appointment or promotion, regardless of when discovery was made.
8. Fails to pass satisfactorily any medical or psychological examination which may be required.
9. Fails to meet special conditions of employment.
10. Has been discharged from the armed forces of the United States under conditions other than honorable.
11. Is guilty of any activity or conduct which is inconsistent with or detrimental to the best interest of the City.
12. Takes part in preparing, conducting or holding examinations for the recruitment.

SECTION 4. EXAMINATIONS

A. General Provisions:

1. The selection of techniques used in the examination process shall be impartial, of a practical nature and shall relate to those subjects which are related to the duties and responsibilities of the position.
2. The examination may consist of achievement tests, aptitude test, evaluation of personality and background through oral interviews, performance tests, work samples, physical agility tests or other job-related tests or any combination thereof. The two major types of examinations are promotional and open competitive. Examinations utilized will be valid and cut-off scores will meet the applicable standards of federal rules and regulations.

- B. Promotional Examinations: Promotional examinations may be conducted whenever, in the opinion of the City Administrator, the need so requires. Promotional examinations may include any of the selection techniques mentioned above or any combination thereof. Only permanent employees who meet the minimum qualifications of the open position set forth in the classification plan adopted by the City Council may compete in promotional examinations.

- C. Open Competitive Examinations: Open competitive examinations may be conducted whenever, in the opinion of the City Administrator, the need so requires. Open competitive examinations may include any of the selection techniques mentioned above or any combination thereof. Permanent employees, as well as the general public, who meet the minimum qualifications set forth in the classification plan adopted by the City Council may compete in open competitive examinations.
- D. Conduct of Examinations: The Personnel Officer shall determine the manner, method and by whom examinations shall be prepared and administered. The City Council may contract with any competent agency or individual for the performance of this service. In the absence of such a contract, the Personnel Officer shall perform or delegate such duties.

SECTION 5. EMPLOYMENT LISTS

As soon as possible after the completion of an examination, the Personnel Officer shall prepare and keep on file the Employment List consisting of the names of candidates who qualify in the examination, in order of final score from the highest to the lowest qualifying score.

- A. Duration of Employment List: Employment Lists shall become effective upon the date of approval thereof. Employment Lists shall remain in effect for such periods of time as are determined by the Personnel Officer.
- B. Re-Employment Lists: The names of probationary and permanent employees who have been laid off shall be placed on appropriate Re-employment Lists in the order of their seniority from greatest to least. Such names shall remain thereon for a period of two (2) years unless such persons are re-employed sooner.
- C. Promotion List: The names of qualified candidates who are currently employees of the City will be placed on a Promotion List following proper examination in accordance with the requirements of the vacant position. Rules applicable to promotion shall apply.
- D. Removal of Names From List: The name of any person appearing on an Employment, Re-employment or Promotional List shall be removed by the Personnel Officer if the eligible requests removal in writing; or if the eligible fails to respond to a notice of certification mailed to the last known address. The person affected shall be notified of the removal by notice mailed to the last known address. The names of persons on Promotional Employment Lists who resign from the service shall automatically be deleted from such lists.

SECTION 6. TYPES OF APPOINTMENT

All vacancies shall be filled by re-employment, promotion, demotion, transfer or from Employment Lists, in that order. In the absence of persons eligible for appointment, provisional appointments may be permitted in accordance with these policies or a position may be filled from an Employment List of a higher class to a lower class.

SECTION 7. CERTIFICATION OF ELIGIBLES

- A. The names of all individuals on available Employment Lists willing to accept appointment shall be certified by the Personnel Officer. Whenever certification is to be made, Employment Lists, if active and not exhausted, shall be used in the following order:
1. Re-employment List.
 2. Promotional List.
 3. Open Competitive List.
- B. Whenever there are fewer than two (2) names on a Promotional List or three (3) names on an Open Competitive List, the department head may recommend an appointment from among such eligibles or may request the Personnel Officer to establish a new list.

SECTION 8. APPOINTMENT

- A. General: In the appointment of employees other than department heads, the City administrator shall make appointments from among those certified. The Personnel Officer shall then notify the person appointed, and if the applicant accepts the appointment and reports for duty within such period of time as the Personnel Officer shall prescribe, the person shall be deemed to be appointed.
- B. Provisional: In the absence of appropriate Employment Lists, a provisional appointment may be made by the City Administrator, of a person meeting the minimum training and experience qualifications for the position. An Employment List shall be established within six (6) months for any permanent position filled by provisional appointment.
- C. Temporary: A temporary appointment shall not exceed six (6) months and the City Administrator may terminate, upon discretion, a temporary appointment.
- D. Emergency; An emergency appointment may be granted to meet immediate requirements of an emergency situation which threatens public health and safety. The City Administrator may make such appointments as may be needed for the duration of such emergency, notwithstanding these policies and procedures affecting appointments. As soon as possible, such appointments shall be reported to the City Council. Any emergency appointment which lasts in excess of thirty (30) days shall be reviewed by the City Council.

SECTION 9. PHYSICAL EXAMINATION

Prior to appointment, eligibles selected by the department head shall be required to pass a medical or physical examination as may be prescribed. The Personnel Officer shall select a licensed medical doctor to perform the examination, the cost of which shall be borne by the City. If an eligible is disqualified by a medical or physical examination, the eligible's name shall be deleted from the list of eligibles. Post employment medical examinations may be required at the discretion of the City.

SECTION 10. BACKGROUND INVESTIGATION

Prior to appointment, the City may conduct a background check on the successful candidate(s) which will focus on job-related qualifications. Background investigations may include reference checks, fingerprinting, checks of criminal records and any other valid background checks deemed necessary by the Personnel Officer and the appointing authority.

SECTION 11. PROBATIONARY PERIOD

- A. Purpose: The probationary period shall be part of the testing process and shall be utilized for the following:
1. To closely observe an employee's work.
 2. To secure the most effective adjustment of an employee to the position.
 3. To provide for further review of any probationary employee whose performance does not meet the required standards of the job to which appointed.
- B. Provisions: When an employee is appointed to a new position as a result of promotion, transfer or for any other reason, a new probationary period, as provided herein, shall begin at the time of appointment to the new position. Permanent employees whose work becomes unsatisfactory may be placed on a probationary period by the department head, with the approval of the City Administrator.
- C. Regular Appointment Following Probationary Period: Promotional appointments shall be tentative and subject to a probationary period of not less than six (6) months. At the conclusion of the probationary period, the employee will be notified of permanent status, provided the City Administrator approves the action.
- D. Rejection of Probationary Employee:
1. Termination: If the performance of the probationary employee is not satisfactory, the department head will so notify the Personnel Officer in writing at any time during the probationary period, and the employee may be terminated. During the probationary period, an employee may be rejected at any time by the City Administrator without cause and without the right of appeal. Reasons for rejection shall be discussed with the employee. Notification of rejection in writing shall be furnished the probationary employee and a copy filed with the department head and the Personnel Officer.
- E. Extension of Probationary Period:
- In cases where a department head determines that an employee's performance does not meet the required standards of the job, but believes that further training and experience may improve the employee's performance, the department head may extend the probationary period an additional six months or one year, or any lesser period.

ATTICLE X

CLASSIFICATION

SECTION 1. POSITION CLASSIFICATION

- A. Position Classification System: Position classification is the system whereby all positions in the City are classified according to their duties and responsibilities. Positions that are similar in type of work, level of difficulty and level of responsibility are grouped together into a class. All positions in a particular class shall be treated alike in such matters as salary, examinations and minimum qualifications. One of the purposes of classifying positions is to ensure equal pay for equal work throughout the City.
- B. Position Allocation: Each position shall be allocated to a specific classification which is carefully described in a class specification.
- C. Classification Plan: The classification plan shall consist of classes of positions defined by class specifications, including title, description of typical duties and responsibilities assigned to positions in each class, and a statement of training, experience and other minimum qualifications to be required of applicants for positions in each class. The classification plan may be amended or revised as occasion requires in accordance with procedures set forth in these policies.
- D. Reclassification or Reallocation: Positions, the duties of which have changed materially so as to necessitate reclassification, shall be reallocated by the Personnel Officer to a more appropriate class. Reclassification shall not be used for the purpose of avoiding restrictions surrounding demotions and promotions. The Personnel Officer shall also recommend the abolishment or consolidation of classifications as appropriate and shall conduct periodic studies to otherwise assure the proper classification of City employees.

ARTICLE XI

COMPENSATION

SECTION 1. COMPENSATION PLAN

- A. Preparation of Pay Plan: The City Administrator shall prepare a pay plan covering all classes of positions showing in minimum and maximum rates of pay. In arriving at such salary ranges, consideration shall be given to:
1. Prevailing rates of pay for comparable work in other public and private employment, including consideration of conditions of work, as well as basic pay.
 2. Current cost of living.
 3. Recommendations of department heads.
 4. The City's financial condition and policies.

The City Administrator shall recommend changes to such compensation plan when deemed desirable. The City Council may request recommendations or reports from the City Administrator.

- B. Adoption of Pay Plan: The City Administrator shall transmit any proposed pay plan to the City Council. The City Council shall by resolution adopt and/or amend and adopt the proposed plan. Thereafter, no position shall be assigned a salary higher than the maximum salary or lower than the minimum salary provided for the classification in the latest resolution.
- C. Salary Schedule: The City has a seven step salary schedule for all general employees, police officers and salaried employees. While a timetable for these steps are provided below, it should be noted that these are merit increases subject to the recommendation of the department head and approval by the City Administrator.

Step A- Employees are typically hired at this time.

Step B- Advancement to this step is typically granted after six (6) months of employment with the City.

Step C- Advancement to this step is typically granted one (1) year after appointed to Step B.

Step D- Advancement to this step is typically granted one (1) year after appointed to Step C.

Step E- Advancement to this step is typically granted one (1) year after appointed to Step D.

Step L1- This is the first longevity step, advancement is typically granted four (4) years after appointment to Step E.

Step L2- This is the second longevity step, advancement is typically granted two and one-half (2½) years after appointment to Step L1.

SECTION 2. SALARIES AND SALARY INCREASES

- A. Provisions: The amount of salary received depends on the type of job held. Employees begin a new job at the first step ("A") in the assigned range. Advancement through the steps shall be as provided by City Council Resolution or the provisions of an MOU.
- B. Authorization: All increases must be authorized with the City Administrator.
- C. The City will provide compensation in accordance with the provisions of the Federal Fair Labor Standards Act.

SECTION 3. COMPENSABLE HOURS OF WORK

- A. Hours Worked: The pay provisions of the Fair Labor Standards Act will be observed in determining how to count time spent toward compensable hours of work.

In general, an employee may count as hours worked:

- 1. All time the employee spends working on the job.

2. All time the employee is required to be at the place of work or on duty, including:

- a. Performing the job.
- b. Getting ready to work.
- c. Learning the job.
- d. Correcting own or other's work.

3. Breakdown time (under certain conditions).

B. Hours Not Counted as Work: An employee may not count time as hours worked if:

1. During a breakdown the employee requests permission and is permitted to leave for a specified time.
2. The employee is waiting to be hired or waiting to see if work will be available.
3. The employee is free to leave for a definite time.
4. The employee has a meal time free of duties. The meal period must be long enough (usually at least thirty (30) minutes) to allow time to eat. Meal time will not be counted as working time even if the employee eats at the work place.
5. The employee travels to the regular job in the morning and leaves at the end of the day.

C. Method of Payment: Except for Police Department employees, employees will be compensated by way of a bi-weekly payroll for regular salary. Members of the Guadalupe Police Officer Association will be paid overtime and comp time as specified by MOU. Overtime worked may be compensated by payment or the accrual of compensatory time, consistent with the provisions of the Fair Labor Standards Act. Compensatory time may be used with a two (2) hours minimum only, subject to department head approval. Compensatory time used shall be scheduled at the start or ending of a workday, if less than eight (8) hours.

Early issuance of paychecks may be made for critical employee emergencies with prior approval of the City Administrator.

ARTICLE XII

EMPLOYEE BENEFITS

SECTION 1. VACATIONS

- A. Purpose: The purpose of annual vacation is to provide a rest period which will enable each eligible employee to return to work physically and mentally refreshed.
- B. Entitlement: All employees shall be entitled to annual vacation with pay except the following:
1. Employees who have not completed at least six (6) months of full-time service with the City.
 2. Employees who work on an intermittent, temporary or part-time basis.
- C. Vacation Allowances: Regular leave with pay shall be granted:
1. Ten (10) working days upon completion of one (1) year of service.
 2. Twelve (12) working days upon completion of five (5) years of service.
 3. Eighteen (18) working days upon completion of ten (10) years of service.
 4. Twenty-one (21) working days upon completion of fifteen (15) years of service.
- D. Accrual of Vacation Time:
1. Time worked during the probationary period shall count toward computation of vacation benefits. An employee who has completed less than one (1) year service shall accumulate vacation time during the year on a pro-rata basis based upon the number of months worked during the year. However, the employee shall not be entitled to any regular vacation until completion of twelve (12) months' continuous service.

Exception: If, in the opinion of a department head, the interest of the City may best be served, an employee, with the approval of the City Administrator, may take a vacation not to exceed five (5) working days at the expiration of six (6) months of continuous, uninterrupted service with the City.
 2. Vacation shall not be accrued in excess of twenty (20) working days. The department head will assure that employees are scheduled for vacations to prevent exceeding the accrual limit.
- E. Scheduling Vacation Leave: Department heads shall schedule all vacations with due consideration for the wishes of the employee and particular regard for the needs of the department. Total leave of absence shall not exceed fifteen (15) working days at a time.

With the approval of the department head, employees may schedule use of vacation time only for periods exceeding one-half day.

- F. Vacation Benefits for Terminating Employees: In the event of termination of employment with the City, the employee shall receive, in lieu of vacation, a sum of money equal to the number of days of accrued vacation time for the total number of months' service with the City. No vacation time is earned during an unpaid leave of absence.
- G. Holidays Occurring During Vacation: When a legal municipal holiday falls within a vacation period, such day or days shall not be charged against the vacation allowance. Under these circumstances, an employee's vacation shall be extended by the day or days recognized as City legal holidays.

SECTION 2. HOLIDAYS

- A. Holidays Observed: All permanent, full-time employees, except temporary employees, shall have the following holidays with pay and shall not be required to work on such holidays except as hereinafter provided:
 - 1. January 1st (New Years Day).
 - 2. February 12th (Lincoln's Birthday).
 - 3. Third Monday in February (Washington's Birthday).
 - 4. Last Monday in May (Memorial Day).
 - 5. July 4th (Independence Day).
 - 6. First Monday in September (Labor Day).
 - 7. November 11th (Veteran's Day).
 - 8. Fourth Thursday in November (Thanksgiving Day).
 - 9. The day after Thanksgiving Day.
 - 10. December 25th (Christmas Day).
 - 11. One floating holiday to be selected each year by the employee and approved by the department head.
 - 12. Every day appointed by the Mayor for public fast, thanksgiving, or holiday.

Whenever any holiday falls on a Saturday, it shall be observed on Friday, and whenever any holiday falls on a Sunday, it shall be observed on Monday.

- B. Working on Holidays - Public Necessity: Notwithstanding any other provision, when it appears necessary for reasons of public health, safety or convenience, a department head, with the approval of the City Administrator, may require any employee in the department to work on any holiday prescribed by these policies and procedures.
- C. Holiday Pay:
 - 1. Payments for Holidays Worked: Except as provided in Memorandums of Understanding, any permanent, full-time employee who is required to work on a holiday shall be entitled to pay, in addition to their regular salary, for the number of hours worked on the holiday, not to exceed eight (8) hours, at an hourly rate one-half the regular pay, or shall be entitled to four (4) hours of compensatory time

off or any lesser amount equal to actual time worked. Compensatory time off shall be scheduled at the discretion of the department head within one (1) year from the date of the holiday.

It is the intent of the City that all permanent, full-time employees except temporary employees of the City be allowed an equal number of holidays with pay throughout the year.

2. Payment for Part of a Holiday: When the work period or shift of certain employees includes part of a day which day is declared to be a holiday, and part of another day which is not such a holiday, the employee shall be paid on a pro-rata basis for the holiday hours.

SECTION 3. LEAVE PROVISIONS

A. Sick Leave:

1. Policy: Department heads are responsible for seeing that sick leave privileges are not abused by employees who work under their direction. All employees, including department heads, must advise their immediate supervisor promptly either in person or by phone when they are in need of taking sick leave. When supervisors have any questions concerning the nature or extent of an employee's illness, such questions shall be referred immediately to the department head for investigation or further action as deemed appropriate.
2. Definition: Sick leave shall mean the time during which an employee is permitted to be absent from City duties by reason of being officially quarantined or by reason of sickness or injury not arising out of and in the course of employment, which incapacitates or prevents the employee from performing assigned duties, without any deduction being made from salary or compensation, and shall include, in certain cases, critical illness of a member of the employee's immediate family. With the approval of the department head, sick leave may be used for employees medical or dental appointments, but only for the time actually required.
3. Sick Leave Allowance:
 - a. All full-time employees shall be entitled to one (1) working day sick leave for each calendar month of service or majority part thereof. There shall be a limit of 100 days sick leave which may be accumulated.
 - b. When sixteen (16) or more consecutive working days are taken for sick leave, no sick leave shall be earned for the month of which the most number of sick days are taken.
4. Permitted uses of Sick leave: Sick leave may not be used until it is earned and shall be taken only in case of necessity and actual sickness or disability of the employee. With approval of the department head and in case of necessity, sick leave may be granted

for critical injury or illness in the employee's immediate family. Immediate family shall include the employee's spouse, dependant child or relative who resides in the employee's household.

5. Notification by the Employee: An employee on sick leave shall notify the department head or superior as soon as possible, but in any case, not later than two (2) hours after the time set for beginning daily duties. In the case of safety employees the respective department head shall establish rules governing reporting illnesses to assure adequate protection of the community.
 6. Return from Sick Leave: Upon returning from sick leave, the employee shall file with their department head a form furnished by the Personnel Department, indicating the number of days absent from duty due to illness and the reason therefore. If an employee is absent from duty on sick leave for three (3) days or more, or if in the opinion of the department head, it appears that an employee is abusing sick leave privileges, and before sick leave pay is approved, a physician's certificate may be required from a reputable physician certifying that the employee's condition prevented performance of the duties of the position.
 7. Payment for Sick Leave: When an employee is on sick leave, sick pay benefits shall be calculated on an employee's "base rate" of pay, exclusive of any other components of compensation.
 8. Termination of Employment: Employees whose employment is terminated for any reason shall not be compensated for any unused sick leave.
- B. Bereavement Leave: Leave shall be granted for bereavement in the employee's immediate family for one (1) day, or up to three (3) days, if travel of more than two hundred (200) miles is required. Immediate family shall mean employee's spouse, child or relative who resides in employee's household, and parent, child, sibling, or substitute parent, regardless of residence.
- C. Jury Duty: Upon receiving notice to appear for jury duty, the employee must notify his or her immediate supervisor or department head. While serving on jury duty, any employee shall receive his or her regular pay and accrue all benefits, provided, however, that all jury fees paid to the individual employee, less automobile mileage allowed and paid by the court, are turned over directly to the City, the City shall withhold an employee's pay for the entire time the employee was absent performing jury service. An employee called for jury service and released by the court before 4:00 p.m. shall return to his or her normal duties on the same day.
- D. Service as a Witness: Any employee receiving a subpoena to serve as witness must notify his or her supervisor or department head and display the subpoena. The employee may use vacation or compensatory time to respond to the subpoena, but not City time. If, however, in the course of normal employment, an employee serves as a witness, he or she shall receive normal pay only upon the payment to the City of any and all witness fees that accrue to the employee for his or her witness services to the City.

- E. Military Leave: Military leave shall be granted in accordance with Section 395 et. seq., of the Military and Veterans' Code of the State of California or amendments thereof, and applicable provisions of State law. All employees applying for military leave shall give the department head, within the limits of military regulations, an opportunity to determine when such leave shall be taken. Employees may use compensatory time and vacation time for weekend drills.
- F. Leave of Absence Without Pay: Leave of absence without pay may be granted by the City Administrator upon recommendation of the department head for periods not to exceed thirty (30) days. Leave of absence without pay in excess of thirty (30) days shall be granted only by the City Council.
- G. Unauthorized Absence - Resignation:
1. A City employee who, without prior authorization, is absent for fails to discharge regularly assigned duties for either three (3) consecutive regular working days or two (2) consecutive regularly scheduled on-duty shifts, whichever is applicable, and who fails to report for duty after twenty-four (24) hours notice delivered verbally, in person, by telephone, or in writing by regular mail to the last known home address, shall be deemed to have resigned from the City employment effective as of the day duties of the position were last performed. If, however, the employee reports for duty at the commencement of the next regular working day or on-duty shift, the employee shall not be deemed to have so resigned.
 2. Within ten (10) days after the effective date of such resignation, any employee who has resigned under the circumstances above may file with the appointing authority a written request for reinstatement, setting forth good cause for the absence or failure to perform duties, such as a bona fide illness or injury, or similar circumstances beyond the employee's control.
 3. If the City Administrator finds good cause for the absence or failure to perform duties, the City Administrator may reinstate the employee. Such reinstatement shall constitute retroactive leave of absence without pay.
 4. Any employee who resigns under these circumstances and is not reinstated by the City Administrator may file an appeal with the City Council, which appeal shall be limited to the determination of good cause for the absence or failure to perform duties.
- H. Maternity Leave: The policy of the City is to treat absence from work for reasons of maternity as any other disability. A maximum of six (6) weeks maternity leave will be permitted unless an extension is requested, as approved by a physician for medical reasons. The Personnel Officer shall be consulted on all matters pertaining to maternity leave.

SECTION: 4. RETIREMENT PLAN:

All permanent employees automatically become members of the Public Employees Retirement System (PERS), and receive coordinated Social Security coverage.

CITY OF GUADALUPE

DISABILITY RETIREMENT PROCEDURES FOR SAFETY MEMBERS

I. Introduction

Under state law, it is the responsibility of the City to make determinations relating to disability retirement applications for its employees who are safety members of the Public Employees' Retirement System and relating to reinstatement of such retirees.

As authorized by Government Code Section 21034, the City Council of the City of Guadalupe has, with its Resolution No. 92-23 delegated certain of its responsibilities to its City Administrative Officer.

The following procedures have been established by the City pursuant to the Council's Resolution.

II. Filing of Application for Disability Retirement by Employee

- A. An employee's application for disability retirement shall be submitted to the City by the employee fully completing the appropriate forms supplied him/her by the City and filing these, along with any appropriate attachments, with the Personnel Director. (Attachment 1)
1. The P.E.R.S. Application for Retirement form (Attachment 2) shall be completed. The employee shall send the original to P.E.R.S. at the indicated P.E.R.S. address in Sacramento, and file a copy of the completed form with the Personnel Director.
 2. In addition, the applicant must also complete the City's Application for Disability Retirement (Safety Officer) (Attachment 3) and file it with the Personnel Director.
- B. Both of these forms must be fully completed and signed by the applicant, and have attached any supporting documentation, in order for action to be taken by the City.

III. Filing of Application by Disability Retiree for Reinstatement

Pursuant to Government Code Section 21101, an employee previously retired from Service with the City for disability may apply for reinstatement on the basis that he is no longer incapacitated by submitting to the Personnel Director, in writing, all facts and circumstances forming the basis for his application for reinstatement.

IV. Recommendation by Personnel Director that Employee be Retired for Disability or that Disability Retiree be Reinstated

The Personnel Director may initiate a recommendation to the City Administrative Office that he/she certify to P.E.R.S. that an employee be retired for disability, or a disability retiree be reinstated, by submitting to the City Administrative Office a written report setting forth the facts and circumstances forming the basis for the Personnel Director's recommendation, with a copy to the employee or retiree.

V. Submission of Employee's Application or Personnel Director's Recommendation to the City Administrative Officer

The Personnel Director, or his/her designee, shall, within ten (10) calendar days of receipt, submit the employee's application or Personnel Director's recommendation with all attachments to the City Administrative Officer.

VI. Acknowledgment of Application by Authority

Within fifteen (15) calendar days of receipt by the Personnel Director of the duly completed application with supporting documentation, a notice (Attachment 4) shall be sent by the City, to the employee and the representative designate in his/her application (if any) acknowledging receipt of the application, and transmitting to the applicant or his/her representative, a copy of these rules and procedures.

VII. Investigation and Proposed Disposition

- A. The Personnel Director, and such other officials, employees and/or agents of the City as may be designated, shall have the authority and duty to investigate the facts and circumstances pertaining to the employee's or retiree's application or the Personnel Director's recommendation, as they, or any of them, deem appropriate. Such fact finding may include ordering the employee or retiree to submit to medical or psychiatric examinations, securing by subpoena duces tecum or otherwise medical and other reports, records, and documentation for review, and taking statements by deposition or otherwise of the employee, retiree, and/or other persons.
- B. The Personnel Director, or the designated officials, employees and/or other agents, shall thereafter, based upon the investigation, submit a proposed disposition of the application or recommendation to the City Administrative Officer. The City Administrative Officer shall send a notice of such proposed disposition to the employee or retiree with copies to the designated representative if any. (Attachment 5).
 1. This notice shall indicate the proposed disposition and that the City shall certify such disposition to P.E.R.S. unless an objection is filed with the office of the City Administrative

Officer by the applicant prior to the expiration of fifteen (15) calendar days from the date of service of the notice.

VIII. Final Disposition of Application or Recommendation in Absence of Objection(s)

If no objection is received within the fifteen-calendar-day period, the City Administrative Officer shall certify the proposed disposition to the P.E.R.S. (Attachment 6)

IX. Informal Conference if Objection(s) Timely Filed

A. If timely objection is received, the Personnel Director, or his/her designee, shall schedule a conference in no less than 10 nor more than 20 calendar days, with written notice to the employee or retiree, his designated representative, if any, and such other involved personnel or agents as he/she deems appropriate (Attachment 7). Such notice shall be deposited in the United States mail at least ten (10) calendar days prior to such conference. The Personnel Director, or his/her designee, shall preside over the conference.

B. The purpose of the conference shall be to afford the parties an opportunity to reach agreement as to final disposition of the matter, and, if no such agreement is reached, to ascertain if any parties in interest request a hearing on the application or recommendation and, if so, to frame issues, enter into stipulations, and discuss dates for the commencement of the hearing. The parties will endeavor to set a hearing no later than ninety (90) calendar days (if there is no rehabilitation evaluation pending), or one hundred eighty (180) calendar days (if the employee is being evaluated for rehabilitation), from the date of the conference.

X. Filing and Service of Medical Reports and Documentary Evidence

No later than thirty (30) calendar days before the scheduled commencement of the hearing, each party shall file with the City Administrative Officer, and serve on the other party, any and all medical reports and records and other documentary evidence to be relied upon in the presentation of their case. Unless good cause is shown, any document, report, or record which is not filed and served as herein provided, shall be inadmissible at said hearing. Further, no testimony upon which such a report, document or record is based may be admitted into evidence at the hearing. Either party may serve a request for discovery upon the other party as provided for in Government Code Section 11507.6. In such case, the procedures contained in Government Code Sections 11507.6 and 11507.7 shall apply.

XI. Hearing Continuances

Scheduled hearing dates may be continued by order of the City Administrative Officer pursuant to stipulation of the parties or pursuant to written motion of one of the parties. A copy of such written motion must be served on the other party. A continuance may be granted for good cause shown. A continuance shall be granted and all proceedings stayed if it is shown that the claimant has: 1) failed to disclose fully to the City the nature, type or character of the disability upon which his application is based; or (2) failed to disclose the name and address of the physician or other practitioner, or facilities by whom or at which he was examined, treated, or evaluated for any condition upon which a claim for disability is or may be based; or (3) failed to participate in or complete any examination or examinations by a health practitioner selected by the City. In such case, all proceedings shall be stayed until the claimant has made full disclosure with respect to (1) and (2) above, and has cooperated in completing any medical examinations or evaluations scheduled by the City.

XII. Stipulated Settlement

At any time in the proceedings the parties may enter into stipulations and recommend to the City Administrative Officer a final disposition regarding the retirement, rehabilitation, and/or employment status of the employee or retiree.

XIII. Subpoenas

- A. Any subpoenas shall be issued by the City Administrative Officer in like manner as issued by the City Council or of the Board of Administration of P.E.R.S.
- B. The parties may avail themselves of the subpoena to ensure the availability of witnesses. The Clerk of the City Council shall issue such subpoenas and subpoenas duces tecum upon deposit, by the party seeking such subpoena, of the costs, fees and expenses as provided for under Government Code Sections 68097.1. et. seq.

XIV. Conduct of Hearing

- A. The conduct of the hearing shall be under the direction of the City Administrative Officer unless an Administrative Law Judge or Hearing Officer is retained as herein provided. At his/her discretion the City Administrative Officer may retain the services of an Administrative Law Judge (ALJ) from the Office of Administrative Hearings or a Hearing Officer (HO) possessing qualifications satisfactory to the City Administrative Officer. Such ALJ or HO shall sit with the City Administrative Officer at the hearing and rule on evidentiary and procedural issues. The ALJ or HO may also, at the request of the City Administrative Officer, prepare written findings and a decision as directed by the City Administrative Officer.

- B. The proceedings at the hearing shall be recorded by a certified shorthand reporter. If stipulated to by all parties in interest and approved by the Committee, proceedings may be electronically recorded.
- C. The City shall prepare and serve a statement of issues on the claimant. The issue which may be considered at the hearing, by stipulation and/or the presentation of evidence may include:
 - 1. Disability - Is the employee or retiree substantially incapacitated at the present time from the performance of duties of his/her current or last job classification? If so, is such incapacity permanent or of an uncertain and extended duration?
 - 2. If the employee is found to be disabled due to mental disorder, is he/she competent to act on his/her behalf in legally binding retirement matters?
 - 3. Industrial Causation - If the employee is disabled, did the disability arise out of and in the course of City employment?
 - 4. Should the employee be certified to P.E.R.S. for:
 - a. industrial disability retirement; or
 - b. non-industrial disability retirement; or
 - c. regular service retirement; or
 - d. no retirement benefits?
 - 5. What is the effective date of any retirement?
 - 6. Has a rehabilitation program been offered to the employee, and if so, what is the status of such program?
 - 7. Is there any third party liability related to the injury which caused the disability?
- D. The moving party shall proceed first, and shall have the burden of proof.
- E. The City Administrative Officer shall not be bound by technical rules of evidence, and shall be guided in conducting the hearing by the normal rules applicable to administrative proceedings.
- F. Each party has the right to be represented, to present relevant evidence, to examine and cross-examine witnesses, and to object to, rebut and argue the probative value of such evidence.
- G. The hearing shall continue from day to day until the proceedings are concluded or continued to a date certain within the discretion of the Committee.

H. The City Administrative Officer may hold the record open, at his/her discretion, for the submission of briefs and/or the assignment of an independent medical examiner (IME).

1. Such IME will be furnished all documentary evidence presented, will examine the employee or retiree at the expense of the City, and shall report in writing to the City Administrative Officer. The City Administrative Officer will serve said report upon all parties within fifteen (15) calendar days of receipt.

2. Any party may request cross-examination by deposition of the IME within ten (10) calendar days of service at such party's expense for the doctor's fee and cost of a court reporter only. The court reporter shall transmit the record directly to the City Administrative Officer, with copies to be sent to a requesting party at that party's expense.

XV. Costs

The parties shall bear all costs incurred by each such party, including the costs of their witnesses and representatives, and the costs of a transcript of the hearing ordered by such party; and shall share equally the mutually incurred costs of the hearing, including the charges of the court reporter or other means used for recording the proceedings.

XVI. Findings and Conclusions

Within thirty (30) calendar days of the closing of the record, the City Administrative Officer shall provide the parties of interest and their representatives with his/her written findings of fact and conclusions, and shall submit such findings and conclusions to the City Council for further action by the City Council within one hundred (100) calendar days of receipt. The Council may take any of the following actions:

A. The City Council may adopt the City Administrative Officer's findings and conclusions by directing that certification be made accordingly to P.E.R.S. of the City's final determination of the application or recommendation based on such findings and conclusions, with copies of such certification to the parties and their representatives, if any; or

B. The City Council may, based upon its independent review of the record, modify and/or amend the findings and conclusions, and certify as appropriate to the P.E.R.S. the City Administrative Officer's final determination based on such modified and/or amended findings and conclusions, with copy of such certification to the parties and their representatives, if any; or

C. The City Council may direct that further evidence be taken and proceed to hear such additional evidence or remand the matter to the

City Administrative Officer for the taking of such further evidence, and the issuance of a decision.

If the City Council orders a transcript of the proceedings before the City Administrative Officer, the one hundred day period in which it may take the above actions will not commence until receipt of the transcript, provided the transcript is ordered within one hundred days of the City Administrative Officer's decision.

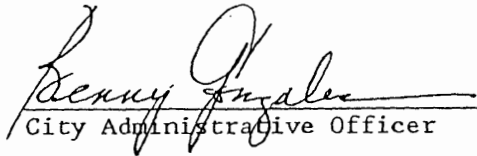
XVII. Reconsideration

Any party may move for reconsideration of the City Administrative Officer's decision within thirty days after service of such decision.

XVIII. Appeal

An aggrieved party may appeal the final determination in the manner and to the extent provided by state law.

APPROVED:



City Administrative Officer

8/3/92
Date

SAFETY OFFICER DISABILITY RETIREMENT APPLICATIONS

INSTRUCTIONS TO EMPLOYEE

Attached for your completion are two separate forms that must be completed by you in order for you to apply for disability retirement:

1. "APPLICATION FOR RETIREMENT" (PERS-BEN-369)
 - a. For item #7, enter "1081" (the number for the City of Guadalupe).
 - b. For item #9, you may want to check all options. PERS will send you a print-out showing what you would receive for each option and you may be better able to make your choice at that time.
 - c. After you have completed this form, turn in a copy to the Personnel Department, and mail the original to the Public Employees' Retirement System as indicated at the top of the form to P.E.R.S. as soon as possible as your retirement cannot be effective earlier than the first of the month in which it is received by P.E.R.S.
2. "APPLICATION FOR DISABILITY RETIREMENT (SAFETY OFFICER)"

In addition, you must also complete this form, and, along with a signed medical release for each physician and medical facility listed, turn it in to the Personnel Department.

PERS APPLICATION FOR RETIREMENT

BENEFIT APPLICATION SERVICES DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM
P.O. BOX 942711
SACRAMENTO, CALIFORNIA 94229-2711
Telephone: (916) 326-3232
Telecommunications Device for the Deaf (916) 326-3240

INSTRUCTIONS: Please read the important information on reverse side before completing this form. This application should be mailed directly to PERS 90 days in advance of your planned retirement date. Remember, your retirement date cannot be earlier than the first of the month in which your application is received by PERS.

FOR PERS USE ONLY

I hereby make application for _____ Retirement as follows:
(Service; Disability; or Industrial Disability)

1. SOCIAL SECURITY NO.

2. Name (Please Print)	3. Birth Date	4. Retirement Effective Date
5. Mailing Address (Street, City, State, Zip)		

6. Last Day on Pay Status	7. Employer	8. Position Title
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9. OPTIONAL SETTLEMENT INFORMATION - Please furnish the amounts of monthly allowance payable under option checked.
 Unmodified Option No. 1 Option No. 2 Option No. 3

10. BENEFICIARY'S NAME	Birth Date	Sex <input type="checkbox"/> M <input type="checkbox"/> F	Relationship
------------------------	------------	-----------------------------------------------------------	--------------

11. SURVIVOR INFORMATION: Are you married? Yes (Date of marriage _____); No
 Do you have children under 18? Yes No

12. TEMPORARY ANNUITY - I desire to have my monthly allowance further modified for life to provide for additional temporary annuity allowance.
 Yes No If *Yes*, check age desired: AGE 62 AGE 65 AGE 66

13. OTHER RETIREMENT SYSTEMS: Are you a member of another public retirement system other than Social Security or military?
 Yes No If *Yes*, please complete the section below.

NAME OF SYSTEM	DATES OF SERVICE CREDITED	DATE OF RETIREMENT

14. FINAL COMPENSATION TO BE USED: *Final Compensation* is the highest compensation earnable by a member during the three consecutive years of employment immediately preceding the effective date of his/her retirement, or the date of his/her last separation from employment if earlier, or during any other period of three consecutive years of membership specified by the member on this application. UNLESS A DIFFERENT PERIOD IS SPECIFIED BY YOU, YOUR FINAL COMPENSATION WILL BE CALCULATED BASED UPON THE THREE YEAR PERIOD IMMEDIATELY PRECEDING YOUR RETIREMENT OR SEPARATION.
 OTHER PERIOD TO BE USED: FROM: _____ TO: _____

15. I HEREBY CERTIFY UNDER PENALTY OF PERJURY that this information submitted hereon is true and correct according to the best of my knowledge. I UNDERSTAND THAT TO CANCEL THIS APPLICATION I MUST SUBMIT WRITTEN NOTICE TO THE SYSTEM PRIOR TO MAILING OF MY FIRST RETIREMENT ALLOWANCE. I further understand that my request for information on options (above) is not a final election thereof; that election forms will be provided at a later date.

MEMBER'S SIGNATURE	TELEPHONE NUMBER	DATE SIGNED
→ _____	()	

CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
PERS-BAS-369 (Rev. 12/89) 400 P STREET - SACRAMENTO, CALIFORNIA

APPLICATION FOR
DISABILITY RETIREMENT (SAFETY OFFICER)

NAME: _____ Social Security No. _____

ADDRESS: _____
(street) (city)

STATE & ZIP _____ Phone No. _____
(state) (zip code) ()

Age ____ Sex ____ Birthdate _____ Year of Service _____

date

(Employee)
(address)

Re: Disability Retirement Application for (Employee)

Dear _____:

This is to acknowledge that your application for disability retirement was received by the City of Guadalupe on (date).

We understand that you have sent the original completed P.E.R.S. form PERS-BEN-369 "Application for Retirement" directly to the Public Employees' Retirement system for filing. If this is not the case, please do so immediately in order to protect your interest. If you have any questions or need any help in this regard, please feel free to contact a management representative of your Department.

Attached is a copy of the Rules & Procedures for the processing of this application.

or

We are sending a copy of the rules and procedures for the processing of this application to your representative.

Your application is being processed. You or your representative will be contacted soon regarding your application.

In the meantime, if you have any questions regarding your application, please contact _____.

Sincerely

(City Administrative Officer or his designee)

Enc: Disability Retirement Procedures (Safety Officer)

cc: Applicant's attorney or other
representative
Appropriate City officials
or representatives

date

(Employee)
(Address)

Re: Disability Retirement of (Employee)

Dear _____:

I have received the proposed disposition of _____ dated _____, that, with respect to your application/the Chief's recommendation for disability retirement, I certify to P.E.R.S. that _____

It is my intention to implement this proposed disposition and certify it to the Public Employees' Retirement System within 15 calendar days unless I hear from you or your designated representative that you take exception to such disposition.

If you do not agree with the proposed disposition please so inform me in writing by (date). Please specify in what specific respects you object and the reasons.

Sincerely,

City Administrative Officer

cc: Appropriate City officials
and representatives

Applicant's attorney or other
representative

date

Public Employees' Retirement System
P.O. Box 942711
Sacramento, CA 94229-2711

Re: Disability Retirement of _____ (Employee) _____
Social Security Number: _____

Pursuant to the authority delegated to me by Resolution No. 92-23 of the City Council of the City of Guadalupe, (a certified copy of which is attached), and after review of medical and other relevant evidence, I hereby make the following determinations concerning the employee's application/concerning the City's application for disability retirement:

1. _____ (name) _____ is/is not substantially incapacitated for the performance of his/her duties in the position of _____ (job title) _____ for a permanent or extended and uncertain duration.

2. Such incapacity is/is not a result of injury or disease arising out of and in the course of his/her employment.

3. _____ (name) _____ was/will be separated from his/her employment after expiration of leave rights under government Code Sections 21025.2 and 21025.4 effective _____ (date) _____, and no dispute as to the expiration of such leave rights is pending.

We are/are not offering a rehabilitation plan for _____ (name) _____.

We are/are not aware of third party liability related to the injury which caused the disability.

Sincerely,

City Administrative Officer

cc: Applicant
Applicant attorney or other representative
Appropriate City officials

date

 (Employee)
 (Address)

Re: Disability Retirement of (Employee)

Dear :

This is to acknowledge receipt of your objection to the proposed disposition in this matter.

An informal conference shall be held on (day) , (date) at (location) . The parties are invited to attend and may be represented at their own expense.

Sincerely,

City Administrator Officer

cc: Employee's representative

Appropriate City Officials and
representatives

SECTION 5. MEDICAL AND DENTAL INSURANCE

The City provides medical and dental insurance for all full-time City employees. The City shall contribute \$188.00 per month per employee towards a medical and dental plan provided by the City for employees and dependents. If the total premium cost for an individual employee plus eligible dependents is less than the City's contribution, the difference between the City's contribution and the insurance premium shall be deposited in the employee's deferred compensation account.

Questions regarding coverage, forms or other matters pertaining to the insurance program shall be directed to the Personnel Department.

SECTION 6. COMPENSATION FOR JOB CONNECTED ILLNESS OR INJURY

- A. If an employee is injured on the job, the injury must be reported immediately -- no matter how minor it seems. The report must come either from the employee or the supervisor. If necessary, the employee should receive first aid or medical treatment. In case of injury, the supervisor shall assure that the forms required by the Personnel Department are completed on a timely basis.
- B. An employee, other than a safety employee, is required to utilize accrued sick leave to maintain a full paycheck during a temporary disability arising from a compensable industrial injury.

An employee, at their option, may elect, upon expiration of their accrued sick leave, to utilize accrued vacation. If vacation time usage is not requested prior to the expiration of sick leave, it shall not be granted until separation.

Upon expiration of all sick leave or sick leave and vacation, the employee shall be deemed to be in an Industrial Temporary Disability Status. Said status shall be considered as follows:

1. During an Industrial Temporary Disability Status, the employee shall accrue regular benefits such as sick leave and vacation, provided, however, that utilization of said benefits shall only be reinstated for use after the disabled employee's return to work for a period of not less than thirty (30) calendar days.
2. The employee shall be entitled to health insurance benefits in accordance with the benefits provided, as if the employee was working during the term of the Industrial Temporary Disability.
3. Industrial Temporary Disability Status shall be deemed an employment status for purposes of seniority.

SECTION 7. BREAKS AND REST PERIODS

Work shifts and job conditions vary from department to department. However, the City-wide policy governing coffee breaks is that they should be consistently applied throughout the City departments. Department heads shall arrange for employees to receive two (2) rest periods not to exceed fifteen (15) minutes each during a shift. Supervisors shall assure that rest periods are properly scheduled and shall assure that such periods are not abused.

ARTICLE XIII

CHANGES OF EMPLOYEE STATUS

SECTION 1. PROMOTION

- A. Definition: The movement of an employee from a position in one class to a position in another class imposing higher duties and responsibilities, requiring higher qualifications and providing a higher maximum rate of pay will be regarded as a promotion.
- B. Promotion In-House: Insofar as practical and consistent with the best interest of the City Service, as determined by the City Administrator, all vacancies in the Classified Service shall be filled by promotion from within.
- C. Requirements for Promotional Candidates: Only permanent employees who meet the minimum qualifications set forth in the classification plan adopted by the City Council and who received a satisfactory overall rating at the time of their last performance review may compete in promotional examinations.
- D. Exceptions to Promotional Examinations:
1. A promotional examination may not be given unless there are two (2) or more candidates eligible for each position to be filled.
 2. If the Personnel Officer, after consultation with the department head, determines that a vacancy should be filled by a competitive or open examination instead of a promotional examination, the Personnel Officer may accept applications for the vacancy and arrange for an open competitive examination and for the preparation and certification of an Employment List in accordance with procedures set forth in these policies.
- E. Pay and Promotion: A promotion shall establish a new anniversary date. An employee shall normally receive at least a five (5) percent base pay increase. Normally, pay rate changes will become effective at the start of the pay period after approval.
- F. Rejection Following Promotion: An employee rejected during or at the conclusion of the probationary period following promotional appointment shall be reinstated to the position from which promoted and shall receive credit for time served in the promotional position unless charges are filed and the employee is discharged in a manner provided for in these rules.

SECTION 2. TRANSFERS

- A. Definition: A transfer occurs when an employee changes positions which are in the same classification having essentially the same maximum salary. This may or may not involve a change of an employee's place of employment from one department to another.

- B. Conditions for Transfers: No employee shall be transferred to a position who does not possess the minimum qualifications. An employee may be transferred by the City Administrator.

Transfers shall not be used to effect promotion, demotion, adjustment or reduction, each of which may be accomplished only as provided in these policies.

- C. Employee Requested Transfers: Only employees who have completed their probationary period in their current class may apply for a transfer. A request may be submitted only when a vacancy exists. The employee's request for transfer shall be considered on the basis of the employee's qualifications for the vacant position, the employee's best interests, and the best interests of the City.
- D. Employer Initiated Transfers: The City reserves the right to transfer its employees from one position to another, or one department to another, if the transfer is necessary for the purpose of economy or efficiency.
- E. Transfer of Incapacitated Employees:
1. When an employee with permanent status in any class becomes mentally or physically incapacitated so that the employee is unable to perform satisfactorily the duties of the position held, the City Administrator may require an employee to submit to a medical examination to evaluate the capacity of the employee to perform the duties of the position. When requested by the employee, the City Administrator shall provide the names of three physicians from which the employee may select a physician to perform the examination.
 2. Fees for the examination shall be paid by the City. If the City Administrator, after considering the results of the examination, concludes the employee is unable to perform the duties of the position, the City Administrator may transfer or demote such employee to a different position requiring less physical or mental exertion or may transfer or demote the employee to a position in another department.
 3. The employee so transferred or demoted pursuant to this section shall receive the maximum salary range of the class to which demoted or transferred, provided that such salary is not greater than the salary received at the time of demotion or transfer.

SECTION 3. VOLUNTARY DEMOTIONS

- A. A permanent employee may request a voluntary demotion to a vacant position in a class with a lower maximum salary rate, provided the employee possesses the minimum qualifications of that class.
- B. Employees who receive voluntary demotions shall be placed at the same step (on which the employee currently is placed) on the new range.
- C. A voluntary demotion shall not be available to a probationary employee except in cases of lay-off for lack of work or lack of funds.

SECTION 4. LAY-OFF

- A. Definition: Termination of employment or separation from a position because of economy, lack of funds or lack of work.
- B. Conditions for Lay-Off: The City Administrator may lay off an employee because of material change in duties and organization, or shortage of work or funds. No permanent employee shall be laid off until all temporary, provisional and probationary employees holding positions in the same class in the department are first laid off. Competency, then seniority, shall govern the lay-off of permanent employees.
- C. Procedure for Lay-Off:
1. Thirty (30) working days prior to the effective date of a lay-off, the City Administrator shall furnish written notice to the employee of the anticipated action, stating the reasons therefore and evaluating the work performance of the employee to be laid off.
 2. If the employee has given satisfactory service, the name of the terminated employee shall be placed on the appropriate Employment List as provided in these policies. If the employee has failed to give satisfactory service, the employee shall be considered discharged and may exercise any appeal rights as provided under these policies.
- D. Rights of Employees Affected by Lay-Offs for Lack of Funds:
1. Each employee subject to lay-off shall be provided with thirty (30) days written notice, and shall be allowed reasonable administrative leave as may be required to seek employment.
 2. Permanent employees who are laid off shall be entitled to re-employment for a two (2) year period, and probationary employees who are laid off shall be entitled to re-employment for a one (1) year period.
 3. Laid off employees who are re-employed shall not be allowed to count seniority during the time not employed by the City.
 4. An employee who is laid off, who has greater seniority than an employee not laid off in the same class or work category, shall have the right of appeal as provided in this section.
 5. An employee laid off, who has greater seniority than an employee in a lesser position in the same work category, shall have the right to displace the employee with less seniority in the lesser position, unless there is a question of competency or work comparability. If the displacement request is rejected, the laid off employee shall have the right of appeal as provided in this section.

E. Effect of Lay-Off on Benefits:

1. Laid off employees shall be paid for accumulated compensatory time off, as indicated in the personnel records and in accordance with policies regarding overtime and compensatory time off.
2. Laid off employees shall not continue to receive benefits.

- F. Lay-Off Appeal Procedure: Appeals, as provided for in this section, shall be filed within five (5) working days of the receipt of formal notice of lay-off, and a hearing before the City Administrator shall be held and completed within ten (10) working days after the appeal is filed. A direct appeal of the administrative decision to the City Council may be filed within five (5) working days after the administrative decision, and a hearing before the City Council shall be held and completed within ten (10) working days thereafter, and the decision of the City Council shall be final.

The appeals provided for may be heard only on the basis of relative competency or work comparability, and are distinct and different from appeals provided for in disciplinary actions.

SECTION 5. TERMINATION OF EMPLOYMENT

A. Resignation:

1. An employee wishing to leave City employment in good standing shall file with the immediate supervisor at least ten (10) working days before leaving the service a written resignation stating the effective date and reason(s) for leaving.
2. The resignation shall be forwarded to the City Administrator with a statement by the department head as to the resigned employee's service performance and other pertinent information concerning the cause for resignation. Failure of the employee to comply with this procedure shall be entered on the employee's service record and may be cause for denial of future employment with the City.

- B. References for Terminated Employees: If an employee leaving the City wishes a reference letter, such a letter shall be written and signed by the department head. In this way, the letter shall be so worded as to be in the best interest of the City and the employee.

OPERATING POLICIES

SECTION 1. ATTENDANCE AND ABSENTEEISM

A. Attendance:

1. Employees shall be in attendance in accordance with these policies governing hours of work, leaves and holidays. All departments shall maintain daily attendance records for employees which shall be reported to the Personnel Officer on the form and on the dates specified.
2. Each employee shall be at work ready to work at starting time and shall work until quitting time. Habitual tardiness or early departure shall be a matter for disciplinary action.

- B. Absenteeism: Any employee who is absent from work shall be responsible for notifying the supervisor indicated when the employee will report back to work. Any employee who fails to comply with this policy shall be subject to disciplinary action. In addition, no employee shall be retained on the payroll whose absence from work is unreported for three (3) consecutive work days.

SECTION 2. USE OF CITY OWNED VEHICLES

The following procedures shall govern employee transportation:

- A. The City Administrator shall determine the assignment of motor vehicles to city personnel, and shall designate those employees whose duties require the regular use of motor vehicles for employees required to attend meetings, make investigations, or otherwise perform City duties after regular working hours.
- B. In the event of emergencies in the public safety departments or utility services, the department heads may authorize the use of City equipment to protect the public safety and welfare of the community.
- C. Mileage reimbursement may be authorized on an individual basis by the City Administrator for occasional or intermittent use of a personal car when the City will benefit thereby.
- ~~D. The operation of City vehicles for exclusively private or personal use is prohibited.~~
- D. Unauthorized use of any city motor vehicle or transporting of passengers other than city personnel, unless authorized, may result in disciplinary actions, up to and including dismissal of the employee. Employees are required to have their valid California drivers license in their possession at all times while operating city vehicles. Traffic violations are discouraged and any fines resulting therefrom will be the responsibility of the operator.
- E. Any employee involved in an "at-fault" accident while driving a city vehicle will be required to attend a traffic school approved by the City Administrator. Attendance at traffic school will be at the employee's expense.

SECTION 3. SAFETY

- A. Every employee shall be entitled to a safe and healthful place in which to work. To this end, every reasonable effort shall be made in the interest of accident prevention, fire protection and health preservation.

- B. The City shall maintain a safe and healthful work place. It shall provide safe working equipment, necessary personal protection and, in case of injury, provide first-aid and medical services.
- C. The City shall exert every effort to abide by all regulations as they pertain to governmental agencies which are set forth in federal and state standards and maintain good practices as dictated by location and circumstances.

SECTION 4. USE OF CITY TELEPHONES

City telephones are for City business and may not be used for personal business without the approval of the supervisor. No long distance personal phone calls may be made by any employee.

SECTION 5. PUBLIC RELATIONS

City employee shall provide services in a courteous, competent manner.

SECTION 6. BUSINESS HOURS

All departments of the City, except the police department, shall be kept open for business from 8:00 a.m. to 5:00 p.m. on each day of the year except Saturdays, Sundays and holidays as specified.

SECTION 7. CIVIL DEFENSE

Every City employee is part of the Civil Defense Program. In case of an emergency may be called upon to serve in this program. The supervisor may make work assignments outside the normal scope of assigned duties during a civil defense emergency.

SECTION 8. HOLDING OTHER JOBS

- A. Policy: An employee may not accept outside employment without the written consent of the City Administrator. A copy of this consent shall be part of the employee's personnel file.
- B. The following shall apply in all cases:
 - 1. The employee must waive City Workers Compensation in case of injury sustained while on duty during outside employment.
 - 2. Should conflict of work schedules arise, the employee's City job must prevail.

SECTION 9. KEYS, BADGES AND OTHER CITY PROPERTY

- A. All keys, badges and other City property assigned to the employee shall be controlled through the immediate supervisor and the department head. The supervisor shall maintain appropriate records of all City property assigned to employees and shall assure that all said property is returned prior to an employee's termination from City employment.

B. Employees shall be prohibited from using the badge, uniform, prestige or influence of City employment for private gain or outside employment.

SECTION 10. WORK CLOTHES AND ATTIRE

Employees are expected to dress in a manner consistent with department activities. Employees required to wear a distinctive uniform shall receive a uniform allowance.

SECTION 11. EMPLOYEE COOPERATION

Every employee of the City shall cooperate with the City Council, City Administrator and department heads in order to completely fulfill the objectives and purposes of the Personnel Ordinance and these policies and procedures.

SECTION 12. GARNISHMENT OF WAGES OR SALARY

The City is required by law to follow garnishment procedures as a result of legal action.

Any employee who has had wages garnished by a creditor may be required to receive financial counseling as the City Administrator determines would be beneficial.

ARTICLE XV

GRIEVANCES AND APPEALS

SECTION 1. RIGHT OF GRIEVANCE OR APPEAL

Any employee shall have the right to appeal from any disciplinary action, dismissal, demotion, suspension or alleged violation of these policies, provided, however, that the administrative remedies of the grievance procedure have been exhausted.

SECTION 2. GRIEVANCE PROCEDURE

- A. Grievances may be filed concerning the interpretation of rules and regulations, concerning terms or conditions of employment, directions of supervisors and disciplinary actions; but may not be filed for rejection during probation.
- B. The City may allow a grieving employee time off from regular duties without loss of pay when such time off is reasonably necessary for the processing of a grievance.
- C. Time limits specified herein may be extended with the written approval of both parties.
- D. Failure of a grieving employee to file an appeal within specified time limits shall constitute abandonment of the grievance.
- E. A grieving employee may be accompanied by and assisted by a representative of the employee's choice, but must be personally present and participate in discussions at each step in the proceedings.
- F. No grievance shall be acted on, unless filed within thirty (30) days of the time the grieving employee had first knowledge of the matters on which the grievance is based.
- G. In each grievance filed, the grieving employee shall state what action the employee wishes taken to cure the grievance, as well as specific and pertinent information as to the matter grieved. The steps in the procedure shall be as follows:

Step 1: The employee shall discuss the matter with the immediate supervisor, clearly stating that a grievance is being commenced. The supervisor shall refer the employee to the next level of supervision if the matter is beyond the immediate supervisor's control, or shall respond verbally within five (5) days if the matter is within the scope of his control. If the employee is dissatisfied with the supervisor's response or is referred to the next level of supervision, the employee shall file a written grievance within five (5) days with the next level of supervision.

Step 2: On receipt of a grievance by the second level supervisor, that supervisor shall either refer the grievance to the next level of supervision if the matter is beyond the control of the second level supervisor, or schedule a meeting with the grieving employee to discuss the matter. The meeting shall be scheduled within five (5) days and the second level supervisor shall respond in writing giving the reasons for the decision made within five (5) days after completion of the meeting.

Step 3: The process shall continue through higher levels of supervision in the same manner as described in Step 2 until the grievance is resolved to the employee's satisfaction. If the employee is not satisfied, the employee shall file a written appeal to the City Council. The appeal to the City Council shall also state whether the grieving employee desires a closed or open hearing. Such grievance shall be scheduled for the next regular City Council meeting for which the agenda is open. The City Council shall hold such hearing and may make additional investigations into the matter. It shall direct a decision in writing with the reasons therefor within a reasonable time and such decision shall be final.

SECTION 3. EMPLOYEE STATUS PENDING FINAL DETERMINATION

Notwithstanding the provisions of the policies regarding Suspension with Pay, the action of the City shall be final, pending review by the City Council and no employee shall be entitled to compensation during said period unless the action is modified and provides for compensation or is revoked. The action of the City shall be conclusive pending final action of the City Council. The City Council may order full reinstatement of the employee and grant full compensation for the period of suspension, demotion or dismissal.

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